

Planning Commission 1/28/14 Occupancy

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My name is Stuart Harry Hersh, and like most in Austin, I rent.

In 1950, duplexes and single-family homes were limited to 4 renters under the Zoning Code, and this regulation was still in place when I moved here. This regulation preceded the federal Fair Housing Act.

In 1977, a building or portion of a building with 5 or more persons was required to be licensed as a hotel, motel, rooming house or boarding house if the persons are not husband or wife, son or daughter, mother or father, or sister or brother of the resident or operator (Housing Code - Ordinance 770421-B). Hotels and other licensed facilities were not allowed in single-family zoning districts. The number of adults and children who could live in a dwelling unit were limited by bedroom size. This regulation preceded voter approval of Austin's Fair Housing Ordinance in the 1980s.

If the full Commission recommends the Codes and Ordinance Committee occupancy reduction to 4 unrelated persons in either a single-family home or duplex, then the amount of housing available in those buildings will be reduced by 1/3 in a market where safe, affordable, accessible, and transit-oriented housing is already extremely limited.

To minimize impacts on low income renters while the Stealth Dorm working group completes its work over the next several weeks, I recommend the following amendments before we start imagining Austin returning to the 1950s and 1970s:

1. All existing buildings and all buildings with permits issued before the effective date of the new ordinance retain the 6 related person standards and other existing Land Development Code occupancy standards.
2. The geography of this new ordinance govern new building permit applications in impacted neighborhoods identified in the draft Rental Registration Ordinance.
3. The definition of "unrelated" match the definition found in the 1977 Housing Code referenced above.
4. The Occupancy Limit ordinance expire on 5/31/14 or when the City Council acts on the Stealth Dorm Working Group recommendations, whichever comes first.

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## **Resolution of Hyde Park Neighborhood Association Regarding Dorm-Style Housing in Single-Family Zoning Districts**

**Whereas**, public outcry has arisen among Central Austin/North Central Austin neighborhoods regarding the development of Single-Family zoned properties that are intended to house multiple unrelated adults as in a rooming house; and

**Whereas**,

- the historic fabric of certain Central Austin/North Central Austin neighborhoods is being destroyed by the increasing number of demolitions of older, smaller owner-occupied structures, to be replaced by structures designed only for occupancy by multiple unrelated persons; and
- these "dorm" duplexes and houses will, by their very nature, devalue the single-family use of a street, punishing those who have maintained their homes over many decades; residents will be burdened with financial hardship as well as emotional damage if they must sell their homes because of dorm-style housing;
- the financial impact of these properties on neighborhoods has a domino effect, as adjacent properties become viable only as high occupancy rentals; they set a precedent that will discourage future families to move to the street and encourage home-owners to leave the area, thus abandoning sites for yet more construction of this type;
- the high-occupancy use of these properties negatively impacts neighboring residents' quality of life in terms of noise disturbances, litter, unsafe driving, and inappropriate behavior;
- the high occupancy use of these properties results in overflow parking that restricts emergency vehicles and utility vehicles, endangering health and safety of citizens; these properties pose health problems through overfilled trash receptacles that attract wild animals and insects; SF zoning does not require fire prevention systems, such as sprinklers and emergency exits as would be required in a rooming house or property zoned for multi-family use;
- the cities of Lubbock, San Marcos and Bryan College Station have already reduced occupancy limits in single-family districts;
- in 2004 the Austin City Council took action to reduce occupancy limits to six; however, this has not solved the problem in our neighborhoods.

**NOW, THEREFORE**, be it resolved the Hyde Park Neighborhood Association asks the City Council of Austin to take emergency action to limit the number of occupants in single-family properties from six to four unrelated adults, in conjunction with the City Council proposed rental registration program, and enforced by the City's 311 program, in any of the following neighborhoods whose memberships have voted for this action: West University Neighborhood Association, Heritage Neighborhood Association, North University Neighborhood Association, Hancock Neighborhood Association, Hyde Park Neighborhood Association and Northfield Neighborhood Association.