

METRO & STATE

Renting against the ordinance

A Daily survey found that 40 of 99 houses near campus were over-occupied, but permanent residents and the City Council do not want to see the zoning laws changed.

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The last names of two students were withheld from this story due to the students' fear of eviction.

The rules were made clear to Taryn when she moved in: If the city of Minneapolis comes knocking, don't talk. Don't let them in.

Secrecy is critical for Taryn and her five roommates. They have been breaking the law all year, and their landlord knows it.



JULES AMEEL

Although their house in Southeast Como has six bedrooms, the city only allows three unrelated people to live there.

So when city officials made an appointment to inspect the house for over-occupancy, Taryn's landlord sprang into action. The night before the inspection, the landlord and his tenants loaded furniture from half of the bedrooms out the back door and onto a moving truck.

The city inspector arrived the next day and found three bedrooms and three roommates. Everything checked out.

The truck returned the next morning, and the other three roommates moved their beds and belongings back in that day.

It was an extreme solution to a common problem.

In an informal Minnesota Daily housing survey, 40 percent of properties in neighborhoods surrounding the University of Minnesota campus were found to be over-occupied.

The students who live in these houses don't think of themselves as lawbreakers. Some are unaware of

the law, and others are willing to violate the city ordinance in the name of cheaper rent.

Artificial lines and fake cousins

In a survey of 77 houses in Southeast Como, 31 were found to be over-occupied.

Nine of 22 houses in Marcy-Holmes were over-occupied.

All houses in this survey fell within zoning areas that allow no more than three unrelated occupants.

A majority of the houses the Daily found to be over-occupied had more than three bedrooms, according to the Minneapolis property information database.

Neal, a student at the University, shares his house in Marcy-Holmes with four roommates. The spacious, six-bedroom house sits in a part of the neighborhood that is zoned for just three unrelated occupants.

If he and his roommates couldn't fill more than three of the house's six bedrooms, rent and utilities would be more than \$700 per person each month, Neal said. If they had been limited to three roommates, Neal said they wouldn't have signed the lease.

But he and his roommates did finalize their lease, and when they did, their landlord didn't say what they were doing was illegal — at least not explicitly.

"Three of you have to be related," he said instead.

Neal answered with a blank, confused stare.

"Three of you have to be related," the landlord repeated.

Neal understood, and the group moved in. Three of the roommates are pretending to be cousins.

So far as the city knows, three family members and two unrelated occupants moved in on Sept. 1 this past fall.

"If you're a college student and you've got five bedrooms in a house, it's unrealistic for those bedrooms not to be occupied," said Tim Harmsen, owner of Dinkytown Rentals.

Harmsen and his wife own and rent about 75 properties in the University area. Many fall into zoning areas that allow no more than three unrelated occupants.

Although Harmsen said he tries to stop over-occupancy from happening in his houses, he sympathizes with students in search of more affordable housing.

“You’ve artificially set a line, and it just doesn’t make sense,” Harmsen said of the current occupancy restrictions. “It makes residents lose respect for the law.”

Landlords have lost respect for it, too.

Tenants in 84 percent of the 31 over-occupied houses found in Southeast Como said their landlord knew how many people lived there. Renters said the landlord was aware of each over-occupied house found in Marcy-Holmes.

Harmsen said Dinkytown Rentals signs only three renters to a lease and follows up with a personal inspection if they suspect a house is over-occupied.

At least three of their properties are over-occupied, according to the housing survey. Tenants in two of those houses said Harmsen didn’t know how many renters were living there.

10 years, 50 unlawful

The city relies primarily on tips from neighbors to find properties that violate occupancy restrictions. Robert Clarksen, a city planner in the Minneapolis Zoning Administration and Enforcement department, said inspections occur more frequently near the University than other areas of the city because of the tension between students and older, permanent residents.

Clarksen said his department recognizes the prevalence of occupancy violation in the area.

But just 50 cases of unlawful occupancy have been found since January 2000, according to data from the City of Minneapolis Housing Inspections Services.

Unlawful occupancy includes over-occupancy and illegal bedrooms found in a house, Deputy Director of Housing Inspections Services JoAnn Velde said. Housing Inspection Services does not record when an eviction occurs due to violation.

Only 256 housing violations of any kind have been recorded in the past 10 years. Those violations ranged from unlawful occupancy to basement and attic occupancy.

Down-zoning U neighborhoods

According to City Ordinance 546.50 relating to maximum occupancy, any property in an R1 through R3 residential zoning area can have no more than three unrelated occupants. A property in an R4 through R6 zoning area can have no more than five unrelated occupants.

Until the mid-1980s, much of Marcy-Holmes was zoned to accommodate the high density of University students, Clarksen said.

It was pressure from the neighborhoods' long-term residents that led the city to rezone and push the "undesirable," high-density housing for students to the outskirts, Clarksen said.

The houses along 15th Avenue, Fourth Street and Eighth Street still allow up to five unrelated occupants, but the heart of Dinkytown was down-zoned for just three, along with a plot of about 12 square blocks west of Interstate 35W.

Southeast Como underwent a similar transformation at the same time.

Longtime Como resident Katie Fournier said the neighborhood was down-zoned to reflect the actual housing stock.

Though she wasn't directly involved with the process, she said residents and property owners in the neighborhood spent weeks determining the best zoning areas for the neighborhood.

Today, almost all of Southeast Como is zoned to allow just three unrelated occupants.

Missy Gettel, Minnesota Student Association chairwoman of facilities, housing and transit, wonders why the housing areas near campus have not been rezoned in the past 10 years.

"The student population — especially undergrads — need an area that's close to campus," Gettel said.

Property owners can file to "upzone" an individual site — a process called spot zoning — but it rarely works. Clarksen said his department normally discourages the City Council from approving such requests because the property wouldn't be consistent with the surrounding zoning area.

A cat-and-mouse game

In the struggle with zoning areas near the University, there are three key players: the various neighborhood organizations, which want to keep zoning as it is; students and landlords who want it changed; and the city of Minneapolis, which wields the power to change the zoning areas and the zoning code.

Neighborhood organizations like the Marcy Holmes Neighborhood Association and the Southeast Como Improvement Association provide an "advisory capacity" to the city of Minneapolis zoning committee. If a potential zoning change comes to their attention, Executive Director Melissa Bean said MHNA will get involved and testify against it.

MHNA and SECIA oppose changes to the zoning in their neighborhoods, whether it is a spot-zoning variance or a change throughout the neighborhood.

Bean said allowing more people to live in a house can be hard on the property and create parking, trash and safety problems.

“It impacts not only that address but the next address down the street and across the street,” James De Sota, SECLIA neighborhood coordinator, said of an over-occupied house.

Harmsen and William Wells started the University Neighborhood Improvement Association a year and a half ago because many landlords in Marcy-Holmes were not allowed to join MHNA. MHNA does not reflect the concerns of students or landlords, Harmsen and Wells said.

Although SECLIA allows “absentee landlords” to be members, MHNA members must be residents.

“They have their agenda, and that’s fine,” Bean said of UNIA. “They’re not residents, and this is a residents group.”

Wells, UNIA’s executive director, said the group wants to stimulate discussion on zoning laws.

“We’re playing this weird cat-and-mouse game with inspections where [Housing Inspections Services] is always trying to get people rather than be proactive,” he said.

“There are ways that we can address issues of livability and problem properties completely separate from this,” said Ward 2 City Councilman Cam Gordon.

Gordon said he’s been convinced for years that the zoning code is unfair to people who aren’t related, and he began looking for ways to change it in 2007.

“My effort has been to take family out of the equation,” he said.

Gordon’s alternative is based on the size of the property, without any special treatment for related adults. A formula to calculate gross or finished square feet per person would be used to designate a property’s maximum occupancy, with the possibility of including a requirement for “common space.”

That effort was met with resistance from neighborhood organizations and long-term residents in the University area and unease from the City Council Committee on Zoning and Planning, he said.

Fournier, who followed the issue at the time, said Gordon’s plan found little support.

“It never even made it to committee,” Fournier said. “There was so little response to it from other council members.”

City Council member Diane Hofstede argued that the current zoning code is not unfair. Hofstede represents Ward 3, which includes Marcy-Holmes.

“It’s not directed at students,” she said. “It’s directed at making a safe environment for people and actually intended to limit some of the abuses of cramming many people into a household.”

Though Gordon's plan called for an increase in inspections, Fournier expressed doubts.

"If you were to have different zoning for houses based on something that is intrinsic to the house, you're creating a situation way beyond impossible to enforce," she said.

Gordon is still convinced the code is in need of change, but it has sat low in the City Council work plan for the past three years due to lack of support. Gordon said the plan would be easier to enforce and more logical.

"We need a law that people will follow, that makes sense to them," Gordon said.

A shift toward student housing

Southeast Como, Marcy-Holmes and Prospect Park are the neighborhoods that most students settle into for off-campus housing.

"There's an interesting dichotomy that goes in [the University] area that doesn't happen elsewhere in the city, with the temporary nature of the students contrasted with the long-term property owners that are there," Clarksen said.

In near-campus housing, student renters outnumber permanent residents.

Eighty-eight percent of properties in Marcy-Holmes were renter-occupied in 2000, according to census data from that year.

For properties in Southeast Como, 64 percent were renter-occupied, according to the same data.

Census data shows a rise in the college-aged population between 1980 and 2000 in all of these areas.

Student participation in neighborhood groups is very low. Both MHNA and SECIA have reserved seats for an MSA representative and another for a member of Graduate and Professional Student Assembly or the greek community.

De Sota said there is some other student involvement in SECIA. Bean did not mention other student involvement with MHNA but said she encourages students to join.

"You've got to bend somebody's elbow pretty hard to get a student to come in the door voluntarily," De Sota said.

The temporary nature of the student population and their busy schedule is not conducive to involvement with neighborhood organizations.

"[Students] don't have the same confidence and savvy just to think that they can challenge the status

quo and the powers that be and try to come up with some kind of solution,” Gordon said.

Absent at the polls

Given the significant percentage of students who over-occupy houses in the University area, they would benefit from a change in the zoning code to allow more tenants in some houses.

The problem? Students don't vote in city elections.

Voter turnout in the 2009 City Council election was below 10 percent in each of the precincts where students typically live: 10 percent in Southeast Como, 4 percent in Dinkytown and 2 percent in the superblock area. In comparison, 27 percent of residents in the Mississippi River Road area voted.

Wells said he thinks the City Council gives more weight to neighborhood associations like MHNA and SECIA when considering changes to zoning areas because their members are voters.

“If you don't vote, leadership doesn't recognize you as a constituent,” Wells said.

The issues and concerns of students are under-represented because city politicians don't see them as stakeholders, Wells said.

“A very tiny stakeholder group controls all of the zoning and all the city planning for the area,” he said.

It's an idea that Gordon acknowledges.

“I have to say that I do think about who goes to vote,” he said. “And I do think about who is involved in campaigns and those kinds of things, so I think that has to come into the equation.”

As a representative of Ward 2, which includes Southeast Como, Prospect Park and Cedar-Riverside, a significant portion of his constituency is comprised of students.

Empty chairs at the table

Neighborhood organizations and long-term residents are sure that the current zoning and maximum occupancy laws are appropriate and necessary to achieve balance between students and homeowners.

A change to the zoning code would require deliberation, compromise and consensus among all stakeholders.

Wells and Harmsen said an all-inclusive discussion between landlords, residents and students is the key to finding a solution. Harmsen said that in disputes between landlords and neighborhoods, landlords take most of the blame for the state of the neighborhood.

“It's easy to come up with an article about a bad landlord,” Harmsen said. “That doesn't really get to

the problem.”

De Sota said he doesn't think the long-term residents of Southeast Como would be a part of any discussion of change. The neighborhood was at its healthiest when the renter-to-resident ratio was 50-50, he said.

“I don't know if anyone would really want to come to the table and look at any kind of compromise.”

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