

**FOCUS GROUP ON RENTAL PROPERTIES NEAR THE COLLEGE
MINUTES
Thursday, April 16, 2009**

The Focus Group on Rental Properties Near the College held a meeting on Thursday, April 16, 2009 at 7:30 pm in the third floor conference room of the Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Messrs. Dell, Fitzgerald, Granger, Pons, and Talley, and Meses. Murphy, and McCord. Also present were Facilitator Bill Porter and Recorder Kaitlin Keller. Absent were Mr. Fox and Witkowsky, and Ms. Shackelford.

AGENDA

Approval of Minutes for April 9, 2009 Meeting

Mr. Porter requested that the April 9th 2009 meeting minutes be approved as submitted. The minutes were unanimously approved.

Continued Discussion of Sub-Group Findings and Possible Recommendations

Mr. Talley offered a new proposal for the Focus Group to consider, in light of information presented and discussed at the April 9, 2009 Focus Group meeting. Mr. Talley stated that he has kept an open mind throughout the process. He noted that the sub-groups recommendations were similar, but not legally viable and lacked proper enforcement without the legal ability of the College to divulge student addresses. Mr. Talley stated that resident have no incentive to change the current regulation, and that zoning and the current three person rule are safeguards. He proposed that the three person rule remain in place, but two special use permit processes be put in place for four and five people. The process for the four person permit would be administratively granted, if certain criteria were met, but the process for a five person exception would be considered by the Planning Commission, which would include public comment in the process. If the Planning Commission approved the permit, it would then go to City Council for approval before finally being granted. Criteria for both four person and five person exceptions would include, but not be limited to: total square footage, number of bedrooms as defined for the permit, and building inspections prior to approval. These permits would be granted four two years and would be renewable. Mr. Talley further stated that long term solutions must include more on-campus housing, stricter enforcement, cluster zoning for primarily student neighborhoods, and incentives and goals to reach a higher owner-occupied houses compared to renter-occupied houses in single family neighborhoods.

Mr. Dell also suggested a new proposal for the Focus Group to consider. He explained that, for any permit process allowing an increase in occupancy to occur, a primary component of the process should include the establishment of a W&M office of off campus housing. Students who live off campus or would like to live off campus would be required to register with the off

campus housing office, which would keep track of the number of tenants in rentals compared to the maximum occupancy of the residence. Once the maximum occupancy is reached, students would be notified that the property is unavailable and other housing is required. Landlords could also post available listings through the off campus housing office. Students would be encouraged to read materials provided by the College as to what is appropriate off campus behavior and landlords would be encouraged to provide more standardized leases that state appropriate conduct and clearly defined consequences for exceeding the maximum occupancy and other misconduct set out in the lease. Neighbors would be expected to first approach students if minor problems arise, then contact the off campus housing office or landlords before contacting the police. If students disregard off campus housing policies, students would be subject to disciplinary action from the College. Mr. Dell stated that an advantage of this proposal is that it would provide a clearing point of contact for all stakeholders and it would create an enforcement mechanism, but the College would have to require students to provide their addresses. The feasibility of requirements in this proposal in light of FERPA regulation and the process for changing the Honor Code was discussed.

Mr. Porter noted that the two proposals were fairly similar in that they both allow a permitting system for occupancy variances from the current three person rule. Mr. Talley stated that under his proposal, residents would be notified if a special use permit for four renters was being considered in their neighborhood, but public comment would only be considered for the five person change. Essentially, if the dwelling met the criteria for a four person exception, it would be granted. Question arose regarding how this process would be impacted by grandfathering, and whether or not residents should be able to voice their opinions for a special use permit allowing four unrelated persons to live in a house. Mr. Pons explained that the Planning Commission considers not only public comment, but also the overall character of the neighborhood when making decisions. It was further stated that the Planning Commission has the ability to align decisions with goals in the City of Williamsburg Comprehensive Plan and can make decisions on a case-by-case basis. Mr. Dell stated that under his proposal, if a special use permit is granted allowing five unrelated people to live in a rental dwelling, the office of off campus housing would track the number of residents in the house.

The Focus Group continued discussion of the two proposals. Several members expressed that the College must be involved in the enforcement process, as well as their concerns for the preservation of single family homes. Members expressed a desire for the College and the city to work together for more long term solutions as well. The Focus Group then discussed whether or not landlords would register their properties with the office of off campus housing. Mr. Granger felt that many would, as it would allow them more venues for advertising to students. Mr. Porter stated that it would also be possible for landlords to be responsible for certifying that no more than the maximum number of students is living in a rental dwelling. If this were the case, students would not be required to register their addresses with the College.

Enforcement mechanisms were furthered discussed. It was asked if city police could ask for names and addresses of people at a house about which they received a complaint. Mr. Porter stated he believed that they could. The members acknowledged that a violation is difficult to prove under the special permit process as it is now, but no system would be ironclad. This process would also put more responsibility on landlords to hold tenants accountable. The Focus

Group then discussed to what extent landlords have the ability to know the number of tenants in houses without invading privacy.

Agenda Topics for April 23rd Meeting

Discussion will continue on April 23rd, 2009 and final recommendations will be considered.

Public Comment

Terrence Wehle, of Harriet Tubman Drive, asked the Focus Group to consider parking permit limits per household when making recommendations. He stated that this is a source of neighborhood friction, as many other complaints can be handled with a phone call or conversation, but not parking. Mr. Wehle suggested a two permit per household limit in addition to the driveway parking. He stated the currently, the three person rule does not preclude tenants from receiving more than three permits per household.

Mr. Goddin, of Goodwin Street, stated that he wants students to change, not just accept change, and that permit revocation and enforcement of restriction is key to ensure that any new permit process works. He also stated that there needs to be a street by street limit on the amount of rental homes per street to keep residential character.

Sharon Baker, of Skipwith Farms, stated that the first proposal was a non-starter because it had no enforcement mechanism. Ms. Baker stated that as CNU stepped up involvement and enforcement, the College needs to be active in the process. She averred that Ms. Rojas' idea of annual forum should be pursued and include all stakeholders, including property management representatives. This would help to establish trust between the College and the community, which she feels is missing and will take time to gain. Ms. Baker suggested that any process be tested before being applied to the entire community, and that the Focus Group continue to consider a "one-stop shop" for residents to call with any problems regarding student renters in their neighborhood. She also said that there needs to be more participation from the city, and more education for residents.

Mr. Crimmins, Ms. Rojas' Chief of Staff, restated Ms. Rojas' commitment to student education and further cooperation with the city administration. He emphasized that the students are good, civically-minded people.

Adjournment

There being no further business, the meeting was adjourned at 9:06 pm.