



**TOWN OF MANSFIELD
COMMUNITY QUALITY OF LIFE COMMITTEE
Thursday, January 22, 2009
7:00 P.M.
Mansfield Public Library
Buchanan Auditorium**

AGENDA

1. Call to Order/Roll Call
2. Appointment of Recording Secretary
3. Approval of December 11, 2008 Minutes
4. Opportunity for Public to Address the Committee
5. Chairperson's Report
6. Presentation re: Zoning Enforcement and Off-campus Housing
 - a) Occupancy limits for single-family residences
7. Amendment to Special Police Services Ordinance (to be distributed)
8. Communications
 - a) M. Hart re: Lynwood/Farmstead Road
 - b) Proposed Changes to the Housing Code Sewer and Water Provisions
 - c) SAITSA National News "City Unveils New Bylaws to Curb Noise, Overcrowding" – 12-03-08
 - d) University Area Neighborhood Task Force Report to West Chester Borough Council
9. Preparations for Next Meeting/Next Steps
10. Opportunity for Public to Address the Committee
11. Adjournment

**TOWN OF MANSFIELD
COMMITTEE ON COMMUNITY QUALITY OF LIFE**

Thursday, December 11, 2008

7:00 PM

**Mansfield Public Library
Buchanan Auditorium**

DRAFT MINUTES

Present: M. Beal, J. Briody, B. Clouette, D. Keane, D. Morse,
E. Paterson, S. Rhodes, D. White

Regrets: J. Fried, H. Koehn (Chair), C. Paulhus

Staff: M. Hart, G. Padick

1. Call to Order/Roll Call

At 7:02 PM, Mayor Paterson called the meeting to order and asked the members to introduce themselves.

2. Approval of November 20, 2008 Minutes

Correction to spelling of M. Beal.

Motion to approve by B. Clouette; Second by S. Rhodes. Approved unanimously.

3. Opportunity for Public to Address the Committee

None.

4. Chair's Report (Presented by M. Hart)

Wiki page is being created for the committee by IT staff to assist in the posting and sharing of information. The site is intended for use by the committee, however all items posted are considered public information.

An article concerning Central Connecticut State University was shared. It explores recent effective strategies employed at CCSU regarding student-rental housing.

Staff is revising the special police services ordinance, which allows the town to bill landlords and/or tenants for a public safety response to a problem address. It is expected that this committee will review this proposal in the future.

5. Overview of Existing Town and University Programs

- Mansfield Housing Code - Mr. Michael Nintean, Director of Building and Housing Inspection, provided an overview of the housing code and building and inspection program, particularly the enforcement of the housing code and the landlord registration ordinance. Three primary areas were reviewed: 1) existing housing code, 2) landlord registration program, and 3) litter/blight enforcement.
 - Housing Inspection Code
 - Designed to ensure the safe and sanitary housing
 - Effective July 2006
 - Guiding document: Property Maintenance Code (2003)
 - 'Chapter Nine' added to establish/address rental code inspection issues
 - Over 2000 inspections to-date
 - Chapter Nine Exemptions
 - Owner Occupied
 - 4 unrelated tenants
 - Residents over 55 years of age
 - Properties owned by MHA
 - Typical Inspection Violations
 - Electrical; Egress; Fire; Plumbing; HVAC
 - First 2-year inspection cycle concluded Sept. 2008
 - Cost to landlord - \$150/2-year certificate
 - Landlord Registration Program –
 - Enabled by state statute
 - Applies to all residential rental dwelling units
 - Effective/Adopted Sept. 2006
 - Tracked by sales and sighting of rental signs
 - Database maintained by town
 - Tenant registry being considered
 - Blight and Litter
 - Ordinances adopted April 2007
 - Patrol various zones on a pre-determined schedule
 - Enforcement protocol
 - 1) Friendly notification (door hanger)
 - 2) Written warning
 - 3) Physical ticket (typically \$90)
 - Work with UConn Off-Campus Student Services
 - Possible Future Programs and Research (related to committee)
 - Review uniform definition of family and number of unrelated family
 - Parking registration program and ordinances
 - Permits for large assemblies

- Issues related to transferring ownership to children
- Water/Sanitation Issues
 - Discussion of water test periods, septic pumping requirement and related impact

6. Overview of Freedom of Information Act Requirements

Review of Mansfield Posting and Retention of Agendas and Minutes (May 1, 2007)

7. Communications

Review of:

- Excerpts from Mansfield 2020: A Unified Vision
- Connecticut General Statutes §§47a-6a, 47a-6b and 7-148
- H. Krisch letter et al re: Student Rental properties on Lynwood and Farmstead Roads
- Ethics Ordinance

8. Next Meeting/Steps

Individuals, Officials, Departments the Committee would like to have present:

- Mansfield Zoning
- University of Connecticut Students
- University of Connecticut Administrators
- Mansfield Public Safety
- Neighborhood Residents
- Central Connecticut State University Officials

Future Topics to be Discussed:

‘Larger Picture’:

- Desired Outcomes
- Scope and level of review

Next Meeting: January 22, 2008 7:00 PM Buchanan Auditorium, Mansfield Public Library

9. Public Comment

10. Adjournment

Mayor Paterson adjourned the meeting at 9:23 PM.

Submitted: J. Briody

sanitary sewage facilities. Seasonal shall mean occupancy from June 1, to November 1, and not more than 30 days from November 1, to June 1.

23. **Dwelling Unit.** A building, or portion thereof, providing independent living facilities for one family, including provisions for living, sleeping, eating, cooking and sanitation.
24. **Elderly Person.** Any person 62 years of age or over, or a person who has been certified by the Social Security Board as being totally disabled under the Federal Social Security Act.
- * 25. **Family.** One or more persons who live together and maintain a common household, related by blood, marriage, or adoption. A family may also include domestic help and gratuitous guests. In addition, a family may include not more than three persons who are not related by blood, marriage or adoption.
26. **Flood Hazard Area.** Areas subject to 100 year flooding as shown on the Federal Emergency Management Agency "Flood Insurance Study" and "Floodway" and "Flood Insurance Rate Maps" effective January 2, 1981 and further revisions.
27. **Floor Area, Gross.** The sum of the gross area (horizontal) of every floor of a building measured from the exterior faces of the walls or from the center line of party or common walls separating two buildings, including (a) basement space; (b) attic space whether or not a floor has been laid, over which there is structural headroom of 7 1/2 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 1/2 feet; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed space such as a garage or carport for off-street parking accessory to a single-family or two-family dwelling not located in a cellar. However, floor area does not include: (a) cellar space (except that cellar space used for a retail sales use shall be included for the purpose of calculating requirements of such use for accessory off-street parking spaces and accessory off-street loading berths); (b) elevator and stair bulkheads, accessory water tanks and cooling towers; and (c) terraces, unroofed open porches and steps.
28. **Floor Area, Livable.** Livable floor areas may include rooms, halls, and closets, but shall not include rooms for heating equipment, garages, open or closed outside vestibules, or porches, or verandas. Unfinished basement spaces will not qualify for required livable area. Livable floor area as used herein means those portions of the building, soundly and permanently constructed and finished with materials and methods conforming to generally accepted practice. Floor area for livable quarters shall be computed from the outside dimensions.
29. **Floor Area, Net Retail.** The sum of the gross area within a commercial building designed and intended to be used in association with the sale of goods and personal services but excluding areas used for utilities and storage areas up to 10% of each tenant space.
30. **Fraternity/Sorority.** Any group of persons organized for a common purpose, interest or pleasure, and recognized by the Office of Greek Life at the University of Connecticut or Eastern Conn. State University
31. **Fraternity/Sorority House.** Any building or portion of a building used by a fraternity or sorority for the purpose of lodging fraternity or sorority members, or as a site for the conduct of fraternity or sorority-sponsored entertainment or assemblage.

55. **Parking, Off-street.** Parking space as required for specific uses which is located off a public right-of-way.
56. **Pool, Commercial Swimming.** A pool for admission to which a fee is charged.
57. **Pool, Swimming.** A structure of relatively impervious material intended for bathing or swimming purposes, located either indoors or outdoors and provided with a controlled water supply.
58. **Premises.** A lot and all the buildings and uses thereon.
59. **Public Garage.** A building used for the storage of more than three registered motor vehicles which are owned by persons other than the owner or occupants of the premises, or in which repairs are made upon motor vehicles for profit.
60. **Public Parking Lot.** Any lot used for the storage of motor vehicles which contains space available to the general public by the hours, day, week, month or year.
61. **Recreation, Private.** An area or use maintained for recreational purposes by private individuals, supported primarily by dues of its members, and not open to the general public.
62. **Recreation, Public.** An area or use maintained for recreational purposes which is open to the general public.
63. **R-Districts.** All residential areas in the town.
64. **Residence.** One or more dwelling units for permanent occupancy.
- * 65. **Residence, Single Family.** A one-family dwelling unit, including any building, trailer or other structure, occupied by a single-family.
66. **Residence, Single-Family Detached.** A single-family residence which is separated from lot lines or other buildings by open space.
67. **Residence, Single-Family Attached.** A single-family residence having one or two party walls on side lot lines.
68. **Residence, Multi-Family.** A building or part thereof containing three or more dwelling units and includes apartments, row houses, and town houses.
69. **Restaurants, Taverns, Grilles, and Package Stores.** Shall have the meaning given them in the State Liquor Control Act.
70. **Resubdivision.** A change in a map of an approved or recorded subdivision or resubdivision if such change a) affects any street layout shown on such map, or b) affects any area reserved thereon for public use, or c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
71. **Rooming House.** See Boarding House.
72. **Setback, Building.** The distance that a building or other structure must be from the lot line
73. **Sewer, Municipal.** A municipally maintained underground sewage disposal system serving two or more dwelling units.
74. **Street.** Any existing highway that is accepted and actively maintained by either the Town of Mansfield or the State of Connecticut; or any proposed roadway, which is shown on a subdivision map approved by the Planning and Zoning Commission and

Matt & Greg:

I have reviewed the information that Jennifer has prepared in advance of our May 21 meeting. I have condensed the information as follows:

- There is a recurring theme that both topics are difficult to enforce without tremendous effort and financial resources.
- Four unrelated appears to be the most common number allowed.

Possible actions:

- Craft language into the Housing Code in Chapter 2 Definitions or create a new ordinance with Housing and Zoning as enforcement officers. In either case it would be helpful for Housing inspectors to help with enforcement because they get into the dwellings and can observe living arrangements. The "right of entry" forms also act as a good tool because the tenants are stating in writing that they live at a certain address. This may have diminishing results as folks catch on to this tactic. We may also want to consider adding this offense to the Town ticket.

Family. A single person living alone or any of the following groups living together in a single Dwelling unit as defined by this code:

1 Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;

2 Two unrelated people including any children related to them;

3 Parties to a Civil Union as defined by C.G S. section 46B-38aa including any children related to them;

4 Four unrelated people;

5 Any protected group pursuant to the American's with Disabilities Act or Federal Fair Housing laws.

- Amend section 404.5 of the Housing Code to address overcrowding.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of table 404.5 or exceed any of the limits set forth by the definition of a "Family" within this code.

- Reinstate section 302.8 regarding motor vehicles to address parking issues.

302.8 Motor Vehicles

- **302.8 Motor Vehicles.** Except as provided for in other regulations, no inoperative or unregistered motor vehicle shall be parked, kept or stored on any premises requiring a rental certificate as set forth pursuant to section 901 of this code. Also, no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Exception number 4, 5, 6 and 7 of section 901.1 shall not apply to the enforcement of this section.

- **302.8.1 Parking Permits.** Any resident living within a Residential Rental Structure as defined by this code who wishes to park a motor vehicle on the premises at which he resides shall first obtain a parking permit from the Department of Building and Housing. Application must be made on the form provided by the Department and a fee of \$ _____ paid prior to permit issuance. Failure to obtain and display the parking permit shall result in a fine pursuant to the Town of Mansfield's parking regulations. A maximum of 4 permits shall be issued per dwelling unit and an occupant may request and receive 1 additional visitors pass for _____ days from the date of issue.

- **302.8.2 Parking Areas.** No motor vehicle shall be parked as follows:
 1. In the front yard of any premises which shall include an area extending the full width of the lot between the front street line and the front of the structure.
Exemption: Any paved, concrete, gravel parking area
 2. On a sidewalk.
 3. In front of a public or private driveway.
 4. On any landscaped area including but not limited to lawns, gardens, etc.

Violators will be fined pursuant to the Town of Mansfield parking regulations.

These are preliminary thoughts. I hope they prove helpful at our meeting. Please feel free to discuss sooner if you have questions. I am sure they will need editing and legal review.

Commentary

The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of "Family"

By Dwight H. Merriam, AICP, and Robert J. Sitkowski, AICP

Recently, another zoning dispute surfaced over what is, and is not, a "family." See J. Schwab, AICP, *How Many Sisters Make a Family?* Zoning News 4 (November 1998). Joliet, Illinois, like many other places around the country, permits up to three unrelated people to live in the same residence in a single-family zoning district. Three nuns lived together in a house in a single-family zoning district, but they wanted to bring in a fourth sister and also have up to three visitors at any given time. So, as law-abiding citizens, the Franciscan Sisters of the Sacred Heart applied to the zoning board of appeals for a "variation in use," the term of art in the Joliet zoning ordinance for special use permit. More than 100 people signed a petition opposing the application. According to the planning director, many people mistakenly believed that the convent was to become a boarding house. Apparently, many of the petitioners later came to understand what was actually at issue in the application and that they were opposing an order of nuns. Four people still spoke in opposition at the hearing. The zoning board of appeals recommended city council approval by a marginal 4-to-3 vote, and the city council unanimously approved the permit.

Aside from being a cautionary tale about how misinformation can fire up the NIMBYs, this story highlights the vexing problem facing many local governments trying to protect the single-family character of neighborhoods while allowing for the continually evolving composition of families 25 years after the U.S. Supreme Court's pronouncement in *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). In *Belle Terre*, the Court upheld this definition of family under the U.S. Constitution:

One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

A handful of state courts, however, have rejected the *Belle Terre* rule under their state constitutions, finding this widely used definition violates substantive due process or is beyond the grant of power under their enabling statutes (the five dollar term is ultra vires). Please remember, a law can be legal under the U.S. Constitution but not under that of a state constitution. And that's exactly what has happened in these several states. Some have observed that this split among the

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states has created, at least superficially, an irreconcilable line of decisions. But the outcomes in the cases can generally be predicted by how closely the household in question resembles a family. It boils down to this: Where a group of unrelated persons is the functional equivalent of a family, a court is likely to strike down a traditional definition as applied to the group, but when the group does not resemble a family, e.g., a group of college students, the ordinance will usually be upheld. See, e.g., M. Cholewa, *Single-Family Residential Zoning—Towards a Legislative Definition of "Functional Family,"* 36 Mun. Att'y 10 (1995).

We offer for your consideration a definitional and procedural tool to solve the "Seven-Nun Conundrum" in a way that preserves the essence of the Euclidean cumulative zoning pyramid—the single-family residential district—while allowing greater numbers of people who are unrelated yet share common bonds, i.e., a "functional family," to live in single-family zoning districts.

Can't be done you say? We didn't think so either until forced to look straight into the face of this beast while working with Brian O'Connell, AICP, Planning Director of the City of Ames, Iowa, on a comprehensive revision of the zoning ordinance. Ames, a typical college town with the dominant Iowa State University, is a hotbed of land-use planning and law—Eric Damian Kelly, FAICP, the immediate past president of APA, chaired the graduate planning department at the time of our initial engagement. With a large student population, Ames was forced to deal with the definition-of-family issue head-on to save its single-family neighborhoods from invasion. At the same time, there was a conscious, sophisticated, and progressive appreciation of the need to recognize and support alternative families. We were led, perhaps by some divine guidance, to this definition:

Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- (2) two unrelated people;
- (3) two unrelated people and any children related to either of them;
- (4) not more than eight people who are:
 - (a) residents of a "Family Home" as defined in Section 414.22 of the Iowa Code and this ordinance; or
 - (b) "handicapped" as defined in the Fair Housing Act, 42 U.S.C. § 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. § 802 (6);

Commentary

- (5) three or more people who are granted a Special Use Permit as a "functional family" pursuant to [the special use permit procedures section] of this ordinance.

Exceptions—"Family" does not include:

- any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization;
- any group of individuals whose association is temporary or seasonal in nature;
- any group of individuals who are in a group living arrangement as a result of criminal offenses

The relevant special use provisions are discussed later in this article.

While this definition may not be appropriate in all respects to every jurisdiction in the U.S., the analysis underlying this definition may help those faced with drafting land-use regulations to exercise creativity in developing their own definitions of family.

RELATED PERSONS AND GROUP HOME MEMBERS

The first four paragraphs of this definition take into account the federal Fair Housing Amendments Act (42 U.S.C. § 3601 (1994)), the U.S. Supreme Court's rulings in *Belle Terre*, *Moore v. City of East Cleveland*,¹ *City of Cleburne v. Cleburne Living Center*,² and *City of Edmonds v. Oxford House, Inc.*,³ and the Eighth Circuit Court of Appeals's 1996 decision in *Oxford House-C v. City of St. Louis*.⁴ This statutory and case law virtually dictates the first four paragraphs of the definition, particularly by presuming that group homes are allowed by right in single-family residential zones, as opposed to requiring a special permit or variance.

The holding in the *Oxford House-C* case empowers Ames to "draw the line" at eight people in a group home; your jurisdiction may have a comparable case. In *Oxford House-C*, the Eighth Circuit Court of Appeals—Iowa is in the Eighth Circuit—held that an eight-person limit for group homes does not violate the Fair Housing Act, provided the municipality can establish a rational basis for so limiting occupancy. The court cited *Familystyle of St. Paul, Inc. v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991), an Eighth Circuit decision entered five years earlier, holding that an eight-person limit does not violate the Fair Housing Act if the municipality had a rational basis for enacting the rule. As the court held in *Oxford House-C*:

We conclude the eight-person rule is rational. Cities have a legitimate interest in decreasing congestion, traffic, and noise in residential areas, and ordinances restricting the number of unrelated people who may occupy a single family residence are reasonably related to these legitimate goals. *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9 (1974). The City does not need to assert a specific reason for choosing eight as the cut-off point, rather than ten or twelve. "[E]very line drawn by a legislature leaves some out that might well have been included. That exercise of discretion, however, is a legislative, not a judicial, function." *Id.* at 8.

1. 416 U.S. 1 (1974).
2. 473 U.S. 432 (1985), 38 ZD 69.
3. 514 U.S. 725 (1995), 47 ZD 212.
4. 77 F.3d 249 (8th Cir. 1996).

Significantly, the *Oxford House-C* case involved residents of a group home for recovering substance abusers. Paragraph (4)(b) of the proposed definition specifically excludes current users and addicts, so this paragraph is not contrary to the *Oxford House-C* decision. Indeed, the Fair Housing Amendments Act expressly excludes from the definition of "handicapped" those persons who have a "current, illegal use of or addiction to a controlled substance." 42 U.S.C. § 3602(h) (1994). On the other hand, the act does not expressly include recovering alcoholics or drug addicts within the definition of "handicapped," and courts have interpreted this silence as an indication of Congressional intent to include recovering alcoholics and drug addicts. These courts apparently find support for this broad interpretation in both HUD regulations and the legislative history of the Fair Housing Amendments Act. See B. Davis, *The State Giveth and the Court Taketh Away: Preserving the Municipality's Ability to Zone for Group Homes Under the Fair Housing Amendments Act of 1988*, 59 Pitt. L. Rev. 193, 198, n.34 (1997).

The reason that both "Family Home" and "handicapped" provisions appear in the proposed definition is because of a peculiarity in Iowa state law. The definition of "Family Home" in Section 414.22(2)(b) of the Iowa Code requires that the state license a residential care facility to provide "room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel." This is a narrower definition than "handicapped" under the Fair Housing Act, so the proposed definition is augmented with a reference to the federal law. Again, prudence dictates that you verify whether or not your state has a comparable statutory provision.

While we were applying Iowa law in this definition, the same analysis can be followed in most other areas. The Fair Housing Act and U.S. Supreme Court decisions are controlling everywhere. In addition, many states have statutorily defined group homes that are expressly protected as single-family uses and cannot be subject to a special use or variance process.

Real tension exists between the mandates of the Fair Housing Act and the traditional definition of family. And at some points, the effective differences are wildly counterintuitive. Years ago, when the early group home challenges were decided, we realized the absurdity of the result and put it in the form of this one-liner: "In most localities the only way seven nuns can live together is if they are recovering substance abusers." This is a ridiculous situation.

THE FUNCTIONAL FAMILY

The composition of the American family has changed dramatically in the last several decades and most remarkably since 1970. According to the United States Census Bureau's Current Population Survey Reports, in 1995:

- Married couples with children made up 25 percent of U.S. households, down from 40 percent in 1970.
- The average household size was 2.65 people, down 16 percent from 3.14 in 1970.
- Only one of every 10 households had five or more people, down from one of every five households in 1970.

Commentary

Additional Key Cases in Zoning Definitions of "Family"

In *Moore v. City of East Cleveland*, 431 U.S. 494 (1977), a plurality opinion, the Supreme Court invalidated on substantive due process grounds a local housing code provision that restricted the number of related individuals who could live together. The code defined "family" in such a way as to prohibit a woman, her son, and two grandsons from living in a single dwelling unit, where one of the grandsons was not the son of the resident son, but was a cousin of the other grandson.

In *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985), the Supreme Court invalidated the denial of a conditional use permit for a group home for the mentally handicapped under the rational relationship standard of equal protection review. The Court held that "an irrational prejudice against the mentally retarded" was not a sufficient reason for denying a permit to a group home that would house 13 unrelated people. The Court in *Cleburne* looked beyond the municipality's "mere incantations" of reason and found the discrimination founded in fear and unsubstantiated by facts.

- People living alone made up 25 percent of the households, up from 17 percent in 1970.
- 51 percent of families had no children under 18 at home, up from 44 percent in 1970.
- 12.2 million families were maintained by women with no husband present, up from 5.6 million in 1970.⁵

Given these trends, it would seem reasonable, as the late Richard Babcock argued in 1983, that with this changed market for single-family housing, "we alter our zoning ordinances so they no longer reflect the dominant preferences of the 1920s and the 1950s." R. Babcock, *The Egregious Invalidity of the Exclusive Single-Family Zone*, 35 Land Use L. & Zoning Dig. 4 (July 1983).

We submit, and believe there is increasing support for our belief, that "nontraditional" households, e.g., those based on religious affiliation or a gay or lesbian extended family, are functionally equivalent to the mythical "Ozzie and Harriet" type of family. The same bonds of love, commitment, and economic interdependence characterize families of all types. For purposes of this article, we call these nontraditional, family-like households "functional families."⁶ We submit

5. Current Population Survey Reports 1995-1998, found on the web site of the U.S. Census Bureau: Households and Families, www.census.gov/population/www/socdemo/hh-fam.html.

6. We wrestled with the term "functional families." It is probably more accurate to call them the "functional equivalent of traditional families," but that's a mouthful. We also confess to joking about the implications of the use of this term—it suggests another definition dealing with "dysfunctional families."

In *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995), the Supreme Court ruled that a zoning ordinance limiting the number of unrelated persons who may live together in a single-family residence, but not limiting the number of related persons, is not exempt from the Fair Housing Act's requirement that municipalities make "reasonable accommodations" for group homes for the handicapped. See 42 U.S.C. § 3604 (f)(3)(B). The City of Edmonds claimed that the Fair Housing Act did not require it to make reasonable accommodations for the handicapped in its zoning ordinance because the provision at issue fell under the act's exemption for "restrictions regarding the maximum number of occupants permitted to occupy a dwelling." The Court held that this exemption applies to the type of maximum occupancy restrictions designed to prevent overcrowding of a dwelling, typically found in housing codes. The *Edmonds* case therefore stands for the proposition that a municipality cannot exempt itself from the Fair Housing Act by enacting a definition of family in a zoning regulation that limits the number of unrelated individuals permitted to live together in a single residence.

that these "functional families" should be treated the same as traditional families.

Under the proposed definition, three or more unrelated individuals may occupy a house in a single-family zoning district by demonstrating either: (1) a relationship characteristic of a family; or (2) an ability to live as a group in a single-family residence in a way that will not disrupt "zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people." *Belle Terre* at 9.

While the authority of municipalities to enact zoning measures under the police power is broad, it is not unlimited. A local government may not adopt laws inconsistent with the U.S. Constitution, its own state constitution, or any general law of its state. There is no clear-cut formula for separating legitimate from improper uses of the zoning power; surrounding circumstances and conditions must be considered. While the municipality may use zoning to maintain the nature and character of residential neighborhoods, it may not do so with arbitrary and capricious restrictions.

Because this section of the proposed regulation does not implicate a suspect class or a fundamental constitutional interest, it would likely be upheld as a proper exercise of the police power if enacted in furtherance of a legitimate governmental purpose and reasonably related to the end sought to be achieved. It is critical that any municipality seeking to adopt such a definition establish purposes for this regulation that are linked to the purposes of zoning set forth in the zoning enabling statutes. Further, the municipality should describe exactly how this regulation achieves these enumerated purposes. In the case of Iowa, for example, the regulation could link with the requirement in Section 414.3 of the Iowa Code that "[t]he [zoning] regulations shall be made in accordance with a comprehensive plan and designed . . . to

Commentary

lessen congestion in the street; . . . [and] to prevent the overcrowding of land."

In order to impose special use permit requirements for functional families of three or more people, the purpose statements should refer to studies conducted by the municipality that show that groups of three or more unrelated people have a higher incidence of: (1) not living as a family unit, i.e., not having significant economic and emotional ties; and (2) imposing off-site impacts that detract from the quality of life in a single-family neighborhood. The regulation should be described as an attempt to avoid, or at least minimize, the negative externalities attendant to large groups of unrelated persons living together.

The special use permit is probably the technique to use in reviewing functional family applications on a case-by-case and site-by-site basis. A special use allows a property owner to put his property to a use that the regulations permit under conditions specified in the zoning regulations. See B. Blaesser, *Discretionary Land Use Controls: Avoiding Invitations to Abuse of Discretion* 77 (1999). Special use permits are generally considered administrative proceedings and, when correctly implemented, allow only limited discretion. Indeed, because special uses are expressly listed in the zoning ordinance, local government has concluded that these types of use are in harmony with the zoning scheme and will not adversely affect the community in general, if the proposal meets certain ordinance criteria. The case-by-case and site-by-site review is necessary to determine if the specific proposal is appropriate for a specific site and its surroundings—that is, meets the ordinance criteria. This presumption of acceptability and the criteria for evaluation are critical because they help minimize arbitrary and capricious decision making.

A municipality should establish specific procedural and documentary requirements that would apply to all households seeking a special use permit approval as a "functional family." Special use permit standards evidencing a "functional family" might include a showing that the members (this list is not intended to be exhaustive):

- share a strong bond or commitment to a single purpose (e.g. members of a religious order).
- are not legally dependent on others not living with them (many undergraduate college students are legal dependents of their parents or guardians who they do not live with while they are in college).
- can establish legal "domicile" as defined by state law.
- share a single household budget.
- prepare food and eat together on a regular basis.
- share in the work of maintaining the premises.
- legally share in the ownership or possession of the premises, e.g. tenants in common on a deed or cosigners of a single lease.

Specific applicants may not be required to meet all of the standards, depending on the facts of the case. As you can see, a group of college students (the typical 10 guys, five cars, and two kegs) would likely not be able to satisfy the criteria.

In addition, the regulations should authorize the land-use decision-making body to condition the granting of a special

use permit on the ability of an applicant to properly accommodate all motor vehicles associated with the use. This requirement is based on the assumption that "functional families" are likely to have more vehicles than traditional families.

This type of definition of a "functional family" predicated on special use permit criteria has been tested in at least one case, *Stegeman v. City of Ann Arbor*, 540 N.W.2d 724 (1995), appeal denied, 562 N.W.2d 199 (1997). In *Stegeman*, a case we stumbled upon after apparently reinventing this wheel, the Court of Appeals of Michigan upheld the validity of the following zoning regulations, found at Sections 5.7 (2) and (4) of the Ann Arbor code:

A dwelling may not be occupied by more persons than one of the following family living arrangements:

- one or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit, in all districts.
- four persons plus their offspring living in a single housekeeping unit, in all districts.
- six persons living in a single housekeeping unit, in R4 districts.
- a functional family living in a single housekeeping unit which has received a special exception use permit pursuant to Section 5:104.

In this section, functional family means a group of no more than six people plus their offspring, having a relationship that is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals with a common living arrangement or whose basis for the establishment of the housekeeping unit is temporary.

The rationale employed by the Court of Appeals of Michigan is very helpful, particularly for municipalities trying to close the door to groups of college students, while opening it to nontraditional families. The plaintiffs in *Stegeman*, doing business as Campus Rentals, were prevented from renting houses to groups of college students by the Ann Arbor code. They sued. The trial court denied an injunction against enforcement of the zoning ordinance, and the plaintiffs appealed.

At the outset, the Court of Appeals took a dim view of the plaintiffs' claim:

At issue here is not the plaintiffs' desire to rent their buildings to functional families, but to rent them to unrelated, transient college students. These are individuals who are sharing a house not to function as a family, but for convenience and economics. They do not represent a group that is bonded together and intends to live as a unit for the foreseeable future, but a group of casual friends living together for the limited duration of their education. *Id.* at 726.

In holding that the ordinance did not violate the due process clause of the Michigan constitution, the court distinguished the facts in the case before it from those in another Michigan case, *Delta Charter Township v. Dinolfo*, 531 N.W.2d 831 (1984). In *Dinolfo*, the Michigan Supreme Court, applying the Michigan constitution, rejected the reasoning of the *Belle Terre* case (which upheld a traditional zoning definition

Commentary

of a "family" under the U.S. Constitution). It struck down a zoning ordinance that restricted the occupancy of a single-family dwelling to a single family and not more than one other related person, because it did not allow a married couple, their children, and six unrelated adults to live together as part of a religious group. The *Stegeman* court, however, said that the *Dinolfo* decision "[does] not force the zoning authorities to abandon the concept of the family in its entirety . . . it merely [requires] zoning ordinances to take into account so-called 'functional families' in its provisions for residential zoning." *Stegeman* at 726. The court found that the Ann Arbor ordinance did precisely that.

Campus Rentals tried to argue that the distinction between groups of students and traditional or functional families is irrational in a neighborhood that is home to fraternity houses, boarding houses, and multiple unit buildings. Although that might be true for how a zoning district is drawn, the court agreed, it had nothing to do with the constitutional validity of the ordinance. The Court of Appeals also found that the ordinance did not violate the equal protection clause of the Michigan constitution because it had a rational basis. Relying on the *Dinolfo* case, the Court of Appeals pointed out that the government has a legitimate interest in maintaining single-family zones, and

[f]urthermore, the family, while undergoing dramatic changes in the last half-century, remains a fundamental building block of society. This is true whether we speak of the traditional family or the modern concept of a functional family. Even the strong defense given to functional families in the decision in [*Dinolfo*] recognized . . . a legitimate distinction between such a functional family and a casual collection of individuals living in the same household.

The [*Dinolfo*] court found a compelling basis to protect the interests of the functional family, while acknowledging the right of the municipality to restrict transients and others whose lifestyle is not the functional equivalent of a family. . . . To say that a family is so equivalent to a ragtag collection of college roommates as to require identical treatment in zoning decisions defies the reality of the place of the family in American society, despite any changes that institution has undergone in recent years. Only the most cynical among us would say the American family has devolved to the point of no greater importance or consideration in governmental decision making than a group of college roommates. *Id.* at 727.

The definition we propose differs from that upheld in *Stegeman* in two respects. First, it does not limit the number of unrelated people who can live together once they establish a functional family. It allows the municipality to determine on a case-by-case basis how many people are appropriate in a given location. Second, it does not rely on vague terms like

"permanent and distinct character."⁷ Instead, it uses criteria equivalent to performance standards. Presuming these standards can be administered fairly and consistently, the mechanism of a special use permit is the best way for municipalities to facilitate the location of functional families in single-family zoning districts, while avoiding negative externalities.

Finally, please remember that the definition of family found in zoning ordinances is primarily a *use* issue, and not one of *occupancy*. The latter is addressed in housing codes, for instance the BOCA National Property Maintenance Code. These types of codes establish maximum occupancy restrictions that are designed to prevent overcrowding of dwellings based on community health and safety considerations. It is precisely this type of code that the U.S. Supreme Court in *Edmonds* found would fall under the exemption in the Fair Housing Amendments Act that "nothing in this subchapter limits the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling." 42 U.S.C. § 3607(b)(1). Many local governments have not adopted a housing code, but should—especially if they are going to expand on the definition of family.

CONCLUSION

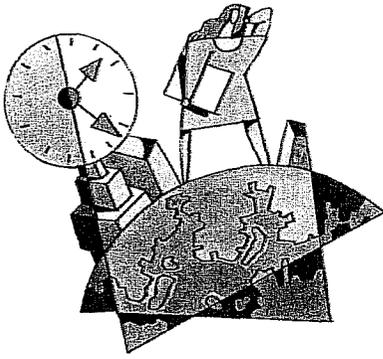
Our definition of family is at best only a starting point in addressing the seemingly intractable problem of accommodating changes in the family. In fact, the City of Ames is presently in the midst of adopting its new zoning ordinance and has amended the definition to cap the amount of unrelated people living together, even with a special use permit, at five. We also recognize that some groups would object to the aspect of the proposed definition that requires unrelated people to seek a permit that subjects them to public scrutiny before one or more local land-use decision-making bodies. This is precisely what the residents of group homes are shielded from in some states as the result of court decisions under the Fair Housing Amendments Act. We wish functional families could live in single-family districts without any review, perhaps with a rebuttable presumption of some type. We are also somewhat concerned about financability of home purchases with the special permit technique, but hope that right-thinking lenders will treat the use like any other special use.

We encourage the readers of this article to experiment with the proposed definition and to let us know what types of problems you encounter in trying to implement such a regulation. Moreover, we welcome any ideas in defining "family" that will result in a realistic accommodation of functional families in single-family neighborhoods.

7. A critique of the *Stegeman* definition and an excellent outline of the issues can be found in the Cholewa article cited on page 3.

Connecticut Family Values

By Dwight H. Merriam, AICP



INTRODUCTION

What is a “family?” Can we preserve “family values” through zoning? Is “single family zoning” defensible?

Both public policy and the law are added in this sensitive area. The American family today is certainly much changed from the “Father Knows Best” and “Ozzie and Harriet” families of the 1950s.

Nationally, and the same numbers seem to follow in Connecticut, the average household size has decreased over the last twenty-five years from 3.14 persons per household to 2.65 persons.¹ Smaller households mean more dwelling units are required for the same population. Even a town with zero population growth needed to increase its number of housing units by about fifteen percent over the last twenty-five years simply to keep up with the rate of household formation.

Recently, the *New York Times* reported that for the first time in decades, more than half of households with children at home had both parents in the work force.² Additionally, the trend is definitely toward families with a single parent head-of-household.³ The percentage of families with a mother and father at home with two or more children in the same household has gone from forty percent in 1970 to a mere twenty-five percent today. Look, for example, at the statistics on children born to unmarried women. Today, some thirty-two percent of children are born to women who are not married, and those women are increasingly affluent and white.⁴ Marriage, even if we factor in the powerful movement in the gay and lesbian community for civil unions and marriages,⁵ is a

greatly weakened institution. Divorce rates continue at high levels.⁶

THE LAW OF FAMILY

The definitions of “family” that we find across the country and in this state reflect a bygone era. Here is the definition from the U.S. Supreme Court decision in *Village of Belle Terre* in 1974:

One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.⁷

Similar definitions show up throughout Connecticut. Here are three picked at random, identified by town:

Middlefield: One or more persons related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit, and may include servants living in or not more than (2) paying lodgers or boarders.⁸

Trumbull: A “family” shall be one or more persons living together as a housekeeping unit of whom at least three quarters shall be related by blood, marriage or adoption.⁹

Willington: (a) Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit; or (b) A group of not more than three (3) persons, not so

related by blood, marriage, or adoption, living together as a single housekeeping unit.¹⁰

What is common to these definitions is that they require a single family to be persons related by blood, marriage or adoption and up to some small number of additional, unrelated people. A definition such as Willington’s, which allows up to three additional, unrelated people would allow a single-family residence to have one person not related to any other by blood, marriage or adoption and up to three additional people for a total of four unrelated persons living in a single-family residence.

The most restrictive regulations are found in at least two communities that limit families to those related by blood, marriage or adoption:

Bridgeport: Persons related by blood, marriage or adoption.¹¹

New Canaan: Any number of individuals, related by blood or legal adoption or by marriage, living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding or rooming house or hotel.¹²

Even in towns with less restrictive definitions of family, a gay and lesbian extended family with foster children cannot live together if there are more than four; even though they are functionally a family; they share immutable bonds of love and affection; they are a shared economic enterprise; they shop and prepare food and dine together — they are a family, but not under the zoning laws in most towns in this state.

(Please see page 6)

CONNECTICUT FAMILY VALUES (CONTINUED FROM PAGE 4)

We tell planners and land use lawyers who want to make clever conversation at parties to ask this question:

Under the definition of family in most municipalities in this country, seven nuns cannot live together, because they are not related by blood, marriage or adoption, and there are more than the usual requisite of three or four unrelated persons. However, as a matter of federal law, the seven nuns can live together in virtually any single-family house in any municipality, regardless of local zoning. Under what conditions can seven nuns live together?

Under the Fair Housing Act,¹³ seven nuns can live together if they are deemed "handicapped," which includes physical handicaps, mental health handicaps, mental retardation and the recovery from drug and alcohol abuse. Seven nuns cannot live together in most municipalities in this country, including those of Connecticut, as a matter of right unless they are handicapped, as defined by federal law.¹⁴

THE CONNECTICUT LAW OF FAMILY

The law of the definition of family, outside of Fair Housing Amendments Act cases, is thin. One notable case in which I was involved in a minor way in assisting Philip D. Tegeler, Legal Director of the Connecticut Civil Liberties Union, is *Dinan v. Board of Zoning Appeals*.¹⁵ We had been looking for a case to challenge the restrictive definition of family.¹⁶ The first case to present itself was this instance of ten bachelors sharing two apartments, each with their own room and each paying rent separately to the landlord. The outcome was perhaps predictable — the superior court found that there was nothing unconstitutional about these bachelors sharing an apartment and no indicia of their operating as a single family. The Supreme Court upheld the trial court's decision.

Judge Robert A. Fuller, now in private

practice and the author of the treatise, *Land Use Law and Practice*,¹⁷ cited *Dinan* in a decision he wrote shortly after *Dinan* was decided. He held six hockey players of the New Haven Nighthawks were not a family.¹⁸

FEDERAL AND STATE LITIGATION

The leading case at the federal level is *Village of Belle Terre v. Boraas*,¹⁹ in which the U.S. Supreme Court upheld the definition of family that is quoted earlier. The court found that the ordinance reasonably addressed family needs explaining that the ordinance was not aimed at transients and neither violated equal protection nor infringed upon a "fundamental" right guaranteed by the Constitution. The opinion also focused on the city's legitimate interest in protecting traditional family life and preserving the atmosphere of the neighborhood.²⁰

A handful of state courts, however, have rejected the *Belle Terre* rule under their *state* constitutions. Some have observed that this split among the states has created, at least superficially, an irreconcilable line of decisions. But the outcomes in the cases can generally be predicted by how closely the household in question resembles a family. It boils down to this: Where a group of unrelated persons is the functional equivalent of a family, a court is likely to strike down a traditional definition as applied to the group, but when the group does not resemble a family, *e.g.*, a group of college students, the ordinance will usually be upheld.²¹

COMMUNITY SOLUTIONS

Assuming you believe that the highly restrictive definition of family is inappropriate as a matter of public policy, given the evolving demographics of the family, what might you do?

First, you probably would want to think through the unintended consequences or counterintuitive results of changing the definition of family. One of the biggest concerns that is voiced is whether single-family neighborhoods would be destroyed by homes being con-

verted to rooming houses or, worse yet, in the eyes of some, college students would move in and take over the neighborhoods.

At the same time, how is a community to address its responsibilities under the Fair Housing Act? That is a complex subject we must leave for another day, but it's one that local governments can't duck.

Second, if we believe in the core of *Belle Terre* — that it is a proper purpose of zoning to preserve family values and single-family zoning — how can we do that without fundamentally changing our neighborhoods?

In rewriting the regulations for Ames, Iowa, the home of Iowa State University, and in a current project to rewrite the regulations for Chapel Hill, North Carolina, where the University of North Carolina-Chapel Hill is located, we have had to confront this definitional problem.

As to student housing, which is also beyond the scope of this article, our basic approach has been to identify areas close to campus and zone those for single-room occupancy and shared apartments specifically targeted for student housing. The idea is to provide a sufficient supply to meet the demand for student housing and to prevent that demand from cascading out into the single-family neighborhoods beyond.

For the definition itself, we decided we needed to identify what was a functional family — a group of individuals with shared bonds of love and affection, economic commitment and mutually supportive household responsibilities.

Here is the definition we wrote for Ames, Iowa:

Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

(1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;

(2) two unrelated people;

(Please see page 8)

CONNECTICUT FAMILY VALUES

(CONTINUED FROM PAGE 6)

(3) two unrelated people and any children related to either of them;

(4) [state and federal fair housing definitions]...

(5) three or more people who are granted a Special Use Permit as a "functional family" pursuant to [the special use permit procedures section] of this ordinance.

Exceptions — "Family" does not include:

any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization;

any group of individuals whose association is temporary or seasonal in nature;

any group of individuals who are in a group living arrangement as a result of criminal offenses.

Unbeknownst to us when we were working in Ames, Ithaca, New York and Ann Arbor, Michigan already had adopted similar "functional family" regulations.²² Planners in both cities report that the definitions have not caused any unintended consequences and have worked to enable these emerging types of families to be integrated fully into traditional, single-family neighborhoods.

CONCLUSIONS

The Connecticut Civil Liberties Union continues to be on the lookout for a good case to challenge the traditional definition of family. How much better it would be if just a few towns in Connecticut could start out on their own by adopting an alternative definition of family similar to the ones we have described. Those towns will almost certainly find that their traditional, single-family neighborhoods are not damaged and that they might even be strengthened by making it more difficult for unaffiliated individuals to create ersatz rooming houses. They would help caring, committed, loving, stable families to enjoy

being an integral part of traditional, single-family neighborhoods without the threat of a zoning enforcement action and without having to live illegally, as if they were likely to blight their neighbors' properties.

• • • • •

Dwight H. Merriam, AICP, is head of the Land Use Group and a partner at the Hartford office of Robinson & Cole LLP. This article reflects the views of the author and not necessarily those of Robinson & Cole LLP's clients.

NOTES

1. United States Census Bureau, "HH-6. Average Population per Household and Family: 1940 - Present." Found on the Census Bureau's web site at <http://www.census.gov/population/socdem/olhh-fam/htabHH-6.txt>.
2. Lewin, Tamar, *Now A Majority: Families With Two Parents Who Work*, N.Y. Times, October 24, 2000 at A20.
3. United States Census Bureau, "FM-2. All Parent/Child Situations, by Type, Race, and Hispanic Origin of Householder or Reference Person: 1970 - Present." Found on the Census Bureau's web site at <http://www.census.gov/population/socdem/olhh-fam/htabFM-2.txt>.
4. See *The State of Our Unions 2000: The Social Health of Marriage in America* (National Marriage Project, June 2000).
5. See, for example, the State of Vermont's recently enacted statute recognizing same-sex bonds as "civil unions," 18 V.S.A. §§ 5160 *et seq.* (Effective July 2000.)
6. See National Center for Health Statistics' "Faststats" web site at <http://www.cdc.gov/nchs/divorce.htm>.
7. *Village of Belle Terre v. Boraas*, 416 U.S. 1, 3 (1974).
8. Town of Middlefield Zoning Regulations, Section 02.06.01 (Oct. 1, 2000).
9. Town of Trumbull Zoning Regulations, Section 2 (July 1993).
10. Town of Willington Zoning Regulations Section 3.54 (Apr. 15, 2000).
11. City of Bridgeport Zoning Regulations Section 2-2 (Aug. 1996).
12. City of New Canaan Zoning Regulations Section 60-25.1 (Nov. 1997).
13. 42 U.S.C. §§ 3601 *et seq.*
14. Robert J. Sitkowski, AIA, AICP, a lawyer in my office, and I wrote on this issue a year ago. See Merriam, Dwight H., and Sitkowski, Robert J., *The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of "Family,"* Land Use L. & Zoning Dig., June 1999.

15. 220 Conn. 61 (1991).
16. Previously, with the help of the CCLU, we successfully challenged non-occupancy based minimum floor areas in *Builders Service Corporation v. Planning and Zoning Commission of the Town of East Hampton*, 208 Conn. 267 (1988).
17. Fuller, Robert A., *Connecticut Practice Series: Land Use Law and Practice* (2d ed. 1999).
18. *Dimenstein v. Zoning Board of Appeals of City of Milford*, 1991 Conn. Super. LEXIS 1933 (1991). Bob Fuller is a hockey player himself, so he reveled in writing this decision which is a delight to read and contains many useful citations. Other cases of interest are *The Stewart B. McKinney Foundation, Inc. v. Town Plan and Zoning Commission of the Town Fairfield*, 790 F.Supp. 1197 (D.Conn. 1992), *Shea v. Windsor Locks Zoning Board of Appeals*, 1992 Conn. Super. LEXIS 3337 (1992), and *Meyers v. Zoning Board of Appeals of the Town of Groton*, 1997 Conn. Super. LEXIS 1546 (1997).
19. 416 U.S. 1 (1974).
20. There are three later cases at the U.S. Supreme Court of interest but not fully on point: *Moore v. City of East Cleveland*, 431 U.S. 494 (1977) (invalidating on substantive due process grounds a local housing code provision that restricted the number of related individuals who could live together); *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985) (invalidating the denial of a conditional use permit for a group home for the mentally handicapped under the rational relationship standard of equal protection review); and *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995) (holding that a zoning ordinance limiting the number of unrelated persons who may live together in a single family residence, but not limiting the number of related persons, is not exempt from the Fair Housing Act's requirement that municipalities make "reasonable accommodations" for group homes for the handicapped). See also Fuller, Robert A., *Connecticut Practice Series: Land Use Law and Practice* § 4.16 (2d ed. 1999); Tondro, Terry J., *Connecticut Land Use Regulation* 106-09 (2d ed. 1992).
21. See, e.g., Cholewa, Matthew J., *Single-Family Residential Zoning — Towards a Legislative Definition of "Functional Family,"* 36 Mun. Att'y 10 (1995). The states include California, Michigan, New Jersey, New York, and Pennsylvania.
22. Readers may get copies by contacting the author at dmerriam@rc.com or (860)275-8228.

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Matthew W. Hart, Town Manager

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December 30, 2008

Mr. Henry Krisch
71 Farmstead Road
Storrs-Mansfield, Connecticut 06268

Dear Mr. Krisch et al:

As you know, town and university staff met recently with representatives from the Lynwood and Farmstead Road neighborhood to discuss concerns related to student rental properties. In particular, those issues include concerns regarding parties and underage drinking, violations of the occupancy provisions of the town's zoning regulations, increased noise and vehicular traffic, and litter and property maintenance. These issues are contributing to a decline in the quality of life for the neighborhood as a whole.

I have discussed your concerns with staff, and we are implementing a number of measures that I believe will prove helpful. With respect to law enforcement, Resident Trooper Sergeant James Kodzis has designed a system to share information with UConn's Office for Off-Campus Services on a more regular and consistent basis. Also, this spring we will increase our police presence in neighborhoods adjacent to campus, especially on the weekends. Furthermore, the Sergeant has reinforced the importance of information-sharing between troopers, so that when responding to a particular address a trooper can better determine what type of sanction is warranted.

In the area of zoning enforcement, our Zoning Enforcement Officer has prepared a "watch" list of 50+ single-family rental properties that have been the subject of concern in the past. This list has been disseminated to our state troopers and building and housing inspection staff, to aid in the monitoring of these properties

With building and housing inspection, we have confirmed that 65 Lynwood Drive is no longer occupied by the owner's son. Consequently, that address is now registered under our landlord registration ordinance and will be added to the schedule for inspection under the Mansfield Housing Code. Furthermore, the department has modified the schedule for its litter and blight patrols and your neighborhood will now be monitored every two weeks.

Also, staff will support the work of the Town Council's new Committee on Community Quality of Life to develop additional measures to address issues and problems associated with student rental properties. As mentioned at our meeting, the Committee on Community Quality of Life includes representatives from the community at-large, the Town Council, the Planning and Zoning Commission and the University. The committee is charged with examining a range of issues, including possible revisions to strengthen the housing code as well as the adoption of additional regulations designed to promote public safety and protect community quality of life. Some specific measures that staff is contemplating include amending the special police services ordinance to allow the town to bill tenants and landlords for the cost of responding to a problematic address, revising the housing code to provide regulations to limit and control parking, and amending the definition of family for single-family homes to enhance our ability to enforce this regulation.

I thank you for bringing your concerns to my attention, and encourage the neighborhood to continue to inform town staff and the police of problematic behavior and concerns. By working together, over the coming year I believe we can make progress in addressing the problems affecting the neighborhood.

Sincerely,

Matthew W. Hart
Town Manager

CC: Curt Hirsch, Zoning Enforcement Officer
John Jackman, Deputy Chief/Fire Marshal
SGT James Kodzis, Resident Trooper Coordinator
Mike Nintean, Director of Building and Housing Inspection
Gregory Padick, Director of Planning
James Hintz, Director of Off-Campus Services, University of Connecticut

TOWN OF MANSFIELD
DEPARTMENT OF BUILDING AND HOUSING INSPECTION



Michael E. Nintean, CBO, MCP, Director
Derek A. Debus, Housing Code Enforcement Officer

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Agenda Item Summary

RE: Proposed Changes to the Housing Code Sewer and Water Provisions

Subject Matter/Background

The Housing Department is nearing completion of the initial 2 year inspection cycle of dwelling units within the Certification zone. The public has voiced concern regarding the provisions that require septic tank cleaning and water testing within 2 years of permit issuance.

These 2 provisions have been the most common problems the Department has experienced regarding compliance with the Housing Code. Many property owners consider these regulations to be onerous. Some have voiced concern that the aggressive schedule for septic cleaning may actually be damaging their septic system and that the water testing is an unnecessary financial burden.

Staff agrees that the septic program could be eliminated without endangering public health. All tanks covered by these regulations will have been pumped within the past 2 years, upon completion of this inspection cycle. Septic problems are not known to be wide spread and if future problems do occur the septic provisions of the Housing and Public Health Code could address the situation.

The Department has noted a small number of wells do not meet the minimum standards set forth within the code. Staff believes some level of testing has merit however; to address citizen concerns' we propose extending the testing period required to every other inspection cycle. Existing provisions within the Housing and Public Health Code could also address this issue if problems arise.

Financial Impact

These changes should represent no financial impact to the Town other than a minimal reduction in staff time required to process reports. Implementation would reduce the cost of the program for property owner by approximately \$200 per septic tank cleaning and \$75 per water test.

Legal Review (Required, not complete at this time. I would also want to confirm with Dennis that this does not open the entire ordinance to petition.)

The Town Attorney has review and approved of the proposed changes.

Recommendation

Unless the public hearing raises any concerns that we have not considered, or if the Town Council wishes to edit the proposed changes, staff recommends that the Council adopt these proposed changes to the Housing Code.

If the Council supports this recommendation, the following motion is in order:

Move, to adopt the changes to the Housing Code of the Town of Mansfield dated XX, which shall become effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.

PROPOSED CHANGES TO THE HOUSING CODE ***Sections 505.2.1 and 506.3***

505.2.1. Water test. Prior to a Rental Certificate being issued pursuant to Chapter 9 of this code, a copy of a water test completed within the immediately preceding **(48)** months indicating that the water supply meets the following minimum standards must be submitted to the Code Official:

- Chloride \leq 250 mg/l
- Nitrate \leq 10 mg/l
- Nitrite \leq 1.0 mg/l
- Manganese \leq 0.5 mg/l
- Chlorine, Residual $<$.05 mg/l
- Coliform Bacteria 0 col/100ml

The sample must be drawn and tested by a firm certified by the State of Connecticut Department of Public Health to perform such duties. The provisions of this section shall not apply to dwelling units that are served by a public water supply or are regulated by the Water Quality Monitoring Schedule directed by the Connecticut Department of Public Health.

506.3 Private Sewage Disposal System Maintenance. Delete without substitution.

SAITSA NATIONAL NI

WEDNESDAY, DECEMBER 17, 2008

Ontario, Canada

Strategies to deal with rowdy students: The Londoner (03 Dec 2008)

City unveils new bylaws to curb noise, overcrowding

Posted By Ben Benedict

After years of bitter wrangling between residents and renting students in the neighbourhoods around the University of Western Ontario, peace may be at hand.

This month, the City of London – on behalf of a coalition of representatives from all sides – is introducing new bylaws and an over-arching strategy that makes rules of conduct clearer and enforcement tougher.

The new rules would apply to student tenants around Fanshawe College as well, in fact wherever they live in the city.

"This is not a strategy against students," says city planner Michael Tomazincic who has been part of the process for the past year and authored what is now called the Great Near-Campus Neighbourhood Strategy.

"We're trying to make great neighbourhoods for everyone. The first strategy is to welcome students and the student councils have been very involved."

So have a lot of other people, from the mayor and university president on down. In a process that began with a joint Town and Gown committee, which also included students and residents, the city is now putting in place five priorities that were established at community meetings over the summer.

The five priorities are:

- ! The need to consolidate bylaw enforcement with parking enforcement.
- ! A revised noise bylaw to include higher fines as well as escalating fines for repeat offenders, which was approved by city council late last month.
- ! Introduction of a rental housing licensing bylaw, which will come to council late this month, to put more responsibility for controlling rowdy students on landlords.
- ! A need to regulate the number of bedrooms per structure type, an issue that has been a particular problem around Western where old mansions become a warren of tiny bedrooms and over-crowded

exuberance.

! A new nuisance bylaw, also expected to be introduced later this month.

Restless relations between students and residents have long been an issue in London, as in most communities with large and transient student populations. In London perhaps as many as 28,000 students rent apartments and homes during the school year.

Nancy Branscombe, the councillor for Ward 6 around the university, as the incoming chairperson of city council's planning committee, will oversee implementation of the new strategies. She has also been a member of the Town and Gown Committee.

She sketches out the history of troubled relations.

"Just before I was elected (two years ago), the mayor held a working group to get an overview of all the issues. There wasn't really a comprehensive review of issues and opportunities until then," Mrs. Branscombe says.

"The police had Project Speak Easy, the mayor held her roundtable and eventually council tasked John Fleming (the city's manager of land use planning) to pull it all together with students and administrators at Western and Fanshawe College, police, fire and everyone else who had something to say.

"It's been a two-year process to get us to this point. There's still a healthy dose of scepticism so it's important to have the implementation plan including short and long-term goals."

Within the strategy are 10 initiatives – with the first being that London welcomes students as a vital part of the community as a means of setting a positive tone for the future.

In order, the other commitments include providing for safe housing, offering a higher level of public service to the community, align expectations, protect residential amenity, provide alternatives to balance the mix, create great places and spaces in our neighbourhoods, investing in infrastructure, levelling the playing field, and providing affordable housing for students, renters and homeowners.

In February Mr. Fleming brought 10 strategies to council for discussion and then to a series of public meetings over the summer. The new strategies and rules emerged from that process.

Planner Michael Tomazincic authored the final report and has been a part of the process for nearly a year.

"From the sessions this past summer, the implementation strategy was developed and that was what was presented to planning committee last month," says Mr. Tomazincic. "The most important aspect is that in past there were Band Aide solutions by one of the partners and now we're collaborating and for the first time we're working in the same direction. What I like about this plan is that it is a made in London plan."

Another key component, often lacking in policy documents, is that there is an associated three-year implementation strategy with the top five priorities established at community meetings over this past summer.

The licensing issue may prove to be the most contentious – not with students who generally support the idea but with landlords who have been slowly buying up properties in neighbourhoods around Western and Fanshawe and turning them into student housing.

“In May 2007, London hosted a provincial town and gown meeting. That’s when rental licensing came up after changes with the Municipal Act and Planning Act. It drove the issue to the forefront. Until then, everyone could articulate the problem but there were only certain things we could do,” Mrs. Branscombe says.

The new licensing bylaw will apply to all sub-standard housing, not just student housing, Ms. Branscombe says.

“The licensing by-law will help when the bar is raised for sub-standard housing. It will allow us to get into and inspect these places.”

Student behaviour is an issue many student orientated communities are dealing with albeit not all successfully. On Nov. 18, Queen’s University announced the cancelling of its annual fall homecoming event for two years in an effort to put an end to the rowdy street party that has grown up around the weekend.

In Oshawa, a year-long legal showdown pitted the City of Oshawa and the neighbourhoods of Windfields against a group of landlords that rents homes to students. A judge has now ruled commercial lodging houses are not permitted in neighbourhoods zoned for single-family residential use. In this case students rented a room, not an entire house, and within the 28-units cited court documents indicate there were about 150 residents or about five students per residence. The situation closely resembles London.

“Oshawa has a similar problem with single detached homes that were deemed rooming houses but were considered lodging houses and it could have huge implications for London,” Mr. Tomazincic says. “There’s a big difference. A family still operates as one unit whereas five students living together operate as separate families and it creates a huge issue.”

Another concern raised in the development of the three-year implementation strategy was that items associated with a financial cost come in year three, following the next municipal election. London’s Town and Gown Committee, which include student groups, educational institutes and residents most affected, will maintain continuation and oversight.

“To ensure continuation we’ve put the Town and Gown Committee in charge to ensure that the initiative continues with the new council also,” Mr. Tomazincic says.

On campus housing developments in the past two years are also having an effect on the ‘student’ rental market in London. In spite of these changes, council is moving forward with the plan because

rental accommodation affects many more residents than students.

"We're aware of what's happening like Western capping undergraduate enrolment and focusing on post-graduate enrolment. With that, if we can start implementing some of these other issues then it will help because up till now it wasn't working for anyone," Mrs. Branscombe says. "It's a mistake to assume that it's a localized problem and the problems are being seen outside of the perceived student wards. It's partly why we had unanimous support from council. You can see some of these under way and we'll work our way through the suggestions. For me, it's a thrill that there's anything."

LOVE THOSE STUDENTS

| Full time enrollment at Western, Huron, Brescia, King's and Fanshawe equals about 45,000. This represents almost 13 per cent of London's population.

| An estimated 28,000 students from out-of-London are living off campuses, about 60 per cent of full time enrollment.

| New student housing demand off campus is expected to grow by 3,600 to 4,200 in the next 10 years

| Among students 63 per cent of all respondents lived in three-plus bedroom homes in 2006 vs. only 50 per cent in 2000; 63 per cent have more than one roommate vs. 41 per cent in 2000.

| 50 per cent of students would prefer to have 0 or one roommate, but 22 per cent would like four or more.

| 40 per cent would like to live in an apartment, another 10 per cent in town home.

| Of the students surveyed nine per cent had no lease, 77 per cent are in one-year lease.

| Average rent was \$416 vs. \$362 in 2000; 66 per cent pay between \$350 and \$500 in rent.

| 51 per cent of students use transit and 30 per cent walk; only 12 per cent drive to campus.

<http://www.thelondoner.ca/ArticleDisplay.aspx?e=1325707>

POSTED BY SAITSA AT 10:28 AM

LABELS: RESIDENCE, STUDENT HOUSING, THE LONDONER, UNIVERSITY OF WESTERN ONTARIO

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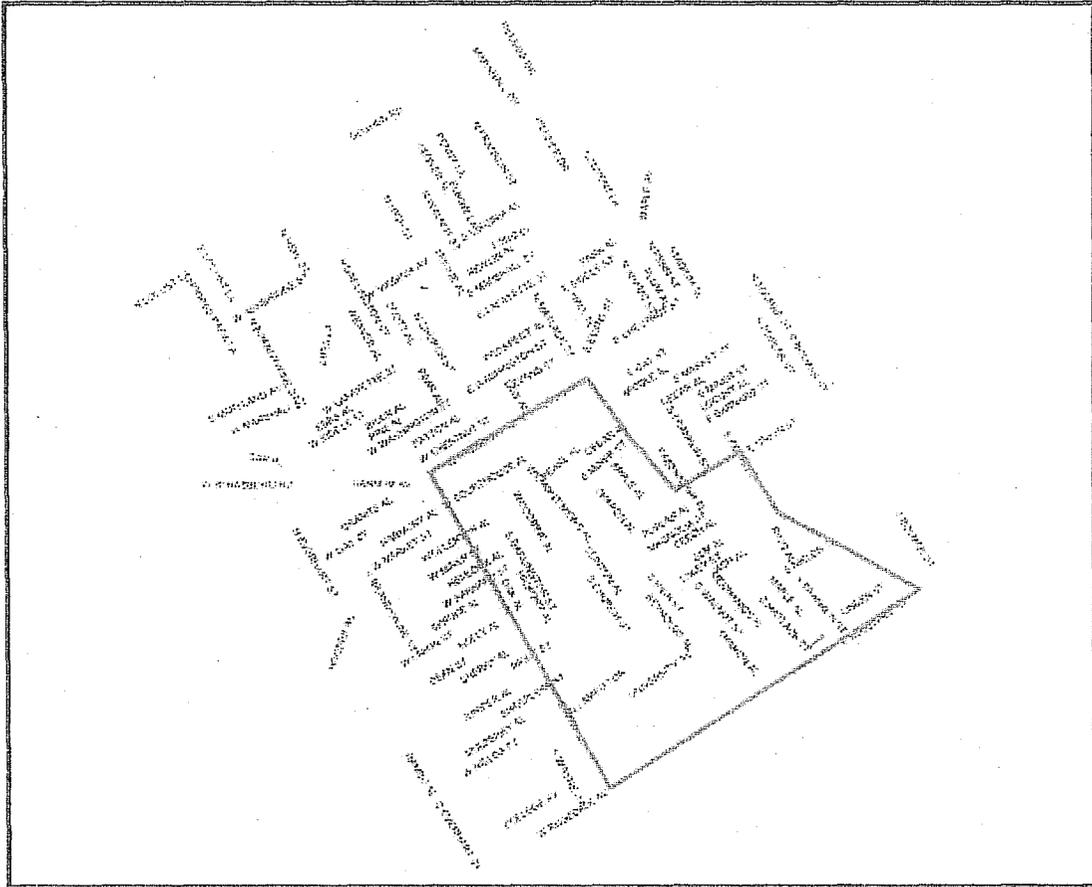
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**WEST CHESTER BOROUGH
UNIVERSITY AREA NEIGHBORHOOD TASK FORCE**



Report to West Chester Borough Council

Prepared by Representatives of:
West Chester Borough &
West Chester University
Chester County, Pennsylvania

October 2007

West Chester Borough
University Area Neighborhood Task Force Report

Task Force Participants

- Carolyn Comitta (Co-Chair, Task Force) West Chester Borough Council
- Lynn Klingensmith (Co-Chair, Task Force) West Chester University, Director, Judicial Affairs and Student Assistance
- Gerry Williams Southwest Association of Neighbors
- Shirley Shoffner North Central Neighborhood Association
- Jonathan Long Resident from the Northwest quadrant
- John Hutchinson*
- June McLaughlin East End Neighborhood Association
- Shirley Porter*
- Keir Abrahams Borough rental property owner
- Michael Perrone Borough Department of Building Housing & Codes Enforcement
- Chad Gingrich West Chester University – student
- Matthew Holliday *
- Tom Mitchell West Chester Business representative or owner
- Mike Dempsey*
- Woody Lathbury Civic Action Southeast
- Linda Glaum
- Joseph Norley* Historic South Walnut Neighborhood Association

*Resigned prior to preparation of Recommendations and completion of the Task Force Report

Copies of this report are available from the office of West Chester Borough Manager and on the West Chester Borough website: www.westchester.com .

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FORWARD

By Gerrard (Gerry) Williams, Task Force Member

What you are about to read is pretty clinical stuff -- defined situations and possible solutions as they relate to the Borough of West Chester and West Chester University. Yet, realize that a corp of concerned community volunteers has dedicated hundreds of collective hours to an assigned task. Hopefully what shines through as you read the following pages are not only the thoughtful solutions to problems but evidence of dedication and hard work by this West Chester Borough Task Force.

The Task Force has been like a child born. The beginnings were wiggles, yells, and feelings -- urgency but only in terms of personal feelings. Learning (with a few diaper changes along the way) and maturing, we were able to organize thinking and to gather information. At this point feelings were disciplined; informed judgment would come to the fore.

Blending the Task Force components (individuals) was not easy. Our reference points were so different. We were a composite of our community. Included were WCU's student representative, a recent alumnus, town business owners, retired people, and administrators from borough and university. All but one lived in town; all employed worked here; they had experienced first-hand town-gown problems.

The baby has grown over the past year. A turning point was a borough administrator emphasizing with paternal authority that personal opinions had little significance in finding sound solutions. Issues along with their solutions must be presented with "DOCUMENTATION! DOCUMENTATION! DOCUMENTATION!" Also parental guidance from borough administrators and guest participants having experience with the issues-solutions at hand, gave us discipline and focus. Through the help of our guiding mentors and committee leadership, we have moved from tantrums and "feelings" to an intelligent, informed, and responsible adult group who has with courage addressed issues and possible solutions regarding the relationship between the University and the Borough of West Chester.

EXECUTIVE SUMMARY

The mission charged by West Chester Borough Council to the University Area Neighborhood Task Force is to identify and document problems and concerns that are negatively affecting University area neighborhoods and the Borough as a whole, and to identify possible strategies for addressing these problems and issues.

This report is a summary of findings and recommendations from 18 months of work by the University Area Neighborhood Task Force. This report is meant to guide Borough and University leaders and empower residents as we continue to work together to improve the quality of life in the Borough of West Chester.

The University Area Neighborhood Task Force Report does the following:

- Identifies the problems affecting the University Area Neighborhood and the affect on both the neighborhood and the Borough as a whole.
- Frames the issues (“Introduction”):
 1. Background information: “Where We’ve Been”
 2. The current situation: “Where We Are Now”
 3. A vision for an improved future: “Where We Are Going”
- Seeks to present realistic expectations and fact-based information (“Reality Check”; “Dispelling Myths”)
- Makes recommendations for action by Borough Council and the University to improve the quality of life in the University Area Neighborhood and the Borough as a whole. (“Recommendations”)
- Makes use of nationally recognized research data, and builds on strategies that have been proven effective. (“Recommendations”; “Appendices”)
- Lists resources: individuals, organizations, websites, and research data. (“Resources”; “Appendices”)

How should this report be used?

Although specifically written for and at the request of the West Chester Borough Council, a copy of the report will be presented to Dr. Madeline Wing Adler, President, West Chester University. It is the hope of the Task Force that the University will carefully review this report and will commit to being a partner with the Borough in addressing these recommendations

West Chester Borough
University Area Neighborhood Task Force Report

EXECUTIVE SUMMARY (continued)

Framing the issues

Borough Council, the Mayor and other high-level decision makers from the community and the University must work together to create a multi-faceted comprehensive approach and speak with one voice in order to make any real progress. (i.e. local government, university, residents and business community)

Two issues are at the heart of the problems identified by the Task Force:

1. Violations of the liquor law:
 - Including underage drinking, public drunkenness, open containers, serving alcohol to visible intoxicated people.
2. Density:
 - Number of 18-24 year olds living in the Borough, on and off campus
 - Rentals in the university area neighborhood
 - Density of liquor licenses in the Borough

Task Force Recommendations:

Education/Communication:

1. Create a High-Level "Campus/Community Coalition"
2. Revamp the "Town Gown Council"
3. Create a Booklet: "Guide to Life in the University Area Neighborhood"
4. Partner with and/or Support Campus/Community Initiatives of the West Chester University Foundation

Environmental:

1. Deny New Liquor License Transfers into the Borough
2. Support "Safety Shuttle" Project
3. Collaborate with Pennsylvania Liquor Control Board (PLCB) in marketing benefits of RAMP (Responsible Alcohol Management Program) to liquor license establishments to take part in RAMP training and/or certification.
4. Support "Business Watch" Program
5. Support the Recommendations of the Pennsylvania Economy League (PEL) Study

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EXECUTIVE SUMMARY (continued)

Enforcement:

(Police Initiatives)

1. Support West Chester Police Department need for increase in personnel
2. Support West Chester Police Department grant applications for Pennsylvania Liquor Control Board programs
3. Encourage WCPD expanded use of Emergency Medical Technician's (EMT's) and hospitals
4. Encourage and support WCU to evaluate the use of on-campus facilities (such as the Health and Wellness Center) as an alternative to Borough jail cells for holding intoxicated university students.

(Judicial Initiatives)

5. Support "Young Adult Community Conferencing" ("YACC")

(PLCB and LCE Initiatives)

6. Empower and Educate Residents about laws and rights regarding "Nuisance Bars"

Conclusion:

The recommendations of this Task Force are meant to be part of a comprehensive, multi-faceted approach involving the resources of both the Borough and the University.

It is reasonable to expect that with a carefully coordinated campus/community effort that alcohol-fueled incidents can be reduced and the quality of life in the University Area Neighborhood improved. It could take 5 years (a generation of university students) to evaluate the success of our initiatives to improve safety and quality of life for the residents of the University Area Neighborhood and the Borough as a whole.

Copies of this report are available from the office of West Chester Borough Manager and at the Borough's website: www.westchester.com .

INTRODUCTION

West Chester Borough Council formed the University Area Neighborhood Task Force in October 2005, with the initial meeting held March 20, 2006. The purpose of this ad hoc committee was to identify and document problems and concerns that are negatively affecting University area neighborhoods and to identify possible strategies and a plan for addressing these problems and concerns.

The Task Force roughly defined the "University Area Neighborhood" as that section of the Borough between Rosedale and Market Streets and between Matlack and New Streets. (See Appendix for a map of the study area.) West Chester Police Department data shows that the vast majority of nuisance crimes committed in the Borough occur in the southeast quadrant of the Borough (Task Force study area). The Borough Building, Housing and Codes Enforcement reports for 2005 and 2006 show the southeast quadrant of the Borough to have by far the highest number of total violations.

In order to think about problems and possible strategies to improve the quality of life in the University Area Neighborhood, it is helpful to take a look at where we've been and where we are now.

Where we've been:

West Chester has hosted a University since its antecedent, the State Normal School opened in 1871. As the University has grown in population, this brought many changes to the Borough of West Chester. Headlines from the 1980's highlighted strains on the "town-gown" relations between the University and the Borough. Off-campus drinking, related noise, trash and parties were the major themes. The Town Gown (TG) Council, initiated by Mayor Thomas Chambers in 1987, was formed in response to this strain. The focus of the TG Council was to promote harmonious relationships between the Borough and University by bringing stakeholders together. It would appear that the presence of the Council, while good intentioned, did not have resources or ability to address the underlying sources of complaints from Borough residents.

In the mid to late 1990's there was a resurgence of the West Chester downtown area. New businesses, restaurants and bars moved in, which brought increased revenue and retail activity, but also had ancillary effects. Parking, congestion, and increased crime, have all impacted the quality of life in and around the Borough. In addition, Borough services and infrastructure have also been affected by this growth.

In 2002, Mayor Yoder introduced "Operation Vigilance", a program to target those behaviors that negatively impacted the quality of life in and around the Borough. The West Chester Police

West Chester Borough
University Area Neighborhood Task Force Report

INTRODUCTION (continued)

Department has applied and received grant funding from the Liquor Control Board to assist them in their efforts to address alcohol-related violations and behaviors. Most recently (2005), the Department received a \$10,000 grant for "SIP" (Source Investigation Program) a program to target the furnishers of alcohol to minors. Although the Department no longer is receiving funding, this program has remained in place.

The conversions of Single-Family Dwellings (SFD) stopped in 1988 when the Borough rewrote the zoning code. The town center has had an increase in rental units, but that is exactly what was intended with the code change in 1988. The increase of down town rental units complies with The Comprehensive Plan of the Chester County Planning Commission known as "Landscapes". The Student Home Ordinance was passed in April 2001, to prevent the addition of any new student homes unless on a block that is not already impacted by student homes.

Where we are now:

Undeniably, West Chester's revitalization is a great success, with the Borough being listed in a number of "best places" to live, etc. It has become a destination spot for young and old living in surrounding suburbs with 36 liquor licenses (only 25 of which are restaurant licenses) and 54 eating establishments. Archaic Pennsylvania tax laws prevent the Borough from raising the additional revenue needed to address increased safety and other service needs. The Borough police department is overburdened and does not have the resources to address the surge in primarily alcohol-related incidents. Increasing demands on Borough services and stagnant revenue continue to concern permanent residents and Borough Council.

The mix of permanent residents and student rentals has resulted in an array of problems in the University Area Neighborhood. West Chester Police Department (WCPD) Chief, Scott Bohn, reports that the vast majority of nuisance crimes in the Borough are alcohol-related and most occur in the southeast quadrant of the Borough (Task Force study area). The Borough Building, Housing and Codes Enforcement reports for 2005 and 2006 show the southeast quadrant of the Borough to have by far the highest number of total violations (See Appendix). In addition, the Chief's report shows that although nuisance crimes are up, violent crime is down overall, to the second lowest totals in the last 10 years. (See Appendix: Chief Bohn, Testimony, Bar Blue II Hearing, February 2007)

Up until 2002 and the start of Operation Vigilance and the SIPS Program large student house parties were common. Fewer house parties has led to a reduction in problems like violations of the noise ordinance. Currently the most prevalent alcohol related problems occur on the street and include underage consumption, public drunkenness and disorderly conduct.

West Chester Borough
University Area Neighborhood Task Force Report

INTRODUCTION (continued)

1. Most of the Borough's total nuisance crimes occur in the southeast quadrant of the Borough (Task Force study area).
2. The density of student tenants per neighborhood block is considered too high for promoting a healthy neighborhood balance in most of the defined study area.

Where we are going:

The Task Force's recommendations focus on strategies to improve the quality of life in the University area neighborhood for both the permanent residents of the Borough and student renters. The findings and recommendations in this report are organized using the model developed in the NIAAA's (National Institute for Alcohol Abuse, and Addiction) Task Force on College Drinking: "A Call To Action: Changing the Culture of Drinking at U.S. Colleges" and the recommendations of the Higher Education Center: Effective Prevention Framework (See Appendix):

1. Education/Communication Strategies
2. Environmental Strategies
3. Enforcement Strategies.

The Task Force recommendations are intended to lead toward reducing alcohol-related crime in the borough and to increase safety for Borough residents and students.

"REALITY CHECK":

1. There are some West Chester "environmental" conditions that are not going to change:
 - a. Students:

Every year approximately 8,400 undergraduate college students live in and/or go to school in the Borough of West Chester. Of these, approximately 4000 live off-campus, primarily in the University Area Neighborhood. (There has been an increasing number of young people in West Chester for the last 130 years since the founding of the West Chester Normal School.) Each year approximately one-quarter of these students graduate and are replaced by a new group of young people who are on their own for the first time and will need to learn to shift their focus from answering to their parents to answering to their new community.
 - b. Rentals:

West Chester has an abundance of rental properties housing students and other young people between the ages of 18 and 24. (Currently over 60% of West Chester's residences are rental properties.) Most of the student rentals are located in the southeast quadrant of the Borough, the "University Area Neighborhood".

INTRODUCTION (continued)

c. Liquor Licenses/Bars:

West Chester has an overabundance of liquor licenses. The Borough has a total of 36 liquor licenses and a total population of 18,000 people, equaling 1 for every 500 people. Retail liquor licenses equal a total of 25, or 1 for every 720 people. The (40-50 year old) state standard for license issuance is 1 per 3000 people.

2. Resources are limited:
 - a. Revenue
 - b. Police personnel
3. Alcohol is the cause of most nuisance/quality of life crimes, and is a National epidemic.
4. The behavior of young people is often annoying to older "adults". For example, 18-24 year olds are usually going out for the night, at the time most "adults" are going to bed; there is a different perception of what is "too loud"; the normal, appropriate "exuberance" of youth can be perceived as loud and annoying to older adults.
5. There is no one "silver bullet" that will resolve the challenges facing the University Area Neighborhood. The causes are multi-determined and the plan of action needs to be multi-determined.
6. Only through hi-level collaborative planning between the campus and the community can effective strategies be developed and implemented.
7. Strategic campus/community planning is essential to getting what we want and what is feasible.
8. We may not be able to solve all of the problems we identify.
9. Many communities would love to have our problems! (Vibrant downtown/excellent University)

DISPELLING MYTHS:

The Task Force has made every attempt to deal with facts and not myths. Some commonly held "myths" that need to be clarified follow.

1. **The Myth:** "All run-down properties are rental properties."

The Facts: One full-time Borough Codes Enforcement Inspector addresses property maintenance issues for all properties in the Borough and issues citations regularly for both rental and owner-occupied dwellings.

INTRODUCTION (continued)

2. **The Myth:** “West Chester continues to lose single-family homes.”

The Facts: The conversions of single-family dwellings (SFD) to two family and multi-family dwellings stopped when the Borough’s zoning code was rewritten in 1988. Since then there has been no conversion of SFD’s to multi-family dwellings in the Borough. The town center has had an increase in rental units, which was the intent of the changes in the 1988 code, and also complies with the Chester County Planning Commission’s ‘Landscapes’ plan. The 2001 “Student Housing Ordinance” added more teeth to the Borough laws stopping the conversion of SFD’s into student homes.

3. **The Myth:** “WCU students account for the majority of nuisance crimes in the Borough and the University Area Neighborhood.”

The Facts: WCU students account for approximately 50% of the citations issued for alcohol-fueled incidents in the Borough.

Approximately 50% of alcohol-fueled incidents in the Borough are caused by non-WCU students between the ages of 18 and 24.

If you add those percentages together, you will see that most alcohol-fueled Borough violations are committed by young people between the ages of 18 and 24. The good news is that the Borough can work closely with WCU to develop strategies to reduce alcohol-related violations among their student population, and those same strategies are likely to be effective in reducing violations among the rest of the 18-24 year olds.

4. **The Myth:** “College age young people should be able to think and behave like adults”.

The Facts: New data shows the brain may not be fully developed until the mid-twenties, with reasoned judgment and risk assessment among the last skills to be developed. (NIH-funded study, National Longitudinal Study of Adolescent Health, 2006, www.NIH.gov)

5. **The Myth:** “University students don’t contribute to the community, they just cause problems and drain our resources.”

The Facts: Each year approximately 300-400 WCU students are cited for underage drinking, disorderly conduct, public drunkenness, noise, DUI’s, open containers, license violations, drugs and criminal mischief. Each year close to 5000 WCU students contribute over 185,000 hours to volunteer programs in the community including Adopt-a-Block (litter pick up program), WC Fire Department volunteer fire fighters, MADD, Run for Life (American Cancer Society – last year students raised \$40,000 for this

INTRODUCTION (continued)

cause), West Chester Recreation Department events such as Restaurant Festival, Halloween Parade, Old Fashioned Christmas, Camp Dreamcatcher (fundraising and camp counselors), Habitat for Humanity, Salvation Army and much more. For the third year, the financial contribution from WCU students has exceeded \$100,000.

6. **The Myth:** "Over consumption or binge drinking is a problem behavior exhibited primarily by teens and college age young people."

The Facts: The real behavior crisis is among adults age 35-54. In this age group there are 21 million binge drinkers (those downing five or more drinks on one occasion in the previous month), double the number among teenagers and college students combined according to the government's National Household Survey on Drug Use and Health. (See Appendix, New York Times Article, "This Is Your (Father's) Brain on Drugs" and Youthfacts.org)

BACKGROUND

(See Appendix for complete Task Force mission as created by Borough Council, October 2005.)

In October of 2005, the Borough of West Chester voted to create an ad hoc committee authorized to study and report on University area neighborhood concerns. Council President, Paul Fitzpatrick, appointed original members and the initial meeting of the "Task Force" was held in March 2006. We are pleased to present our final report to Borough Council.

The Task Force was charged to identify and document problems and concerns that are negatively affecting University area neighborhoods; define the "University area neighborhood" (study area); identify and document the effect the problems and concerns have on the neighborhood and the Borough as a whole; the effect to the Borough as a whole; and to identify possible strategies for addressing these problems and issues.

Recommended strategies were to be prioritized and to include the following considerations:

- Legal ability to implement
- Cost to implement
- Specific benefit from strategy or plan
- Any impediments to implementation
- Expected or projected timeframes to implement each strategy

West Chester Borough
University Area Neighborhood Task Force Report

INTRODUCTION (continued)

THE PROCESS

The Task Force organized itself into subcommittees in order to work more effectively: "Landlord and Tenant Issues", "Zoning Issues", "Issues related to West Chester University" and "Quality of Life Issues". Both full Task Force and Sub-Committee meetings were held over the course of the last 18 months. Task Force work included individual research, individual and group interviews, visits and tours of the identified University Area Neighborhood, visits to other University communities, ride-alongs with the West Chester Borough Police Department and the State College Borough Police Department, and examination and evaluation of the "best practices" of other University communities.

Please see the "Resources" section at the end of the report for a comprehensive list of individuals and groups interviewed as well as other resources used in developing the recommendations found in this report.

It is the intention of the Task Force to present in this report only legal (in PA), actionable and cost effective recommendations. There has been every effort made to include only those problems and concerns for which there is verifiable documentation.

COMMITTEE MEMBERS

The Task Force was formed to consist of 12 members with the following representation:

1. Historic South Walnut Neighborhood Association
2. Southwest Association of Neighbors
3. North Central Neighborhood Association
4. Resident from the Northwest quadrant
5. East End Neighborhood Association
6. West Chester University – official
7. Borough rental property owner
8. Borough Council
9. Borough Department of Building Housing & Codes Enforcement
10. West Chester University – student
11. West Chester Business representative or owner
12. Civic Action Southeast

At the time of this report, there are 11 Task Force numbers, with the resignation of the original representative of the Historic South Walnut Neighborhood Association and no replacement offered by that Association.

West Chester Borough
University Area Neighborhood Task Force Report

INTRODUCTION (continued)

HOW SHOULD THIS REPORT BE USED?

Although specifically written for and at the request of the West Chester Borough Council, a copy of the report will be presented to Dr. Madeline Wing Adler, President, West Chester University. It is the hope of the Task Force that the University will carefully review this report and will commit to being a partner with the Borough in addressing these recommendations.

This report is set up to be as user-friendly as possible. The section titled "Summary List of Recommendations" is formatted to include one recommendation per page. Each page includes a brief description of the problem being addressed, the specific recommendation, the goal, the participants required, major action items, projected costs, projected time frame, and impediments to implementation.

LIST OF IDENTIFIED AND DOCUMENTED PROBLEMS AND CONCERNS

A. EDUCATION/COMMUNICATION ISSUES

- A.1. There is currently no high-level coordinated effort between the Borough and the University to address shared campus/community issues, events, etc.
- A.2. A lack of "sense of community" exists between students and the business and residential community, particularly between student renters and permanent residents in the Study Area.
- A.3. 18-24 year old tenants are often not aware of their rights and responsibilities regarding such things as "being a good neighbor", landlord responsibilities, Borough laws, etc.
- A.4. Students living off-campus are not required to participate in any type of orientation/information program related to tenant and neighborhood laws, rights and responsibilities.

B. ENVIRONMENTAL ISSUES

- B.1. The high density of rental properties and young people living on each block in the Study Area, creates challenges not experienced in other areas in the Borough.
- B.2. There is a high density of liquor license establishments in the Borough's downtown that caters to the 21-25 year old drinkers.
- B.3. Alcohol-fueled nuisance crimes are on the rise in the Borough, with the majority of incidents occurring in the southeast quadrant (Task Force Study Area)
- B.4. Pedestrian safety, noise, theft, vandalism, muggings and public urination are late-night issues in the Study Area.

LIST OF IDENTIFIED AND DOCUMENTED PROBLEMS (continued)

C. ENFORCEMENT ISSUES

- C.1. Borough Police resources are overburdened and revenue sources for hiring more police officers are limited.**
- C.2. Borough jail cells are overcrowded due to laws that require police officers to hold intoxicated offenders in jail until sober or to release intoxicated offenders to a sober adult, or medical personnel.**
- C.3. Traditional sentencing of 18-24 year old (alcohol-fueled) nuisance-crime offenders leads to a high rate of recidivism, and does not typically benefit the community or lead to new understandings between the offender and community victims.**

The problems and concerns listed above have been selected following careful examination and documentation. Every effort has been made to include only those problems for which there is sufficient verifiable documentation.

The documentation of the problems listed above can be found in the Appendix. Documentation includes the following: Testimony at Senator Dinniman's Hearing on Alcohol-related Crime in State University host communities (May 2007); PEL Study (November 2006); testimony of Chief Bohn, WCPD, Bar Blue II Liquor License Transfer Hearing (February 2007), Judge Gwenn Knapp's court data; interviews with residents, bar owners, and WCU staff and students.

RECOMMENDATIONS

A. EDUCATION/COMMUNICATION

A.1. Create a High Level "Campus/Community Coalition"

The Task Force unanimously recommends that the President of Borough Council and the President of West Chester University create a standing Campus/Community Coalition (Similar in make-up to the pre-existing President's Alliance of West Chester University)

This Coalition would be comprised of high level Borough and University decision makers and other key community representatives. The purpose of the Coalition is to coordinate existing tactics and to determine and enact a central strategic plan including environmental, educational and enforcement strategies that will reduce the number of alcohol-related incidents in the Borough.

GOAL: Reduce alcohol-related incidents in the Borough through on-going high-level coordinated Borough/University effort.

Implementation: President of Borough Council, Mayor and President of West Chester University appoint key Borough and University decision makers and other key community leaders to the Consortium. Administration provided by West Chester Business Improvement District (BID) Executive Director and staff.

Implementing Agency: President of Borough Council, Mayor, President of West Chester University, and Executive Director, West Chester BID

Cost to Borough to Implement: Time spent by Borough employees to attend meetings.

A.2. Revamp the "Town Gown Council"

The Task Force unanimously recommends that Borough Council support the efforts of the University and the Borough to revisit the purpose and function of the Town Gown Council to create an organization that is less of an information exchange and more project oriented. (i.e.; focusing more on collaborative projects between the Borough and the University like "Adopt-a-Block")

The mission of Town Gown Council (to enhance the relationship between the Borough and the University) may be better served by incorporating an "action" component.

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RECOMMENDATIONS (continued)

GOAL: Create a standing Town Gown Council whose mission is to build positive relationships between town and university residents and to improve the “sense of community” through active campus/community projects.

Implementation: Create an Executive Board consisting of the WCU staff advisor to OCSHA (Off-Campus Student Housing Association), the student president of OCSHA, president of the Greeks, a Borough Council member from Ward 3,4 or 5, Representatives of each neighborhood association: CASE, SWAN, HSWNA.

Implementing Agency: Borough Council representatives of Wards that fall within the Task Force Study Area, Town Gown Council

Suggested Town Gown Council Projects:

1. University Area Neighborhood Associations and the WCU Off Campus Student Housing Association organize annual early fall semester block parties, and other “meet your neighbor” events.
2. “Guide to Life in the University Area Neighborhood”. Participate in creating this “Guide” by brainstorming a list of items and information that should be included in this Guide: i.e. “ How to be a good neighbor (permanent residents and student renters), Borough laws on building codes, tenant safety, personal behavior, etc. (See below: “Guide to Life in the University Area Neighborhood.”)
3. Expand “Adopt-a-Block” to include neighborhood associations.
4. Create an on-going public relations/communication campaign to promote awareness of Town Gown projects, and campus and community activities through the following: Borough Quarterly Newsletter; Daily Local News; WCU “Quad” Newspaper; Neighborhood Association email lists.

Cost to Borough to Implement: None (Cost to WCU is likely the same as current Town Gown administration)

A.3. Create Booklet: “Guide to Life in the University Area Neighborhood”

The Task Force unanimously recommends that Borough Council support the creation of a booklet which will be distributed/available to Borough residents and University students (targeting those who live in the University Area Neighborhood) and will include such useful information as: resident and tenant rights and responsibilities,

RECOMMENDATIONS (continued)

Borough and University events, phone numbers/resources, Borough Council information, practical tips for living in the Borough, trash, and noise ordinances, alcohol laws and penalties, property maintenance issues, etc. This publication could also feature artwork or articles prepared by University students.

GOAL: Produce one annual publication that will improve public awareness and access to actionable information by informing both Borough and WCU residents of Borough and University contact information, activities, available services, safety issues, and state/local laws and applicable fines.

Implementation: The booklet will be an annual project of a WCU professor and class or WCU graduate student and will incorporate information from the Borough, University, Town and Gown Council, WCU Foundation, Neighborhood Associations, etc.

Implementing Agent: Borough Council's Public Safety Committee, West Chester University Professors and students

*Lynne Cook WCU professor of technical writing, has expressed an interest in taking on this project with her writing class for the spring semester, 2008.
(LCooke@wcupa.edu Office: 610-436-2163)*

Cost to Borough to Implement: None

A.4. Partner with and/or Support Campus/Community Initiatives of the West Chester University Foundation

The majority of the Task Force recommends that the Borough partner with and/or support the WCU Foundation in identifying projects that will benefit both the Borough and the University.

GOAL: Partner with a private foundation that exists for the good of WCU, and has the ability to engage in those projects that are not possible for a State University.

Project #1: The WCU Foundation is willing to investigate and analyze potential conversions of existing multi-unit rental properties in the University Area Neighborhood to supply faculty and staff with affordable housing in the Borough (See Appendix for letter of support from WCU Foundation)

RECOMMENDATIONS (continued)

GOAL: Reduce the density of student rentals in the University Area Neighborhood, and increase the number of WCU faculty and staff living in that neighborhood.

Implementation: Borough Council agrees to offer verbal and staff support for those WCU Foundation projects that benefit the University Area Neighborhood (or the Borough as a whole) and charges the appropriate Borough department or Board (West Chester BID) to cultivate and coordinate partnership projects that will improve the Neighborhood.

Implementing Agency: Borough Council's Planning Zoning Business and Industrial Development Committee (PZBID), West Chester University Foundation, West Chester BID.

Cost to Borough to Implement: Minimal (Time of Borough employees to attend meetings or supply information to WCU Foundation for specific projects.)

B. ENVIRONMENTAL

B.1. Deny New Liquor License Transfers into the Borough

The Task Force unanimously recommends that Borough Council deny future liquor license transfers into the Borough.

GOAL: To take such action as allowed by law to deny new liquor license applications in order to protect the health, safety and welfare of the people of West Chester, thereby holding steady the number of liquor licenses in the Borough to not further stretch the resources of an already overburdened Borough Police Department and other municipal services.

Implementation: As of January 2007 PA State law made it legal for a municipality to deny a liquor license transfer application if statistics support that it will negatively affect the health safety and welfare of the Borough. The Task Force recommends that Borough Council base its denials on the PEL Study findings and on statistics listed in WCPC Chief Bohn's testimony at the Bar Blue II Hearing, February 2007.

Borough Council should bear in mind that a liquor license that is transferred into the Borough may later be sold and moved to another establishment at another location in

RECOMMENDATIONS (continued)

B.2. Support “Safety Shuttle”

The Task Force unanimously recommends that Borough Council and WCU Administrators support the efforts of West Chester University students and others to create a “safety shuttle” that would transport students between the University and downtown.

GOAL: Increase the safety of students traveling by foot to and from the Borough and their residences (on or off campus); to reduce the incidence of DUIs among the students; and to reduce the quantity of incidents of alcohol-fueled incidents committed by students leaving the downtown area and traversing through the southeast quadrant (after hours).

Implementation: WCU student have conducted two separate studies regarding a safety shuttle that would loop through campus and up into the Borough. One business plan proposes financing the shuttle through grants and charging a rider fee. The other business plan proposes financing the costs for a shuttle bus through the Student Government Association. The first team mentioned above has met with local Judges, the BID Director, and business owners in the Borough and has recently applied for a PUC license. The Task Force applauds the efforts of these University students, and encourages the Borough and University to support this initiative.(See Appendix: WCU student Shuttle Bus Proposals; Lehigh University “Safety Bus”)

Implementing Agency: West Chester University students

Cost to Borough for Implementation: None

B.3. Collaborate with Pennsylvania Liquor Control Board (PLCB) in marketing benefits of RAMP (Responsible Alcohol Management Program) to liquor license establishments to take part in RAMP training and/or certification.

The Task Force unanimously recommends that Borough Council encourage the BID to lead efforts to collaborate with PLCB in marketing the benefits of RAMP training and/or certification for liquor license establishments.

GOAL: To reduce alcohol-related crime, such as underage drinking and over-consumption by training and enlisting the assistance of those that own and work in establishments that serve alcohol.

RECOMMENDATIONS (continued)

Implementation: The Public Safety Committee and the BID could work together with Town Gown Council to collaborate with the PLCB in marketing benefits and/or incentives for RAMP training and/or certification for owners and servers.

RAMP Trainings are available for (1) Owner-Managers (2) Servers. Training and associated activities can lead to RAMP certification. RAMP training and certification has been shown to be an effective educational tool for addressing underage drinking, over-pouring, etc.

Implementing Agency: Borough Council's Public Safety Committee, West Chester BID, PLCB and West Chester establishments that serve alcohol.

Cost to Borough to Implement: None

B.4. Support "Business Watch" Program

The majority of the Task Force recommends that Borough Council support the creation of a Business Watch Program for the Downtown Business District, as drafted by Mayor Yoder and West Chester Police Chief Bohn and administered by the Business Improvement District (BID) and staffed through a partnership with the WCU Criminal Justice program.

GOAL: Increase supervision, provide additional security, promote safety and reduce crime in the downtown Business District in a cost effective way.

Implementation: West Chester Police Department (WCPD) will manage the program, recruiting and training, and the BID will administer the program. Costs for the program will be paid initially through a voluntary one-year assessment levied on Borough establishments with liquor licenses. This pilot program will evolve into a "Special Benefit District", a five-year assessment district administered much like the Downtown Business Improvement district under the Pennsylvania Neighborhood Improvement District Act.

Implementing Agency: Borough Council's Public Safety Committee, West Chester Police Department, West Chester BID

Cost to Borough to Implement: None (funding from establishments that sell liquor)

RECOMMENDATIONS (continued)

B.5. Support the Recommendations of the PEL Study

The majority of the Task Force recommends that Borough Council actively support the recommendations of the Pennsylvania Economy League, November 2006, especially those recommendations that relate to changes in state tax laws, and those that relate to improved campus/community cooperation.

GOAL: To enable the Borough to raise revenue to adequately provide the increased safety and service needs of West Chester (including its (tax-free) County buildings and State University); needs that are exacerbated by an overabundance of (low-tax revenue) liquor licenses.

Implementation: Borough Council should actively support the work of Senator Andrew Dinniman and such organizations as Pennsylvania League of Cities and Municipalities (PLCM) in on-going efforts to amend Pennsylvania State law to raise local revenue, as recommended in the study. Borough Council should follow the recommendation to improve collaboration and cooperation with WCU at all levels. (Several recommendations in this Task Force Report specifically aim to expand collaborative use of Borough and University resources.)

GOAL: Better coordinate and mobilize the resources of the University and its host community to improve health, safety, and welfare for all.

Implementation: Borough Council, Borough Departments, Borough Boards and Commissions seek partnership with the WCU faculty and student academic and volunteer community to expand opportunities for service learning, addressing various Borough needs (such as website development, information technology, research and grant writing, etc.). Many of the recommendations in this Task Force Report specifically aim to expand collaboration between the University and the Borough.

Implementing Agency: Borough Council, Borough Department Heads, Chairs of Borough Boards and Commissions and West Chester University Office of Service Learning and Volunteer Programs (Maggie Tripp)

Cost to Borough to Implement: None/Minimal

RECOMMENDATIONS (continued)

C. ENFORCEMENT

(Police Initiatives)

1. **Support increased police personnel as per the WCPD Strategic Plan, June 2007.**
The Task Force unanimously recommends that Borough Council support increased police personnel needs as requested by Chief Bohn, and the West Chester Borough Police Department (WCPD) Strategic Plan, June 2007. (See Appendix: WCPD Strategic Plan, 6/07)

GOAL: Increase the number of Borough police officers in order to more effectively enforce (primarily alcohol-related) laws related to protecting the health safety and welfare of Borough residents and visitors.

Implementation: Borough Council's Public Safety Committee and Finance Committee should work with the West Chester Police Department to seek new revenue sources to allow implementation.

Implementing Agency: Borough Council's Public Safety and Finance Committees, West Chester Police Department.

Cost to Implement: Additional costs should not be borne by residents through additional real estate taxes. (See Appendix, WCPD Strategic Plan, 6/07)

2. **Support the efforts of the West Chester Police Department (WCPD) to continue applying for grant funding to offset the costs of police services and special programs.**

The Task Force unanimously recommends that Borough Council support and encourage the efforts of the WCPD to continue to apply for grant funding to offset costs of police services. Grant funds, especially those from the Liquor Control Board, can assist the police department in their efforts to address the consequences of alcohol violations.
(SIPS, Operation Vigilance, etc.).

GOAL: Build on the success of current grant funding programs to access available resources for WCPD funding that do not add to the tax burden of Borough taxpayers - to offset personnel and equipment costs.

RECOMMENDATIONS (continued)

Implementation: WCPD researches and writes grant proposals and/or works with WCU Criminal Justice or Government and Planning professors and graduate students to partner on grant identification and proposal writing.

Implementing Agency: WCPD and WCU Office of Service Learning and Volunteer Programs (Maggie Tripp)
Mary Brewster, faculty member, Criminal Justice Department, WCU has offered to lend assistance to the WCPD in grant finding and writing.
(MBrewster@wcupa.edu Office: 610-436-2630)

Cost to Implement: Grant-writing time by WCPD personnel.

3. Support the West Chester Police Department's (WCPD's) investigation into greater use of ambulance and emergency room services as appropriate

The Task Force unanimously recommends that Borough Council support the WCPD's investigation into greater use of local ambulances, paramedics and hospital emergency rooms in evaluating and handling dangerously intoxicated individuals.

GOAL: Promote the health and safety of dangerously drunk individuals, to expand use of available community resources in processing dangerously drunk individuals, and to mitigate WCPD liability and jail space issues.

Implementation: WCPD will contact local ambulance and hospital emergency personnel to determine appropriate criteria and protocol for calling on the emergency medical community to evaluate and treat dangerously drunk individuals. Citations will be mailed to the offender's home address the following day.

Implementation Agent: Borough Council's Public Safety Committee, West Chester Police Department

Cost to Borough to Implement: No additional cost to Borough. Cost for ambulance calls and emergency room treatment are the responsibility of the individual offender.

RECOMMENDATIONS (continued)

4. **Request and encourage West Chester University officials to explore the use of on-campus facilities as an alternative to Borough jail cells to hold intoxicated WCU students.**

The Task Force unanimously recommends that Borough Council request and encourage WCU to explore and evaluate the use of on-campus facilities (such as the Health and Wellness Center) as an alternative to Borough jail cells for holding intoxicated WCU students.

GOAL: Relieve the overcrowding of Borough jail cells, keep more WCPD officers on the street and keep intoxicated students safe.

Implementation: West Chester Borough Police Department will partner with WCU Police Department and WCU Director of Health and Wellness Center to explore and evaluate a procedure for transporting, holding and supervising intoxicated WCU students at University facilities (Health and Wellness Center); supervised by WCU police officers and WCU health personnel.

Implementing Agent: Borough Council Public Safety Committee, West Chester Police Department, WCU Police Department, WCU Health and Wellness Center.

Cost to Borough to Implement: There will be minimal initial cost to the Borough Police Department to partner with WCU in setting up this program, and should reduce or have no impact on overall police operation costs once implemented.

(Judicial Initiatives)

5. **Support “Young Adult Community Conferencing” (“YACC”)**

The Task Force unanimously recommends that Borough Council support “Young Adult Community Conferencing” (“YACC”) and other alternative sentencing pilot programs that benefit the community.

GOAL: Involve victims and community in the criminal justice system and hold offenders between the ages of 18 and 24 accountable through taking responsibility and making amends. (See Appendix: “YACC”, a pilot program offered by Judge Gwenn Knapp, District Court 15-1-04)

RECOMMENDATIONS (continued)

Implementation: “Center for Resolutions”, Media, will hold training sessions for Borough volunteer community team members and facilitators and will oversee the project. Borough Council and WCU can support this program by:

1. Placing advertisements for “YACC” in Borough and University newsletters, bulletin boards and websites.
2. Verbally encouraging support of volunteer recruitment efforts: community conferencing team members, team facilitators and supervisors for public service assignments.
3. Supporting the search for regular monthly meeting sights (such as Senior Center, Church basements, business offices)
4. Support the search for useful public service sights. (An appropriate activity or organization that would welcome young people as part of the public service alternative sentence.)

Implementing Agent: “Center for Resolutions”, Media, PA

Cost to Implement: No cost to Borough.

(PLCB and LCE Initiatives)

6. **Empower and Educate Residents about laws and rights regarding “Nuisance Bars”**

The Task Force unanimously recommends that Borough Council make PLCB Pamphlet LCB-67, and the Borough “Tip Line” widely available to Borough residents and Neighborhood Associations.

GOAL: Make the public aware of their rights to see LCB laws enforced.

Implementation: The Public Safety Committee will work with Borough Administration and Neighborhood Associations to establish a plan to widely distribute (hard and digital) copies of PLCB Pamphlet LCB-67 and the Borough Tip Line in order to empower and encourage residents to become more aware of their rights regarding “Nuisance Bars”.

Implementing Agent: Borough Council’s Public Safety Committee with Borough Administration and Neighborhood Associations.

Cost to the Borough: Minimal

RESOURCES

SPEAKERS/ MEETING PARTICIPANTS:

- Bicking, Michael (Director WCU Public Safety)
mbicking@wcupa.edu
- Bohn, Scott (Chief, West Chester Police Department)
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- Brenner, Christine (Advisor, Off-Campus Student Housing Association; Assistant
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- Burkenstock, Lola (Resident)
- Chrisman, Bill (Resident)
- DiJiacomo, Anthony (WCU student; Board of Directors, Off-Campus &
Commuter Association; waste receptacle/litter proposal)
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(BID))
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- Kuklis, John (WCU student; proposal for late night/safety bus)
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East)
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- McKee, Eric (WCU student – proposal for late night/safety bus)
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emcneely@westchester.com
- Norley, Joe (Former member of Task Force; President, Historic South Walnut
Neighborhood Association)
Realknow@aol.com

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RESOURCES (continued)

O'Donnell, Sgt. John (West Chester Police Department)

Porter, Shirley (Former member of Task Force)
portermarvshirl@worldnet.att.net

Rogan, Mary Jane (Coordinator of Wellness Programs and Alcohol, Tobacco and Other
Drugs Programs)

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Speirs, Sally (Borough resident)

Yoder, Dick (Mayor, West Chester)

jyoder@bellatlantic.net

Wambold, Donald (Borough resident)

INSTITUTIONS AND ORGANIZATIONS:

Communities That Care (Financial and other support for campus/community collaborative
efforts.)

Valocchi, Christina (Community Mobilizer, West Chester Area)

mobilizer@wcctc.org

www.wcctc.org

Franklin and Marshall College, Lancaster, PA:

Fry, John, President (Former President of University of Pennsylvania; campus-
community initiatives; NID)

Lehigh University, Bethlehem, PA:

Kochard, Dale (Executive Director Community & Regional Issues; off-campus student
housing, town/gown and zoning issues)

610-758-5801 ext. 2

Shupp, Edward (University Chief of Police)

eks0@Lehigh.edu

Pennsylvania State Senate, Senate Democratic Policy Committee Hearing, May 2, 2007, Chester
County Courthouse, West Chester, PA (See Appendix for related reports. CD of
proceedings available)

Dinniman, Andy (Senator, 19th Senatorial District)

andydinniman@pasenate.com

Hearing: "The Impact of Excessive Drinking on College Towns"

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RESOURCES (continued)

PLCB

Pennsylvania Liquor Control Board
Diehl, Faith S., Chief Counsel
ra-lblegal@state.pa.us
www.lcb.state.pa.us

PLCB's RAMP Program

<http://www.lcb.state.pa.us/edu/cwp/view.asp?A=1346&Q=555691>

State College, PA

Fontaine II, Thomas J. (Borough Manager)

boro@statecollegepa.us

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King, Thomas R. (Chief of Police)

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West Chester University

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P: 610-436-2630

Cook, Lynne (Faculty, English Department)

LCook@wcupa.edu

P: 610-436-2163

DOCUMENTS AND STUDIES:

Pennsylvania Economy League (PEL Study, November 2006) (See Appendix for PEL Study Executive Summary)
PEL Study assesses the economic impact on a community hosting a State System of Higher Education Institution.
Includes recommended initiatives at the state and local level.

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RESOURCES (continued)

West Chester Police Department Testimony: Liquor License Transfer Hearing, (Bar Blue II)
January 30, 2007. (see Appendix for transcript)
Bohn, Scott L., Chief of Police

Includes testimony with statistics and charts supporting recommendation of denial for this liquor license transfer and supports denial for future liquor license transfers unless police resources can be increased to address the additional burden created.

WEBSITES:

www.west-chester.com

West Chester Borough website

www.collegedrinkingprevention.gov

Recommended by Mary Jane Rogan, WCU; "Call to Action", task force on college drinking.

www.higheredcenter.org

Recommended by Mary Jane Rogan, WCU; Campus/Community Coalition; Environmental Management Strategies.

www.niaaa.nih.gov

National Institutes of Health's National Institute on Alcohol Abuse and Alcoholism
"College Drinking: Changing the Culture"

www.nih.gov/news/pr/jan2006/nichd-11.htm

National Institutes of Health's National Institute of Child Health and Human Development.
"Most Behaviors Preceding Major Causes of Preventable Death Have Begun By Young Adulthood." (Smoking, obesity and alcohol abuse) Call to Action

www.JudgeKnapp.com

Website for West Chester Magisterial Judge, Gwenn Knapp
See: "YACC – Young Adult Community Counseling" pilot program.

<http://www.lcb.state.pa.us/edu/cwp/view.asp?A=1346&O=555691>

PLCB RAMP Program

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RESOURCES (continued)

www.pire.org

Pacific Institute for Research and Evaluation. An independent, non-profit organization dedicated to improving the health, safety and well being through the application of science for the public good.

<http://resources.prev.org/documents/AlcoholViolenceGruenewald.pdf>

“How Alcohol Outlets Affect Neighborhood Violence”

<http://resources.prev.org/documents/FactsMythsCollegeDrinking.pdf>

“Facts and Myths About College Drinking: A Serious Problem with Serious Solutions”

www.hsph.harvard.edu/cas/Documents/monograph_2000

College Alcohol Study, Harvard School of Public Health, 2000

www.nlc.org

National League of Cities, “Universities Communities Council”. Includes best practices, contact information for other university communities in the US, etc.

www.plcm.org

Pennsylvania League of Cities and Municipalities. See “University- Community Network”.

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ACKNOWLEDGEMENTS

The Task Force would like to thank the following for their valuable contribution to the substance of this report.

PA Senate:
Andy Dinniman

PA House of Representatives:
Barb McIlvaine Smith

West Chester Borough:
Ernie McNeely, Borough Manager
Dick Yoder, Mayor
Scott Bohn, Chief of Police
Michael Perrone, Director, Department of Building, Housing and Codes Enforcement.
Malcolm Johnstone, Executive Director, Business Improvement District
Judy Benes, Administrative Assistant
Dana Dillow, Administrative Assistant, Department of Building, Housing and Codes Enforcement.
Gwenn Knapp, Magisterial District Judge
Neighborhood Associations
Residents of West Chester
Members of the Task Force

West Chester University:
Dr. Madeline Wing Adler, President
Rich Przywara, Executive Director, WCU Foundation
Mary Jane Rogan, Director, Wellness Center, Director, Alcohol Awareness Education Program
Christina Brenner, Advisor, Off-Campus and Commuter Association
Mike Bicking, Chief, Public Safety Office
Students: Chad Gingrich, Matthew Holladay, Jon Kulkis, Erik McKee, Anthony DiJacomo, and others who attended and participated in Task Force meetings.

State College Borough, PA:
Thomas J. Fountaine, II, Borough Manager
Thomas R. King, Chief of Police
Borough Council Members
Teresa Sparacino, Director, Downtown Improvement District

Lehigh University:
Edward Shupp, University Chief of Police

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APPENDICES

- Appendix A – Charge to the University Area Neighborhood Task Force by Borough Council
- Appendix B – Map of the “University Area Neighborhood”
- Appendix C – Documentation of Problems
- Appendix D – Recommendation – Various Supporting Materials
- Appendix E – Other Supporting Materials

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Dinniman Senatorial Hearing, Chester County Court House, May 2007.....	Page C-10
Pennsylvania Economy League (PEL) Report, November 2006.....	Page C-14
West Chester Police Department Strategic Plan, June 2007.....	Page C-16
West Chester Police Department Reports (2006, 2007).....	Page C-20
West Chester Department of Building, Housing and Codes Enforcement...	Page C-37
Judge Gwenn Knapp, District Court 15-1-04 Data (2006, 2007).....	Page C-40
West Chester University, Office of Judicial Affairs, Incident Reports (2006, 2007)	Page C-45
Anecdotal Information/Interviews (residents, bar and business owners, West Chester University students).....	Page C-46

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APPENDIX C

Documentation of Problems