

## Summerhill Student Rental Housing Draft Legislation

### **DRAFT LEGISLATION:**

WHEREAS, Summerhill has historically consisted mainly of single-family detached and attached homes;

WHEREAS, the proposed zoning would only cover Summerhill, but would not include the areas zoned MRC;

WHEREAS, the Home Park neighborhood (north of Georgia Tech) is an example of detrimental effects of the over concentration of student rental homes, especially before Atlantic Station was developed;

WHEREAS, groups of three or more students living together compete with families for the stock of rental homes, thereby decreasing the availability of rental homes to families;

WHEREAS, on street parking is already very limited and heavily used in Summerhill and three or more students living together are likely to have three or more vehicles, not including the dozens of vehicles that park on nearby streets when students host frequent parties;

WHEREAS, noise, upkeep of the property, parking, traffic congestion, shifts in property values, and other issues impact the livability of the neighborhood for non-students;

WHEREAS, GSU and Carter are building dorms and apartments to fill the housing needs of students, and these options are much better suited to the transient nature of student living;

WHEREAS, numerous cities have enacted similar zoning (Berkeley, California; Madison, Wisconsin; Milwaukee, Wisconsin; Boston, Massachusetts; Saint Paul, Minnesota; Philadelphia, Pennsylvania; Chapel Hill, North Carolina; Ann Arbor, Michigan; Cedar Falls, Iowa; Lawrence, Kansas; and College Station, Texas); and

WHEREAS, the courts including the U.S. Supreme Court (*Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974)), recognize that college and university students present a special situation for their host communities and courts are willing to uphold local approaches that treat students differently; NOW THEREFORE,

THE CITY COUNCIL OF ATLANTA DOES HEREBY ORDAIN

### **ARTICLE ###. - ###.#00. STUDENT HOUSING (SH) NEIGHBORHOOD IMPACT OVERLAY DISTRICT**

#### **Sec. ###.#01. - Establishment; intent.**

The SH student housing neighborhood impact overlay district is established as shown on the official zoning map, consisting of the neighborhood of Summerhill but excluding any property zoned MRC, to ameliorate the impact of dedicated student housing within and preserve the character of Summerhill as a predominantly one- and two-family dwelling neighborhood.

#### **Sec. ###.#02. - Student dwellings.**

Within the SH student housing neighborhood impact overlay district, a student dwelling is a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one (1) unit is occupied by three (3) or more students. For the purposes of this article, a student is an individual who is enrolled in or has been accepted to an undergraduate or graduate degree program at a university, college, community college, technical college, trade school or similar and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

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### **Sec. ###.#03. - Standards and conditions.**

Within the SH student housing neighborhood impact overlay district, the following standards and conditions shall apply for student dwellings:

- (1) A student dwelling shall be located a minimum of one hundred fifty (150) feet from any other student dwelling located on a different lot, measured as the shortest distance between the two
- (2) lots on which the student dwellings are located.
  
- (2) Parking shall be provided in accordance with the requirements of Code section ### for new structures.

### **Sec. ###.#04. - Registration and establishment period.**

The owner(s) of an existing building possessing either a valid fire certificate of occupancy or provisional fire certificate of occupancy and which, at any time within the eighteen-month period immediately preceding the effective date of this article, met the definition of a student dwelling under this article shall submit a written application to register the building within one hundred twenty (120) days of the effective date of this article to the Department of Code Enforcement. Upon receipt of the written registration application Code Enforcement shall determine whether the building's fire certificate of occupancy or provisional fire certificate of occupancy is valid as of the date of the registration application. Upon such determination, Code Enforcement shall issue a written certification to the building's owner(s) of the building's status as an existing student dwelling. Certification shall not unreasonably be withheld. Code Enforcement shall establish written standards for verifying and documenting a building as an existing student dwelling prior to the certification of any building under this article and provide a copy to a building owner upon request.

### **Sec. ###.#05. - Ineligible properties.**

All properties lacking either a fire certificate of occupancy or provisional fire certificate of occupancy or which exceed occupancy limits, as defined in Code section ###, at the time this article is adopted shall be ineligible for registration and establishment as an existing student dwelling during the registration and establishment period.

### **Sec. ###.#06. - Establishing new student dwellings.**

*Establishing new student dwellings.* After sixty (60) days following the conclusion of the registration and establishment period under this article, additional properties may be registered and established as new student dwellings, subject to the standards and conditions specified in Code section ###. A process for reviewing proposed new student dwellings shall be established by the Department of Code Enforcement. The owner of a building deemed ineligible for establishment as a student dwelling may apply for a variance under Code section ###, as applied.

### **Sec. ###.#07. - Tracking and renewal of registered and established student dwellings.**

The Department of Code Enforcement shall maintain a current list of all registered and established student dwellings which shall be made available at the office of the Department of Code Enforcement upon request. All student dwellings shall have and maintain a fire certificate of occupancy that identifies the property as a student dwelling. All student dwellings shall be subject to all terms and conditions of Code section ###, and will be subject to renewal of status as student dwellings on a schedule to be determined by the Department of Code Enforcement but no less frequently than specified in Code section ###. At the time of renewal, properties shall be subject to verification of status as a student dwelling, based on the written standards established by the Department of Code Enforcement.

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### **Sec. ###.#08. - Revocation of status as registered and established student dwellings.**

The Department of Code Enforcement may remove properties from the list of registered and established student dwellings under the following circumstances:

- (1) Suspension or revocation of fire certificate of occupancy;
- (2) Residence by more than four (4) students in any unit;
- (3) Residence by less than three (3) students for more than twenty-four (24) of the preceding thirty-six (36) months;
- (4) A sufficient number of complaints (including, but not limited to, noise complaints, code violations, illegal drug use, and underage drinking) against the property such that the property is identified as a nuisance property.

A revocation of student dwelling status may be appealed to the board of zoning appeals pursuant to Code section ###.

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### **NEXT STEPS:**

1. Summerhill residents vote on supporting moving forward with the proposed legislation, or similar.
2. The vote is conducted in the ONS meeting and the number of “for”, “against”, and “abstention” votes is recorded.
3. If the number of “for” votes constitutes a simple majority of votes, the ONS Board shall inform District 1 Atlanta City Council Member Carla Smith of the support of Summerhill for the proposed legislation, or similar.
4. The ONS Board shall select a committee of suitable size, including the ONS President, to discuss this proposed legislation with Council Member Smith. Such discussions may include meeting with Council Member Smith and a City attorney, and during such discussions substantial changes to the proposed legislation may be necessary.
5. Draft legislation will be produced in consultation with Council Member Smith and presented at a future ONS meeting.
6. In the absence of major objections from Summerhill residents, Council Member Smith will file the legislation in the Atlanta City Council.
7. Atlanta City Council will vote on the legislation.
8. If approved, the legislation goes to the Mayor for approval prior to being enacted.