

Tres por UNO

3 Recommendations to Optimize the
University Neighborhood Overlay (UNO)
for Austin Student-Renters

Executive Summary

The University Tenants Union (UTU) is an organization composed of University of Texas at Austin (UT) students which formed following advocacy by its founding members for the elimination of construction of windowless bedrooms in Austin in 2023. Since, UTU has provided resources to student-renters navigating off-campus living, gathered data on student housing needs, and continued its policy advocacy.

Updating the University Neighborhood Overlay (UNO) provides a unique policy opportunity in Texas to institute tenant protections for students that are otherwise not feasible. UTU, through deep, ongoing engagement with students, developed two recommendations for UNO to protect student-tenants against exploitation by landlords. Through their implementation, the City of Austin (CoA) can improve students' housing experiences, and in turn their academic performance. When students have adequate housing, their potential surges.

UTU recommends that CoA adopt the following recommendations:

1. Limit Pre-leasing:

- Limit lease renewal offers to 6 months before a lease ends, with a guaranteed 30-day response window.
- Limit new lease signings to 5 months before the lease start date.
- Ban pre-leasing agreements, waiting lists, and any incentives or penalties that pressure tenants into quick decisions.
- Enforce violations with fines.

2. Hold Landlords Accountable for Delayed Move-ins:

- As part of an UNO-specific lease addendum, require a disclosure if a unit's construction is incomplete or if the unit lacks a certificate of occupancy.
- As a renter's move-in date approaches, if their leased unit's certificate of occupancy has not been obtained, landlords must notify the renter between 60 and 90 days before the lease start date.
- In case of a delayed move-in, renters may: terminate the lease without fees OR not pay rent and be compensated for living expenses until they can move in OR choose to accept alternate accommodations from their landlord.

3. Close the Borrowed Light Loophole⁺ for Windowless Housing:

- Prohibit allowing bedrooms to "borrow light" from adjoining rooms with exterior-facing windows. This is inadequate and creates privacy concerns.
- Inform prospective renters if they are applying to rent a windowless room.
- Equitably allocate existing windowless bedrooms according to health needs and income.
- Disallow marketing of windows as a luxury that renters have to pay a fee for.

UTU looks forward to the adoption of these protections, and will advocate for their future adoption citywide and retroactively (at older UNO-participating properties).

Please contact Justin Lanier, *Policy Director* with any questions:

ilanier@utexas.edu | uttenantsunion@gmail.com

You can find more information about the University Tenants Union at:

bit.ly/universitytenantsunion

Engagement and Research

These recommendations were developed in collaboration with numerous students, educators, and subject matter experts in the fields of architecture, law, housing, economics, policy development, advocacy, and more. Over the last year, UTU has engaged students through numerous townhalls, surveys, emails, and social media outreach. Through these engagements, UTU has developed a comprehensive understanding of challenges facing student-renters. A full description of engagement activities can be found at the end of this document.

Previous drafts of these recommendations shared with stakeholders included one additional recommendation, which UTU is addressing through other means than the UNO update:

1. UT should support students and hold landlords accountable in the case of housing crises. In conversation with students and policy subject matter experts, UTU made the decision to pursue this outcome in direct partnership with UT, rather than through city legislative change. UTU is currently working with students to develop its recommendations for UT to better support student-tenants.

Additionally, UTU is pursuing adoption of its recommendation (number 3) to close the “borrowed light” loophole for windowless housing citywide in Austin Building Code through CoA’s ongoing Technical Code Changes process.

UTU extends thanks to the following for supporting improved student housing:

- Almost 900 students who signed on to the windowless bedroom petition.
- Numerous students who have participated at town halls, events, and online.
- The LBJ School of Public Affairs which sponsored the UTU UNO Town Hall.

The following organizations for their partnership and advisement:

- American Institute of Architects (AIA) Austin
- AURA
- Building and Strengthening Tenant Action (BASTA)
- The Private Equity Stakeholder Project
- Texas Housers
- Texans for Housing
- Youth Alliance for Housing

The following UT Austin Faculty and Staff:

- Prof. Elizabeth Mueller, School of Architecture
 - Prof. Juan Miró, School of Architecture
 - Prof. Heather Way, School of Law
 - Prof. Andrew Waxman, LBJ School of Public Affairs
 - Prof. Amy Leff, LBJ School of Public Affairs
 - Martin Serra, Attorney, Legal Services for Students
-
- Councilmember Zohaib Qadri, Melissa Beeler, and the whole Austin City Council District 9 team.
 - Members of the press who have covered student housing issues.
 - Elizabeth Morris and Christine Beauchemin, students at the LBJ School of Public Affairs, who contributed research to support these recommendations.

#1: Limit Pre-leasing

Landlords in West Campus pressure students to sign leases too far in advance of their move-in date, often within months of starting college.¹ Pre-leasing as early as 18 months ahead is marketed as normal,² as corporate student-serving landlords intentionally push for earlier commitments.¹⁰ This strategy creates artificial scarcity, driving up rents by advertising limited availability long before it's true, only to gradually lower prices closer to move-in. As a result, students are rushed into housing decisions and often locked into higher rental rates than they would pay under a more standard leasing timeline.

Relevant UNO Resolution* Text: Achieve “Tenant protections that reflect any recommendations that result from the City’s comprehensive density bonus updates.”

Recommendation: Limit the window of time for leasing and renewing leases.

- Limit the earliest date for offering a lease renewal to an existing tenant to six months before the end of their lease.
 - Require 30 days to respond to that offer.
 - Prohibit perverse incentives that pressure students into quick decisions, such as offering a \$100 gift card for signing a lease renewal within 24 hours.
 - Prohibit penalties for slow responses, such as increasing rent by \$100/month for tenants who take longer than three days to accept a renewal offer.
- Limit the earliest date to sign a new lease to five months before the lease start date.
- Prevent shirking these requirement by instituting a moratorium on pre-leasing agreements, waiting lists, and other similar mechanisms which may be used to circumvent the early leasing limitation.
- Enforce violations of the above with fines.

Support: Landlords create artificial scarcity by pressuring students to sign leases early, driving up rental rates. This is perhaps part of the reason rents in student housing are higher than in the conventional market.⁶ Students in West Campus report that rents are highest when first advertised and drop as the school year approaches.³ An Ann Arbor Council Member expressed his city’s Early Leasing Ordinance (ELO) would “end the predatory practice of preying on tenants’ financial fears to force them into signing their rights away.”⁴ Additionally, students have indicated to UTU that early leasing limits their ability to assess housing and roommate options.

An early leasing ordinance is a best practice for university towns, but implementation can be challenging as demonstrated by Ann Arbor and East Lansing.⁵ Dozens of landlords sued the cities, though their suite ultimately failed. At this point, landlords exploited loopholes in the ELO, including by using so-called “pre-leases” where prospective renters would make a payment and formally commit to sign a lease within the legal window for leasing. Landlords also threatened rent increases if renewal offer were not accepted within days of being offered.⁷ A subsequent version of the ELO was passed to close the loopholes.⁴

#2: Hold Landlords Accountable for Delayed Move-ins

Each year, landlords fail to deliver promised units on time, causing major disruptions for students.⁷ These disruptions have an academic and financial cost.⁸

Relevant UNO Resolution* Text: “[Require] participating property owners to provide sufficient support to students in the case of delayed move-in dates beyond the start of a lease ...”

Recommendation: Address three points in the life-cycle of a delayed move-in: when renters are making leasing decisions; before a renter has moved in and the likelihood of delayed move-in is high; and in the event of an actual delay.

1. When signing a lease on a unit that presents the opportunity for a delayed move-in:

- Include a UNO-specific lease addendum that indicates the renter has been made aware in plain language if the unit they have been promised has: not begun construction yet; not finished construction yet; and/or has not received its certificate of occupancy yet.
 - Renter shall sign acknowledging their understanding.
 - CoA's Housing Department should craft the required addendum language. They may consider using the CoA's Rental Housing Development Assistance (RHDA) [Lease Addendum](#).

2. When the unit will likely not be ready for an on-time move-in:

- If the certificate of occupancy for a leased unit has not been obtained, a landlord must provide its renters a notice no later than 60 days and no sooner than 90 days before the lease start date.
 - Notice shall be provided via certified mail, email, AND phone.
 - The notice shall include renters' rights in the event of delayed move-in (see below).
 - CoA shall craft required notice language
- If a landlord does NOT provide notice per the terms specified above:
 - The tenant has the right to terminate their lease without any fees.
 - This right is guaranteed up until the day the landlord receives the certificate of occupancy for the unit.

3. When the lease date starts and the renter's move-in is delayed:

The tenant has the right to:

- Terminate their lease without any fees attached.
 - This right is guaranteed up until the day the landlord receives the certificate of occupancy for the unit AND the tenant is provided the means to move in to the unit (i.e. keys, access to the unit).

AND

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AND

- Up until the renter moves into the unit OR terminates their lease:
 - Not pay rent until they are able to occupy the unit.
 - Unpaid rent is canceled; it is not considered deferred.
 - Be compensated on a per diem basis for:
 - The cost of lodging per the U.S. General Service Administration's [per diem rates](#).
 - The combined cash price of three dinners [at a UT Austin](#) dining hall at the time of compensation.
 - Be compensated for other related, documented expenses such as storage, moving, etc.
 - Be compensated for the cost of services which would have been available to the student in their apartment such as laundry and Wi-Fi.
 - Compensation must be remitted within a 48-hour period after documentation of expenses has been submitted by the renter OR be directly paid by the landlord.

OR

- Up until the renter moves into the unit OR terminates their lease:
 - The landlord may offer the renter temporary accommodation in a property they own which is comparable or superior to the leased unit.
 - The renter may accept or deny this accommodation in favor of compensation as dictated above.
 - The renter would pay rent for the alternate unit at the rate specified in their lease.

Enforce violations with significant fines that reflect the seriousness of denying renters their contractually guaranteed housing. UTU recommends consulting Texas RioGrande Legal Aid to determine an appropriate fine amount.

Support:

Housing insecurity harms students' academic performance, mental and physical health, and can lead to food insecurity.⁸ Unplanned moves due to crises also impose heavy financial burdens, worsening housing affordability.⁹

UTU recommends using as a reference for the ordinance language:

- A [similar ordinance](#) implemented in Minneapolis.
- [Sec. 92.023](#) of Texas Property Code, Tenant's Remedies Regarding Revocation of Certificate of Occupancy as a basis for legal language which should be applied to the case of a delayed move-in, per our recommendation.
- Language from Sec. 8 of the Texas Apartment Association's "[Student Housing Lease](#)":

This Lease will remain in force subject to (1) abatement of Rent on a daily basis during delay, and (2) your right to terminate this Lease in writing as set forth below.

 - If we give written notice to you of a delay in occupancy ... you may terminate this Lease.
 - After proper termination, you are entitled only to refund of any deposit(s) and any Rent you paid.

#3: Ensure No New Construction of Windowless Bedrooms

The [Code Amendments for Bedroom Windows](#), as adopted by Austin City Council on April 18, 2024, contain a troubling exception to its ban on

windowless bedrooms: the ability to “borrow light” from adjacent rooms.

Students were clear as glass when more than 800 signed a petition asking to ban windowless housing in Austin in 2023. The code as passed does not honor Austin students’ concerns about windowless bedrooms’ impacts on their quality of life.

UNO Text: “Sleeping rooms with windows or openings that allow access to natural light, including exploring options for natural ventilation”

Recommendation: For construction of new units, close the borrowed light loophole which enables de facto windowless rooms. Inform prospective renters if they are applying to rent a windowless room. Equitably allocate existing windowless bedrooms according to health needs and income. Disallow marketing of windows as a luxury that renters have to pay a fee for.

1. When constructing new units

- Require all newly constructed sleeping rooms to have windows or openings positioned on external-facing facades to provide direct access to natural light and ventilation.
- Exempt only 1-bedroom floor plans from this requirement, ensuring larger units prioritize equitable access to daylight.

2. When advertising windowless bedrooms

- Disallow marketing bedrooms with windows as luxury options and/or charging fees for rooms with windows.

3. When leasing existing windowless bedrooms

- Include an UNO-specific lease addendum in leases that:
 - Clearly informing prospective renters in plain language (and multilingually) if they are renting a unit that: does not contain a window; contains a window looking into a common room in the unit; contains a window looking into a public space in the building (e.g. a hallway).
 - AND
 - States that under the current Austin building code, the existing windowless sleeping rooms would be illegal to construct.
 - AND
 - States that per [Austin City Council resolution](#): “People with access to natural light in bedrooms, offices, and hospital rooms have improved mortality rates, productivity, sleep, and mental health.”
 - Renter shall sign acknowledging their understanding.
 - The Housing Department should craft the required addendum language.
- Require landlords to clearly and conspicuously display on their website if their building has windowless rooms.

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- Prioritize allocating rooms with windows to individuals with disabilities which would be aggravated by windowless bedrooms (e.g. depression, anxiety, asthma).
 - Relatedly, indicate in the addendum mentioned above:
 - Renters with qualifying disabilities may be prioritized for bedrooms with windows.
 - Ask an applicant if they qualify for such an accommodation.
 - Applicants are not required to answer.
- Prevent the disproportionate designation of windowless bedrooms as SMART Housing rooms.
 - Designate windowless bedrooms as SMART Housing units in a proportion not to exceed the number of windowless bedrooms to bedrooms with windows in a development.

Support:

Uniquely in West Campus, many units are rented on a per-bed basis, making privacy extra important. No one should have to choose between their privacy and access to natural light and ventilation. Nor should windows be considered a luxury, despite their frequent advertising as premium features in West Campus. Or, worse, as a signifier of class — student-beneficiaries of affordable SMART Housing report being disproportionately placed in windowless bedrooms. Research warns of how the provisioning of higher quality housing to wealthy students encourages social stratification within college populations.¹¹

Additional research and coverage on this subject include:

- [Wall Street Journal Article \(3/25/24\): "Windowless Rooms and Town-Gown Battles: How Student Housing Got Expensive"](#) by Shane Shifflett
- [Texas Society of Architects Article \(9/8/22\): "Windowless Bedrooms Should Never Be an Option. Let's Ban Them for Good."](#) by Juan Miró, FAIA
- [Research Thesis: "Windowlessness and Well-being in Off-campus Student Housing at the University of Texas at Austin"](#) by Rhoosh Bhosale
- [Letter to City Council + Signatures: "Call for Windows as a Humane Habitability Standard"](#), 860+ signatures from UT Austin students, alumni, parents, faculty, and architects.

A Note on Accessibility

The notices and lease addendums recommended above should be treated as vital documents containing critical information, and should therefore be made available in multiple languages per CoA's [Language Access Policy](#).

All Engagement Activities

To develop these specific recommendations, UTU:

- A. Hosted an UNO Town Hall. UTU gathered feedback on its proposed recommendations, and the CoA's Planning Department provided students an overview of the UNO update process and fielded questions.
- B. Posted 3 videos explaining its policy proposals to the UTU Instagram for feedback from UT students. The videos garnered nearly 8,000 views and many students comments, messages, and shares.
- C. Sought feedback from subject matter experts in relevant fields.

What's Next?

The University Tenants Union urges the adoption of these recommendations in the forthcoming UNO update to ensure that student housing in West Campus meets reasonable standards of safety, quality, and affordability. By limiting pre-leasing practices and enforcing accountability for delayed move-ins, the City can help create a more stable and supportive housing environment for students.

UTU looks forward to collaborating with the City to advance these initiatives, improving student living conditions and academic success while setting a standard for equitable, sustainable housing.

In the coming months and years, UTU will advocate for:

- Adopting these recommendations citywide and applying them retroactively.
- Updating building code citywide to close the "borrowed light" loophole[†] per recommendation number three. UTU is pursuing adoption of its recommendations through CoA's 2024-25 Technical Code Changes process.
- Strengthening UT's support for student-tenants and landlord accountability, with recommendations currently in development. UTU looks forward to opening a conversation between students and UT's leaders.

**The fight for student housing justice is just beginning.
Thank you for being part of it.**

Sincerely,
Justin Lanier
Policy Director, University Tenants Union
jlanier@utexas.edu | uttenantsunion@gmail.com

You can find more information about UTU at bit.ly/universitytenantsunion

Sources

- † See [Austin Ch. 25-12-3](#): 1204.1-1204.2.1, and a simple explanation [here](#) on p. 18.
- * This is referencing relevant language from [resolution no. 20240418-077](#) passed by Austin's City Council on April 18, 2024 which initiated the UNO update.
- 1. Audrey McGlinchy, "UT Austin Students Form Union to Help Fellow Renters in the State's Most Expensive City," KUT Radio, Austin's NPR Station, March 4, 2024, <https://www.kut.org/austin/2024-03-04/student-housing-university-tenants-union>.
- 2. "5 Reasons to Sign a Lease Early at Student Apartments in Austin | Rambler ATX," Rambler, June 8, 2022, <https://www.rambleratx.com/resources/benefits-leasing-early-west-campus/>.
- 3. sharonlx, "Best Time to Sign for a West Campus Apartment?," Reddit Post, R/UTAustin, October 7, 2020, www.reddit.com/r/UTAustin/comments/j6sctx/best_time_to_sign_for_a_west_campus_apartment/.
- 4. Stanton, "Ann Arbor Officials Call out 'Predatory' Leasing Practices by Landlords - Mlive.Com," M Live, February 23, 2024, <https://www.mlive.com/news/ann-arbor/2024/02/ann-arbor-officials-call-out-predatory-leasing-practices-by-landlords.html>.
- 5. "Early Leasing and Right to Renew City Ordinances | Off Campus—Beyond the Diag," accessed April 30, 2024, <https://offcampus.umich.edu/article/early-leasing-and-right-renew-city-ordinances>; Andrew Graham, "Ordinance Changing East Lansing's Rental Timeline Is Now Gone (Without Ever Taking Effect)," East Lansing Info (blog), August 18, 2021, <https://eastlansinginfo.news/ordinance-changing-east-lansings-rental-timeline-is-now-gone-without-ever-taking-effect/>.
- 6. City of Austin, "University Neighborhood Overlay: A Local Case Study," 2023. <https://publicinput.com/Customer/File/Full/dd6f15f6-ec17-454b-b705-648f3fd3e502>
- 7. "Some UT Students in West Campus without Housing for First Week | Kvue.Com." Accessed November 4, 2024. <https://www.kvue.com/article/news/education/university-of-texas/ut-austin-students-rambler-apartments/269-14963057-64aa-4372-bab0-72a9afb16bb5>.
- 8. Sackett, Chase, Sara Goldrick-Rab, and Katharine Broton. "Addressing Housing Insecurity and Living Costs in Higher Education | HUD USER," September 12, 2016. <https://www.huduser.gov/portal/publications/HousingInsecurityInHigherEd.html>.
- 9. Portia Johnson and Andrew Carswell, "The Effects of Unplanned Moves on Post-Crisis Housing Situations," Housing and Society 48, no. 2 (May 4, 2021): 137–54, <https://doi.org/10.1080/08882746.2020.1796109>.
- 10. "National Student Housing Report: 2024-25 Leasing Cycle Year in Review" (College House, September 30, 2024): page 5, <https://collegehouse.com/2024-year-in-review-student-housing-report/>
- 11. Thomas M. Laidley, "The Privatization of College Housing: Poverty, Affordability, and the U.S. Public University," Housing Policy Debate 24, no. 4 (October 2, 2014): 751–68, <https://doi.org/10.1080/10511482.2013.875053>.

Ponce, Makayla

From: Ponce, Makayla
Sent: Wednesday, April 16, 2025 3:23 PM
To: Ponce, Makayla
Subject: RE: postponement request for C20-2004-010 UNO update

From: Adam Stephens
To: Azhar, Awais – BC; Woods, Alice - BC; Harden, Joi; Pani, Alan
Subject: postponement request for C20-2004-010 UNO update

CANPAC, the city contact team for the planning area containing UNO, requests a postponement of the public hearing on this item. This is a complex issue and the ordinance has not yet been posted for the public and stakeholders to review.

Thank you, Adam Stephens, co-chair

Pani, Alan

To: Garcia, Ella
Subject: RE: Request to Planning Department to delay the Public Hearing of C20--2024-010 UNO Update

Dear Planning Department and Planning Commission,

University Area Partners (UAP) requests a postponement of the public hearing scheduled for April 22, 2025 of item C20-2024-010 UNO Update. UAP was and has been very involved in the development, implementation, and subsequent amendments of the University Neighborhood Overlay District. UAP is working on a comprehensive response to the proposed update, which will include recommendations concerning the Corridor Project's impact on the UNO District.

We are requesting a postponement to May 13, 2025. CANPAC, also very involved in the creation and maintenance of the UNO District, has indicated to us that they are in agreement with the postponement.

Please confirm the postponement for us as soon as you can, so that we can inform our membership.

Sincerely,
Cathy Norman
President, UAP

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Ponce, Makayla

From: LDC Updates
Sent: Monday, April 14, 2025 9:44 AM
To: Ponce, Makayla
Subject: RE: Stakeholder Statement re Case Number: C20-2024-010

From: Karen Pope
To: LDC Updates
Subject: Stakeholder Statement re Case Number: C20-2024-010

Case Number: C20-2024-010
Contact Lauren Middleton Pratt, 512-974-7220
Public Hearing:
Austin City Council, April 22, 2025, Planning Commission

Dear Planning Commission,

This topic is existential to the Neill-Cochran House Museum, an award-winning landmark committed to exploring and explicating Austin history from the vantage point of one of the City's oldest neighborhoods. The House (Abner Cook 1855) is one of the oldest significant houses in Austin and the property includes the last publicly accessible slave quarters, recently restored, reinterpreted, and presented to the community following a five-year initiative to "Reckon with the Past" through this built environment, a block from the site of Wheatville freedmen colony and the Fontaine Building.

I represent the 630+ statewide owners of the Neill-Cochran House Museum, The National Society of the Colonial Dames of America in the State of Texas, one of our country's major preservation organizations, devoted to history and education. Our Society has watched with alarm the westward approach of towers, the moving boundaries of the development, and now the specter that our historic site will be subsumed by the very tall, dense, traffic-intensive constructions that have emerged with the student housing project, apparently intended to generate the density that will qualify Austin for light-rail federal funds. Current data indicate that the student housing needs have been met and the focus now should be on livability--a viable commercial landscape that supports the neighborhood.

The neighborhood facing this specter behind the Museum is, itself, historic and the NCHM feels solidarity with this neighborhood that has been the residential context of the Neill-Cochran House Museum for well over a century. We owners of the Museum are absolutely terrified about the impact on visibility and accessibility of further westward development, not only threatening the viability of the NCHM as a Museum but in fact also threatening the structure itself, given the excavations predicted by the march of the towers.

We believe the towers boundary MUST NOT be moved west of San Gabriel (in the first master plan, it was San Antonio) and that the livability of West Campus should be addressed in a way that honors the historic neighborhood, including the landmark NCHM.

Sincerely,

Karen Pope, PhD
Neill-Cochran House Museum Board Chair

Ponce, Makayla

From: LDC Updates
Sent: Monday, April 14, 2025 9:43 AM
To: Ponce, Makayla
Subject: RE: April 22, 2025 Planning Commission Meeting

From: Susan Altgelt
To: LDC Updates
Subject: RE: April 22, 2025 Planning Commission Meeting

Case Number: C20-2024-010
Contact Lauren Middleton Pratt, 512-974-7220
Public Hearing:
Austin City Council, April 22, 2025, Planning Commission

I am one of the more than 600 statewide owners of the Neill-Cochran House Museum, The National Society of the Colonial Dames of America in the State of Texas, one of our country's major preservation organizations. Our Society has become increasingly concerned about the westward approach of towers, the moving boundaries of the development, and now the possibility that our historic site will be surrounded by tall, dense, traffic-intensive development of student housing, apparently intended to generate the density that will qualify Austin for light-rail federal funds. Given that the likelihood that securing ANY federal funds is increasingly remote considering the current political climate and that current data indicate a surplus of existing student housing development, we believe that the focus now should be on livability--a viable commercial landscape that supports the neighborhood.

The neighborhood around the museum is historic and preserves the residential context of the Neill-Cochran House Museum. We owners of the museum are justifiably concerned about the impact on visibility and accessibility of further westward development, not only threatening the viability of the NCHM as a museum reflecting the rich history of Austin but in fact also threatening the structure itself given the extent of invasive excavation required for construction.

We believe the towers boundary **MUST NOT** be moved west of San Gabriel (in the first master plan, it was San Antonio) and that the livability of West Campus should be addressed in a way that honors the historic neighborhood, including the landmark NCHM.

Thank you for your interest in preserving the neighborhoods that tell Austin's story.
Susan Altgelt

Ponce, Makayla

From: Ponce, Makayla
Sent: Friday, April 11, 2025 2:00 PM
To: Ponce, Makayla
Subject: RE: Case Number: C20-2024-010 (Letter of Opposition)

To: Middleton-Pratt, Lauren
Subject: Case Number: C20-2024-010

Case Number: C20-2024-010
Contact Lauren Middleton Pratt, 512-974-7220
Public Hearing:
City Council, April 22, 2025, Planning Commission
May 8, 2025, City Council

As a long time home owner at 1200 W. 22nd and a half St. in the 78705 zip code, I object to city imposed rezoning to allow increased height and density within the 78705 area code, esp. Leon and Longview Streets. They barely have the infrastructure (water, sewer, utilities, etc.) to support the current zoning, and the streets in the neighborhood generally are not wide enough to accommodate additional traffic. And eliminating current Residential Parking Permits will make crowding, garbage, and parking much worse.

--

Thomas L. Pangle
Joe R. Long Endowed Chair in Democratic Studies
Department of Government
University of Texas at Austin

<http://www.la.utexas.edu/users/tlp374/>

Co-Director
Thomas Jefferson Center for the Study of Core Texts and Ideas

<http://www.utexas.edu/cola/centers/coretexts/>

Download papers and articles at
<http://utexas.academia.edu/ThomasPangle>

<https://www.amazon.com/author/thomaspangle>

For Chinese translations of my books:
<http://cfcc.ruc.edu.cn/search/?keyword=%C5%CB%B8%EA&searchtype=%CD%BC%CA%E9>

DATE: March 24, 2025

TO: Melissa Beeler, Senior Policy Advisor, City of Austin District 9 Council Office

FROM: Justin Lanier, Policy Director, University Tenants Union

SUBJECT: Addressing Windowless Bedrooms in Austin's Technical Code Update

UTU strongly urges District 9 to carry an amendment to the citywide technical code update proposal. Windowless housing is a problem citywide in Austin, and there is a historical and worldwide precedent for curtailing its construction and leasing through code. This memo demonstrates that the need for policy intervention to curtail windowless housing, as requested by the University Tenants Union (UTU), is substantiated by research. Chiefly, the research demonstrates that there are likely about 400 buildings in Austin with windowless bedrooms, and only 32 of those are in West Campus.

The prevalence of windowless housing in West Campus and its negative impacts on tenants' health and wellbeing has been well demonstrated. But just this week, Paul Books, Planner Senior with the Austin's Planning Department shared [a comprehensive accounting](#) of all windowless bedrooms in West Campus with Prof. Juan Miro. There are a grand total of 3,452 windowless bedrooms spread among 32 buildings in West Campus, with several buildings containing more than 50% windowless bedrooms. These are all buildings that have benefited from UNO.

However, these 32 buildings likely represent under 10% of all the buildings with windowless bedrooms citywide. Prof. Daniel Koehler at UT Austin's School of Architecture recently completed an analysis which found that, conservatively, there are 391 buildings with windowless rooms within Austin city limits. Koehler analyzed buildings' footprints available on OpenStreetMap, and tagged all those which have interior spaces that are greater than 15 feet from a facade as near-certain instances of windowless rooms, and those greater than 30 feet as having no natural light. In architects' estimation, distances over 15 feet from a building facade represent a great likelihood of not having access to natural light: just think of how wide across your living room or bedroom is; you will almost certainly hit a wall between 15-30 feet.

While this estimate has limitations due to the unavailability of floorplans citywide (which would reliably show the presence of windowless rooms, and which might reveal interior courtyards, for example), Prof. Koehler made adjustments to ensure a reasonable estimate. Namely, Koehler omitted buildings smaller than 1000 square meters and removed 50 square meters from building areas to account for staircases and shafts.

It is critical to pursue ending windowless housing citywide through the technical code update. Removing the 32 confirmed windowless buildings in West Campus from the count of 391 buildings citywide estimated by Prof. Koehler, we are left with 359

buildings without windows. If only addressed through the UNO update, a significant portion of Austin which is currently being subjected to windowless bedrooms would not benefit from protections against their future construction and leasing.

Below I seek to answer your questions regarding the policy precedents for curtailing windowless bedrooms.

What kind of precedent is there for banning windowless housing?

There is a longstanding, international precedent for banning windowless housing.

In New York, New York, windowless housing was made illegal [nearly 200 years](#) ago, and in other places around the United States since then. Looking worldwide, various countries have required exterior-facing windows, including setting a specific [amount of the room area](#) that needs to be committed to natural light/ventilation.

What about for exempting one-bedroom apartments from a ban?

There does not appear to be a precedent for exempting one-bedroom apartments from a ban on construction of windowless bedrooms. This appears to be a legal exemption best considered with the help of the Law Department, and other City departments.

What about for the other policy recommendations UTU provided?

Re: informing prospective renters of windowless bedrooms, Austin could look to [mandatory disclosures](#) required in New York City for other unsafe housing conditions like the presence of lead paint, recent occurrence of bedbug infestations, or [absence of sprinklers](#). While other laws are in place to stop the ongoing use of materials like lead paint, these disclosures ensure people are aware of their existence in apartments.

Re: ensuring windowless bedrooms are allocated equitably, Austin could look to the federal practice of [distributing affordable housing](#) geographically. This practice acknowledges that concentrating low-income people in specific places is de facto segregation, and creates the circumstances for further discrimination.

Re: prohibiting the marketing of bedrooms with windows as a luxury feature, Austin should point to [real estate industry standards](#) which dictate windows as a baseline feature of bedrooms.

Re: applying these policies retroactively, Austin could look to codes related to health and safety that have been [applied retroactively](#) in New York state. The case could similarly be made for the importance of external-facing windows to health and safety.

Pani, Alan

To: Pani, Alan; Books, Paul [PARD]
Subject: RE: Shoal Crest Neighborhood Association (SCNA) comments on proposed UNO expansion

Dear UNO Expansion Planners,

The Shoal Crest Neighborhood lies within the boundaries of 29th, Lamar, 28th, and Rio Grande streets. The Shoal Crest Neighborhood Association(SCNA) strongly opposes the part of the proposed UNO expansion west of Rio Grande and north of 28th street.

The Shoal Crest Neighborhood currently offers plenty of affordable housing through a mix of 100+ year old craftsman homes, small and large scale apartment complexes, and ADU's. Our neighborhood not only provides considerable affordable housing to UT undergrad and graduate students, faculty, staff, professionals, retirees, and families with children, but offers a quality of life that is very unique to the City.

We question the need for the UNO expansion when existing entitlements are not yet built and current occupancy rates calculated by the city demographer are in question. We would like to be informed of the actual UNO occupancy rate based on number of beds available and actually used. It has been brought to our attention that many unoccupied apartments are now being used for short term rentals and should not be counted as occupied.

We are concerned about all infrastructure impacts, impervious cover impacts, and traffic impacts (including emergency response times) in the UNO area and in surrounding areas including our own neighborhood. The alley north of San Pedro at 28 ½ is regularly used by through traffic headed to 29th. Traffic between Lamar and Guadalupe on 29th is already heavily congested many times during the day. The alley between Rio Grande and Salado would most likely need to be a street with the added density of the proposed UNO expansion. We feel that a traffic study needs to be done before expanding UNO.

We strongly feel the proposed building height entitlements at 7-8 stories that come to the edge of our neighborhood are not compatible. We also request that when alleys are involved, that compatibility be measured from the alley lot line for the property being developed instead of from the lot line of the triggering property.

Respectfully,
Robert Jarry
President, Shoal Crest Neighborhood Association

Pani, Alan

To: Pani, Alan
Subject: RE: Public Comment for UNO Revisions from 2400 Pearl Street Property Owner

Dear Mr. Pani,

Thank you for your time and attention with public comment on the future ordinance for UNO revisions. Melissa Beeler (copied here) recommended we reach out to you with input, for your review and consideration, as you all work to draft the revised ordinance.

We have been property owners at 2400 and 2402 Pearl Street since 1993 and have been engaged in the evolution of this neighborhood. While we were only peripherally involved in the original UNO planning process in the early 2000s, we appreciate the current Council's intent to encourage responsible, dense housing development in the West Campus area, as a means of fostering balanced growth, improving the public realm, and supporting a diverse range of housing and commercial opportunities in the City of Austin. We believe there is a critical opportunity to refine the proposed zoning boundaries of Inner and Outer West Campus to better support these objectives.

Current Proposal

As we understand, the proposed dividing line between Inner West Campus and Outer West Campus runs, in part, north/south through the centerline of Pearl Street.

Proposed Revision

You all might consider shifting the dividing line between Inner West Campus and Outer West Campus one-half block west, allowing the lots on the west side of Pearl Street to be included within Inner West Campus, so that both sides of Pearl Street are included within Inner West Campus.

Support for this Proposed Revision

In support of this proposed revision, we have the following points, for your review and consideration:

1. Unlocking Development Potential of Underutilized Properties

There are several parcels, including our own, that remain underdeveloped due to current zoning that does not provide the density necessary to make new development economically viable in today's construction environment. Expanding the Inner West Campus zone to include both sides of Pearl Street would enable more efficient land use, allowing for more mixed-income housing, a greater diversity of uses, and increased economic sustainability. The additional density would improve project feasibility by reducing per-unit construction costs, thereby facilitating more attainable housing and increasing diverse commercial opportunities, such as a local grocery store.

2. Ensuring a Balanced and Cohesive Streetscape

Urban planning best practices emphasize the importance of symmetrical massing and proportionality along corridors to create a pedestrian-friendly environment. A zoning boundary that bisects the street results in an unbalanced streetscape, where one side experiences significantly greater height and density than the other. Cities around the world have recognized this issue and have successfully implemented zoning frameworks that maintain proportional heights across both sides of streets, with step-down transitions occurring mid-block rather than through the centerline of the street itself. Applying this principle to Pearl Street and aligning the zoning boundary with the built environment rather than a street centerline would create a more cohesive and

pedestrian-scaled urban form, enhancing the functionality and economic viability of this corridor, and reinforcing the City's goal of a vibrant, walkable West Campus neighborhood.

We appreciate your time and consideration and welcome the opportunity to further discuss how this refinement can align with the City of Austin's long-term urban development vision.

Thank you,
Aabir Malik

Pani, Alan

To: Pani, Alan
Subject: RE: CANPAC Feedback on proposed UNO update

On March 5, 2024 CANPAC considered the proposed changes to the University Neighborhood Overlay (UNO) and voted unanimously to provide the following pros and cons as feedback.

Pros:

- 20' setbacks to ensure that buildings do not block the light of adjacent buildings.
- Maximum of 3 stories of above ground parking and screening for above ground parking.
- Improved sidewalk standards.
- Limiting non-residential uses to the first two floors ensures that more housing and affordable housing will be provided.
- Accommodations for tenants whose units are not ready by the start of lease term.
- Expansion areas are limited to commercially zoned properties.

Cons:

- UNO is still under construction and has additional capacity. This proposal seems to exceed the housing need and will likely incentivise the demolition of the remaining naturally occurring affordable housing.
- Height maximums are too high particularly in the Transit Core subdistrict. Apartment construction costs per square foot increases with building height especially for anything over 120'. Housing in these taller buildings will likely not be affordable for students. The bonus in the Transit Core subdistrict should match the DBETOD bonus height surrounding UNO and not be five times taller.
- Rent limits by the bedroom require students in need of affordable housing to pay significantly more for a bedroom in a multi bedroom unit than they would for affordable housing anywhere else in the city. Rates for bedrooms in multi bedroom units should be consistent with [income restricted units](#) in the rest of Austin.
- Due to the planned closure of Guadalupe, transportation studies are needed to ensure viable traffic flow of UT staff/students/neighborhood tenants, school drop off and pickup, emergency vehicles, garbage, and delivery vehicles.
- Only one community benefit is required.

Thank you, Adam Stephens and Bart Whatley, co-chairs

UNIVERSITY AREA PARTNERS RESOLUTION COMMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates amendments to City Code Title 25 (*Land Development*) to amend the UNO to achieve the following:

1. Sleeping rooms with window or openings that allow access to natural light, including exploring options for natural ventilation;
2. Functionally equivalent market-rate units and affordable bedrooms that include windows and openings;
Numbers 1 & 2 are resolved by the Shared Light Ordinance. 24 sq ft adds \$ 1.5 to 2 K per bedroom needing shared light
3. Expansion of the UNO affordable housing bonus program to additional areas in the UT Campus area, including areas that are adjacent to the current bonus area;
We need updated data. Need the number of UNO and other student housing within Central Austin Combined Neighborhood Planning Area (NP).
Have we reached a "tipping point" where student-built units/bedrooms exceed the supply?
4. Height limits achievable with participation in the UNO density bonus program in alignment with the Planning Commission's recommendation to remove height limits for Inner West Campus and Dobie;
Dobie District is mostly owned by UT. Need to know if we have reached the supply/demand of student beds and the effects of increasing the heights .
Need to know the Property Tax implications (Contact TCAD for a presentation). Think City Council might not understand that UNO is NOT ZONING.
5. Height limits that are similar to height limits that can be achieved with participation in the ETOS overlay, at minimum;
6. An appropriate step down of heights in expansion areas;
7. Subdistrict boundaries that expand Inner West Campus;
(Response to #5-7) Need to determine the capacity of the infrastructure and capacity of streets for vital services before additional heights are considered.
8. Increased ground floor commercial development requirements in areas receiving increased entitlements;
UNO is a Voluntary Opt-In "Incentive Based Redevelopment Program". Requirements that mandate commercial use will be a disincentive for participation and negatively affect financing of UNO projects. Currently developers are including commercial and other non-housing operations on the ground floor which will bring residents to their project. Commercial uses typically are "loss leaders" as they don't generate sufficient income to cover the cost of construction. The differential is passed on to the residents through higher rents.

9. Amended design guidelines to further encourage ground floor activation and store fronts instead of parking, and further concealment of parking structures and dumpsters;

Currently the first 20 ft the street front is required to be active space and not parking. Parking garages are required to have level floors on the street frontage. There are no parking minimums in the UNO district. All dumpsters are required to be on the ally where available or roll outs on pick up date. Projects typically have private contractor service. (Perhaps a blanket contract for garbage service for all of UNO would be an option?)

10. Enhanced sidewalks, bikeways, and pedestrian realm improvements on key corridors for east-west travel to the University of Texas from West Campus to expand capacity to move people and increase safety; and

UAP worked with the COA to create the Parking Benefit District concept which predates UNO. The PBD has helped to fund the 23rd Street Safe Street project, and the Rio Grande project. Current projects include 25th Street and portions of 21 and 22nd. UAP and COA have a signed agreement. (Currently split is 51% of net is costly to calculate; we would like a change to a flat 32% of Gross income)

11. Tenant protections that reflect and recommendations that result from the City's comprehensive density bonus updates.

Need to have better communications between projects and incoming tenants. Perhaps a more uniform contract would be a plus, working with developers and Dean of Students/student's lawyers to develop?

BE IT FURTHER RESOLVED:

The City Manager is directed to make programmatic updates to UNO that, to the extent feasible, achieved the following objectives:

1. Avoiding concentrating income restricted bedrooms by requiring property owners to disperse affordable bedrooms throughout residential units in a development participating in the SMART housing program with an exception for cooperative housing developments;

Typically, the SMART Housing Affordable units are not designated and thus no segregation. Requiring this will have a negative effect on financing and create an inspection and compliance burden on city staff to enforce.

2. Upgrading the Affordable Housing Online Search Tool ("AHOST") so that students have dynamic, frequently updated information regarding affordable housing options for students;

The COA AHOST search should work with UT Dean of Students to get the best information. The COA needs to update on a frequent basis. (The COA needs to update the affordable rate and understand that the "market rates" on older projects can be equal to or lower than the SMART Housing Affordability Rate.

We have been told that the current system is an older one and until a newer system is in place the old system cannot keep up.

3. Requiring participating property owners to provide sufficient support to students in the case of delayed move-in dates beyond the start of a lease, in coordination with the University of Texas at Austin;

Developers and their General Contractors need to be sure and communicate accurate status of construction and COA inspection status to full development team and to the marketing and management companies working for the project. This information needs to be shared with UT. Delays should be known (and are typically known by those in construction well in advance of completion date). Projects that are falling behind typically receive special attention from COA. Keeping the Dean of Students notified is a must. Pre-construction meetings with the COA would be beneficial.

Additionally, it needs to be known that other colleges and universities have students living in the West Campus area, so UT alone cannot have the solution.

4. Requiring all rental developments participating under UNO to be inspected every five years for code violations;

Keeping all Projects in full compliance with code is a requirement of the COA. The concern is the COA Staff requirements for these required inspections. A provision in the contract or other type of notice could be given to the tenant notifying them of the Code enforcement process as the Code Division works on a complaint basis.

5. Reducing the likelihood that participating property owners' price-fix rents via software algorithms; and

Due to the nature of student housing, price fixing of this type is not effective. (short lease duration, mix of older units and newer, low rise and high rise, and finally diverse ownership all make this difficult for price fixing rents)

6. Extending the required period of affordability for existing affordable units within UNO through funding after evaluating the relative efficacy of preventing the expiration of affordable units in existing buildings or securing affordable units in new construction.

The rental rates in older UNO projects where the affordability period has expired typically have rates that are similar to the affordability rate.

BE IT FURTHER RESOLVED:

The City Manager is directed to initiate the following regarding mobility improvements in West Campus:

1. Expand the boundaries of UNO's Parking Benefit District ("PBD") to more areas of West Campus, in coordination with UNO density bonus expansion;

It is the UAP PBD in the UNO District. Expansion is somewhat possible in closed in areas (Hemphill, to 29th, Whitis 27th to 29th, Fruth 29th to 20th, East and West Drives 29th to 30th. Most areas with SF dwellings have RPP.

2. Explore the merits of converting UNO's PBD to a Parking and Transportation Management District ("PTMD");
PBD to PTMD needs to be coordinated with UAP and needs input from TPW Joseph Al-hajeri.
3. Ensure broad stakeholder representation of residents and businesses in PBT/PTMD oversight, especially student representation;
All affected parties are involved. Must keep in mind the total effect of any project.
4. Engage the West Campus community, especially renters, to identify projects to be funded by the PBD/PTMD, including but not limited to street repair, sidewalks, curb ramps, and in-street scooter corrals;
Need to have holistic approach to PBD /PTMD.
5. Explore and provide recommendations to convert 23rd Street from Rio Grande Street to Guadalupe to a pedestrianized street;
This is an issue when going beyond the alley as the delivery and services in the alley create an issue if forced to 24th street. Must consider the north/south traffic flow, especially if vehicular traffic is taken off Guadalupe Street for the rail line.
6. Utilize a data-driven, community-informed approach to identifying and implementing micro-mobility parking spaces, in coordination with MetroBike expansion planning, and prioritize on-street corrals;
7. Identify potential funding opportunities and a timeline for street safety improvements for high injury network streets within and adjacent to UNO; and
8. Explore, with CapMetro and the University of Texas, a more holistic approach to campus shuttles and other mobility options to expand accessibility to grocery stores and other healthy food destinations.
Responses to 6-8 - all need data and a comprehensive Transportation Study which is long overdue. Special attention needs to be given to the digital delivery age. (ex: favor, door dash, Prime, Uber)

BE IT FURTHER RESOLVED:

The City Manager is directed to explore:

1. Potential sites and funding opportunities to create pocket parks in the West Campus area;
Pocket parks are needed for open space and the growing number of pets (high priority). They must be safe and well maintained. An option on how to acquire these properties is via a ground lease with the COA, and since the use is changed to a COA Lease, taxes should be removed. Funding to create these pocket parks could be had by using the park fees that

have been paid by UNO projects to PARD. (This fee is an exaction and needs to be utilized for the benefit of those who pay it – the students.)

2. Modifying development requirements to incorporate climate resilience and green infrastructure improvements;

Market forces are driving the requirement for more climate resilience and provide incentives for going beyond minimum requirements. Keep in mind that requirements that add cost will drive up rental rates.

3. Creating commercial development incentives or requirements, especially on corridors receiving enhanced pedestrian and bikeway requirements, that encourage and maintain useful stores for everyday livability and locations that sell produce and healthy food such as grocery stores and markets; and

Requirements increase cost - incentives drive innovation! Those with the gold make the ultimate rules. Play their game or go home! There is a working group with the task of revitalizing the Renaissance Market and allow it to be a multi-use, more student oriented space that will have a farmer's market and more community activities.

4. Modifying development requirements to discourage above-ground parking and encourage shared parking and underground parking in areas with no height limits.

See #3 above. Currently, much of the street from the first two floors above the street must be "active space". Increasing mandates increases rents. As the percentage of students without cars or divers license increases the number of parking spaces is reduced. The cost of underground parking is 2-4 times more expensive as above ground parking. The removal of minimum parking requirements has been a significant factor in keeping rents from increasing.

The City Council initiates amendments to Title 25 (*Land Development*) to the extent necessary to implement any recommendations that result from exploring these ideas.