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**How to Define a Family?
The Special Case of Regulating Student Rental Housing
In Single-Family Residential Neighborhoods
In Wisconsin's College and University Communities**

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Introduction

Cities with established single-family neighborhoods near a college or university often face a unique set of challenges due to students living in off-campus housing. An insufficient supply of housing is available on-campus. Students seek off-campus housing options located in close proximity to their college or university. Homes originally built as owner-occupied single-family dwelling units are converted to rental housing for students. With this transition often comes an increase in complaints about noise, upkeep of the property, parking, traffic congestion, shifts in property values, and other issues impacting the livability of the neighborhood for non-students. The presence of large numbers of student renters in single-family residential zones can dramatically alter the structure and character of these areas. Left unchecked, this market phenomenon can transform city neighborhoods near colleges or universities within only a decade or two.

Cities interested in addressing issues related to the conversion of single-family homes in residential neighborhoods to student rental properties often explore a number of approaches to stabilize or reclaim these neighborhoods for owner-occupied single-family residents. This report summarizes examples from a number of Wisconsin college and university communities that have recently addressed the issue of student rental housing in traditional single-family residential neighborhoods. The report also includes examples of strategies used in university cities nationwide. The main focus of the report, however, is on how these cities define the term “family” in their local zoning ordinances to restrict the number of students living in “single-family” neighborhoods. The report provides guidance to planners and other municipal officials in comparable situations and to bring attention to an important planning issue that is gaining attention nationwide in America’s university cities.

Restrictive Definitions of “Family”

A common approach used by many communities with colleges or universities to limit the conversion of single-family homes to rental student housing is through the definition of the term “family” in the local zoning ordinance.¹ By limiting the number of unrelated persons that can live in a single-family house, college communities can attempt to control the number of students living in off-campus single-family homes. This approach received the approval of the U.S. Supreme Court in the 1974 case *Village of Belle Terre v. Boraas*.² In an attempt to address issues related to students from nearby Stoney Brook University in New York, the Village zoning ordinance defined “family” as not more than two unrelated individuals. The Court upheld this definition. Subsequent state and federal court cases regarding the definition of “family” and state and federal legislation influence how local governments can define a “family.” The courts recognize that college and university students present a special situation for their host communities and courts are willing to uphold local approaches that treat students differently. This is not true for local communities that use schemes that discriminate based on race or disabilities. Communities need to be mindful of the need for more inclusive ordinances designed to accommodate family structures that differ from what was once considered normal or

¹ Craig Raborn, *Coping With Colleges: How Communities Address the Problems of Students Living Off-Campus.*, *Zoning News* (May 2002).

² 416 U.S. 1 (1974).

mainstream. The old paradigm of a family household consisting of a married man and woman together with their children has long since given way to the recognition of many different family compositions and structures in American society. As a result, family definitions have become complicated creatures, even at their simplest.

A definition of “family” put forward by Merriam and Sitkowski in *The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of “Family,”* based on work done for the City of Ames in Iowa, home to Iowa State University, reads as follows:

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. *resident 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);*
- 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.*³

This definition is characteristic of the kind found in similar ordinances in university cities around the country. Several of its components are intended to mitigate renter encroachment into single-family residential areas, where only one family unit is allowed per residential structure, and instead funnel them into multi-family residential zones where commercial rental properties are allowed to operate. Limits on the number of unrelated individuals in a family, found in points two and three above, are multifunctional in this regard. When taken in the context of a single-family residential district in a university city, these points limit renter density by prohibiting groups of three or more unrelated individuals from occupying a single-family residence. This makes it difficult for individual or tandem student renters to afford the higher

³ Dwight H. Merriam, AICP and Robert J. Sitkowski, AICP. “The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of ‘Family’”. *Land Use Law*. June, 1999; pages 3 – 7.

rent costs associated with housing of that kind, making their presence unlikely or at least difficult in such neighborhoods. These points also serve to reinforce urban home ownership while remaining flexible enough to be inclusive of alternative family structures as well. The subsection addressing exceptions to the family definition provides further assurance that student groups like fraternities will not be able to rent housing in single-family neighborhoods.

This definition provides a framework for evaluating other ordinances from college communities. These definitions are included in Appendix A for Wisconsin communities and Appendix C for a handful of college communities nationally.

Other Approaches

Beyond zoning ordinance definition changes, municipalities have also undertaken a broad range of strategies to address the issues related to off-campus student housing. Some of these strategies include the following:

- Overlay zones whereby specific neighborhoods can be targeted for special ordinances.
- Limiting the number of vehicles allowed to park at each residence.
- Temporary moratoriums on further student housing conversions.
- Minimum distance requirements between rental housing residences.
- Appearance and behavior standards for city residences and rental occupants.
- Additional permitting and public hearing requirements for further conversion.
- Requiring universities to house younger students in on-campus facilities.
- Requiring universities to maintain records of off-campus student renters.
- Capping total permissible rental conversions in each neighborhood.

The sections below provide brief case studies of the studies and different approaches used in some Wisconsin cities and a handful of university communities from across the nation.

Wisconsin's College and University Communities

Wisconsin is home to thirty-five four-year universities, twenty-two of which are private non-profit institutions and thirteen of which are public. The median enrollment at Wisconsin's twenty-two private universities is approximately 2,300 students, with the largest being Marquette University in Milwaukee with an enrollment exceeding 11,000 students and the smallest being Columbia College of Nursing in Glendale with an enrollment of only 153 students.⁴ The median enrollment at Wisconsin's thirteen public universities is approximately 9,650 students, with the largest being the University of Wisconsin-Madison with an enrollment exceeding 42,000 students and the smallest being the University of Wisconsin-Superior with less than 2,700.⁵ The typical public university in Wisconsin provides on-campus housing for approximately 35% of its student body, with the University of Wisconsin-River Falls providing the highest proportion of

⁴ Private university enrollment data taken from "Wisconsin's Private Nonprofit Colleges & Universities: Guide to Admissions & Financial Aid, 2014." http://waicu.org/upload/2014_Guide/Guide.pdf

⁵ Public university enrollment data taken from "The University of Wisconsin System Student Statistics Headcount Enrollment, 2014."

its student body, roughly 40%, with on-campus housing while the University of Wisconsin-Milwaukee provides the smallest proportion of its student body, roughly 16%, with on-campus housing during the academic year. In raw numbers, the University of Wisconsin-Madison provides the most on-campus units with space for approximately 7,600 students and the University of Wisconsin-Superior provides the least with space for approximately 800 students.⁶ Generalizations for on-campus housing provided by Wisconsin's private schools are more difficult because not every private university is required to make such information available to the public. For the institutions that have made this information public, the typical private university in Wisconsin provides on-campus housing for approximately 26% of its student body, with Northland College in Ashland providing the highest proportion of its student body, roughly 80%, with on-campus housing while three schools, Bellin College in Green Bay, the Columbia College of Nursing in Glendale, and the Medical College of Wisconsin in Milwaukee, provide no on-campus housing facilities for students.⁷

A significant number of Wisconsin's public university cities have explored the impact of student renters on their communities, and several have adopted policies intended to mitigate their effects. Most of Wisconsin's public university cities have hosted public colleges in some form or other for well over a century; two, Green Bay (University of Wisconsin-Green Bay in 1965) and Kenosha (University of Wisconsin-Parkside in 1968), are relatively recent additions to the University of Wisconsin System of public institutions. The older campuses are usually located near established neighborhoods close to downtown areas while campuses in Green Bay and Kenosha are located on the urban fringe. In university cities like Platteville, Stevens Point, and Whitewater, places where homeownership rates are very low and where students represent a substantial proportion of the local population, issues associated with student off-campus renters have been identified but have at present not been acted on through substantial policy changes.⁸ In four of Wisconsin's oldest public university cities, however, the cities have taken more proactive steps to address issues related to student off-campus housing in traditional single-family residential areas. These efforts are summarized below.

Eau Claire

Eau Claire is a city of approximately 68,000 people located along the Chippewa River in northwestern Wisconsin.⁹ It has hosted the University of Wisconsin-Eau Claire in the heart of the city since 1916,¹⁰ which enrolled nearly 11,000 students during the fall semester of 2014.¹¹ With enough on-campus housing capacity for roughly 3,900 students, nearly 7,000 UW-Eau

⁶ Public university on-campus housing data taken from "University of Wisconsin System Summary Student Occupancy Report, Fall 2014" published by the University of Wisconsin System Administration Office of Policy Analysis and Research."

<https://www.wisconsin.edu/reports-statistics/educational-statistics/>

⁷ Private university on-campus housing data taken from each university's on-campus housing website.

⁸ <http://stevenspoint.com/Archive/ViewFile/Item/1830>; http://www.whitewater-wi.gov/images/stories/neighborhood_services/other/Neighborhood_Preservation_Memo.pdf; <http://platteville.org/w/wp-content/uploads/2013/03/Comprehensive-Plan-Update.pdf>; http://platteville.org/w/wp-content/uploads/2013/03/Platteville-Downtown-Revitalization-Plan_Adopted-2011_1_11.pdf.

⁹ <http://quickfacts.census.gov/qfd/states/55/55035.html>

¹⁰ <http://www.uwec.edu/about/campus-history/>

¹¹ See Appendix B.

Claire students live off-campus.¹² Eau Claire’s home ownership rate of 55% is below the Wisconsin average of 68%,¹³ although it is commensurate with other similar sized university cities in the state. Eau Claire’s Randall Park neighborhood lies on an isthmus between the Chippewa River and Half Moon Lake. It has witnessed a steady conversion of single-family residential homes to student rental housing over the last fifty years. Fearing “a further exodus of families from the area,” residents formed the Randall Park Neighborhood Association in 1978 to petition the city to take appropriate actions necessary to preserve Randall Park from further renter encroachment.¹⁴

From 1978 – 1995, Eau Claire addressed the problem with a broad strategy that included reducing Randall Park’s zoning classification to R-2 (one or two family residential) to reduce renter density, enacting aggressive housing inspection regulations under the Intensified Housing Enforcement Program to identify non-conforming properties, creating the Randall Park historic district to regulate changes to the exterior of residences, and revitalizing the neighborhood’s appeal to young families by improving local parks and riverfront trails.¹⁵ Despite these actions, only 25% of Historic Randall Park consisted of single-family residences in 2010, with only 15% of all neighborhood dwellings occupied by property owners, an 8% decline since 1990.¹⁶

Eau Claire continues to invest resources in improving neighborhood infrastructure and green space, and have made clear their intention to pursue further investigation of the issue to determine the best course of action from here forward.¹⁷ One development is a proposed collaboration with UW-Eau Claire to “bring students back to campus.”¹⁸ As part of the university’s overall plan to increase on-campus housing availability, UW-Eau Claire has pledged to build new residence halls and renovate existing ones, as well as create an “off-campus residential project” for locating upper-class students close to campus without further encroaching into residential neighborhoods nearby.¹⁹ The plan is intended to take at least twenty years to complete.

Oshkosh

Oshkosh is a city of approximately 67,000 people located on the western shores of Lake Winnebago in eastern Wisconsin.²⁰ It has hosted the University of Wisconsin-Oshkosh in the heart of the city since 1871.²¹ Enrollment at UW-Oshkosh which enrolled nearly 14,000 students in the fall of 2014, making it the third-largest public university in the state of Wisconsin.²² With only enough on-campus housing capacity for roughly 3,300 students, nearly 10,000 UW-

¹² See Appendix B.

¹³ <http://quickfacts.census.gov/qfd/states/55000.html>

¹⁴ City of Eau Claire-Randall Park Neighborhood Plan Update, pg. 2

¹⁵ City of Eau Claire-Randall Park Neighborhood Plan Update, pg. 2-3

¹⁶ City of Eau Claire-Randall Park Neighborhood Plan Update, pg. 15

¹⁷ City of Eau Claire Comprehensive Plan-Neighborhoods and Districts Assessment, pg. 10-14

¹⁸ City of Eau Claire Comprehensive Plan-Neighborhoods and Districts Assessment, pg. 15

¹⁹ UWEC Campus Master Plan, Executive Summary, pg. 5

²⁰ <http://quickfacts.census.gov/qfd/states/55/5560500.html>

²¹ <http://www.uwosh.edu/about-uw-oshkosh/history-of-uw-oshkosh.html>

²² See Appendix B.

Oshkosh students seek off-campus every year.²³ The City's homeownership rate is 55%, like Eau Claire.²⁴ Oshkosh's Middle Village neighborhood is comprised of 44-acres resting on the eastern edge of campus.²⁵ Decades of single-family home conversion to student rental properties has left the Middle Village with 70% of all housing stock devoted to rentals and the remaining 30% occupied by property owners.²⁶ Median property values for owner-occupied homes in Middle Village are between 4% and 28% below the city's median rate.²⁷ Residents formed the Middle Village Neighborhood Association in 2010 to petition the city to take appropriate actions necessary to preserve Middle Village from further renter encroachment.²⁸

A 2013 neighborhood survey of property owners indicated concerns about blighted property conditions, safety and crime, absentee landlord involvement in local affairs, and vacant properties in Middle Village.²⁹ An Oshkosh focus group summary memo from September 2013 echoed these concerns, with citizen participants expressing emphatically to interviewers that "[w]e need to stop the spread of student rental housing."³⁰ Oshkosh identified Middle Village as a Priority Two Neighborhood Improvement Strategic Area where housing and street rehabilitation is sorely needed.³¹ Virtually the entire central city along the Fox River has been flagged as either a first, second, or third priority in this regard, all neighborhoods which immediately surround the UW-Oshkosh campus.³² Oshkosh is considering a range of options to address the concerns of homeowners in neighborhoods like Middle Village, including downzoning, enforcing stricter parking restrictions, courting historic neighborhood status, and other beautification and tenant awareness programs.³³

There are neighborhoods in Oshkosh of higher priority for improvement than Middle Village, but Middle Village was the first neighborhood association to organize around the interests of homeowners in this way. Planners have long recognized the need for increasing homeownership, removing blight, and enforcing code compliance in the central city.³⁴ And with the strength, sophistication, and democratic spirit of the Middle Village Neighborhood Association urging action, city planners in Oshkosh are committing resources and designing strategies to encourage homeownership, weaken student renter encroachment, and stop the conversion of single-family homes to student rental properties in the city's urban residential neighborhoods.

²³ See Appendix B.

²⁴ <http://quickfacts.census.gov/qfd/states/55/5560500.html>

²⁵ Middle Village Neighborhood Plan Final, pg. 6

²⁶ Middle Village Neighborhood Plan Final, pg. 8

²⁷ City of Oshkosh Comprehensive Plan, Chapter 3, pg. 29

²⁸ Middle Village Neighborhood Plan Final, pg. 11

²⁹ Middle Village Neighborhood Plan Final, pg. 12

³⁰ http://www2.ci.oshkosh.wi.us/zoningOrdinanceRewriteProject/assets/pdf/Issue_Identification_Section/Oskosh_Focus_Group_Notes_9-30-13.pdf

³¹ City of Oshkosh Comprehensive Plan, Chapter 3, pg. 29

³² City of Oshkosh Comprehensive Plan, Chapter 3, pg. 30

³³ City of Oshkosh Comprehensive Plan, Chapter 3, pg. 29

³⁴ City of Oshkosh Downtown Design and Development Plan (2000), pg. 28

La Crosse

La Crosse is a city of approximately 51,000 people located along the eastern banks of the Mississippi River in western Wisconsin.³⁵ La Crosse hosts both a public and private university. The public University of Wisconsin-La Crosse, with a current enrollment of roughly 10,500 students, has occupied the northern edges of the central city since 1909.³⁶ The private Viterbo University, with a current enrollment of nearly 2,800 students, has called the city “home” since 1890.³⁷ UW-La Crosse maintains enough on-campus housing units to accommodate about 3,500 students, while Viterbo maintain enough units to house only 700 students, leaving a combined estimate of nearly 9,000 students seeking off-campus housing near campus every year.³⁸ La Crosse has a homeownership rate of 50.5%.³⁹ La Crosse’s Washburn neighborhood is close to downtown and holds the entire Viterbo University campus within its boundaries. With over 86% of Washburn’s housing renter-occupied, nearly half of all homes built almost a century ago, and a median family income that falls 50% below the city median, the Washburn neighborhood has been on the city’s revitalization radar since at least 2002.⁴⁰

Driven to action by the state of the Washburn neighborhood and others like it, the La Crosse city council enacted a six-month moratorium in July of 2013 preventing further conversion of single-family homes to rental properties while the city investigated the matter further. The moratorium was not without controversy, as one UW-La Crosse student representative on the city council admitted to being “kind of offended” by the comments of homeowners and with local landlords decrying the act as “a form of redlining that will have the impact of keeping minorities out of some neighborhoods.”⁴¹ With the support of the mayor, La Crosse commissioned a Single Family Conversion Ad Hoc Committee shortly thereafter, tasked with “determining the impacts that rental conversions have on public health, safety, welfare, quality of life, aesthetics, and tax base of its neighborhoods.”⁴² Issuing its findings in December 2013, the committee concluded that “[t]he conversion of housing to student occupancy...has substantially affected the character of the neighborhoods in and around the moratorium area and has had a negative impact on quality of life for many residents.”⁴³ Further recommendations for action included encouraging single-family homeownership by providing home construction or renovation grants through the city’s existing ReInvest La Crosse program⁴⁴, utilizing regulatory approaches such as redefining the maximum allowable unrelated occupants per unit by altering the city’s definition of ‘family’ and by imposing tougher parking restrictions on homes with several vehicles routinely parked on the street nearby⁴⁵, and streamlining and enforcing existing

³⁵ <http://quickfacts.census.gov/qfd/states/55/5540775.html>

³⁶ <http://www.uwlax.edu/International-Education/Explore-UW-La-Crosse/>

³⁷ <https://www.viterbo.edu/about/quick-facts>

³⁸ See Appendix B.

³⁹ <http://quickfacts.census.gov/qfd/states/55/5540775.html>

⁴⁰ Washburn Neighborhood Plan (2002), pg. 13 and City of La Crosse Comprehensive Plan (2002), pg. 8-1

⁴¹ http://lacrossetribune.com/news/local/council-approves-moratorium-on-home-to-rental-conversions/article_ac27069c-ea9c-11e2-888a-001a4bcf887a.html

⁴² City of La Crosse Single-Family Conversion Ad Hoc Committee, pg. 1

⁴³ City of La Crosse Single-Family Conversion Ad Hoc Committee, pg. 3

⁴⁴ ReInvest La Crosse Grant Program Guidelines (2014), pg. 23

⁴⁵ ReInvest La Crosse Grant Program Guidelines (2014), pg. 24

ordinances to mandate rental property inspections for all applicable housing units every two years as well as expand the scope and depth of inspection criteria⁴⁶.

Other planning approaches in La Crosse include converting aging municipal buildings into student rental housing as a way to ease the pressure on traditional family residential neighborhoods.⁴⁷ Among the Wisconsin communities examined in this report, La Crosse is the only municipality in Wisconsin that hosts at least one four-year university that has also issued a moratorium on student housing conversions.

Madison

Finally, the capital city of Madison, home to the University of Wisconsin-Madison and Edgewood College, with a population of approximately 230,000 people located in south-central Wisconsin.⁴⁸ UW-Madison is Wisconsin's largest public university, with nearly 43,000 students, and has been a central component of Madison's isthmus since its establishment in 1848.⁴⁹ Edgewood College, located nearby on Madison's west side, enrolls approximately 2,600 students and has been the capital city's only private university since its inception in 1927.⁵⁰ UW-Madison provides on-campus housing for approximately 7,500 students, not including graduate apartment housing facilities are included, leaving roughly 30,000 students for the city and nearby communities to absorb into local housing markets.⁵¹ Edgewood College, with a far smaller enrollment and housing accommodations for only 556 students, slightly more than 2,000 Edgewood students enter the same housing markets every year as well.⁵² Madison's homeownership rate is approximately 49%, compared to Milwaukee's 44%.⁵³ Some neighborhoods have absorbed far more student renters, than others. Madison's Mansion Hill neighborhood, for example, is dominated by rental housing, with over 55% of all land parcels zoned for residential of three or more units, and less than 15% devoted to single-family or two-family residential.⁵⁴ Accordingly, Mansion Hill's homeownership is only 6%.⁵⁵ In this neighborhood and in others like it near campus, Madison has taken action to improve homeownership rates.

Rather than seeking to specifically stymie student renter encroachment into residential neighborhoods, a condition that has long since taken hold in a historical process over a century and half old, Madison focuses instead on converting former rental properties back to owner-occupied residences by offering economic incentives to potential buyers through tax incremental financing (TIF). Prospective buyers and developers are eligible for the Small Cap TIF Loan

⁴⁶ ReInvest La Crosse Grant Program Guidelines (2014), pg. 25

⁴⁷ La Crosse County Administrative Center – Student Housing Proposal, Three Sixty Real Estate Solutions & Borton Construction.

⁴⁸ <http://quickfacts.census.gov/qfd/states/55/5548000.html>

⁴⁹ <http://www.wisc.edu/about/>

⁵⁰ <http://www.edgewood.edu/About>

⁵¹ See Appendix B.

⁵² Edgewood Campus Master Plan (2014), pg. 22

⁵³ <http://quickfacts.census.gov/qfd/states/55/5548000.html> and

<http://quickfacts.census.gov/qfd/states/55/5553000.html>

⁵⁴ <http://www.capitolneighborhoods.org/districts/mansionhill/pdf/MHNeighborhoodPlan02-2009Draft.pdf>, pg. 13.

⁵⁵ <http://www.capitolneighborhoods.org/districts/mansionhill/pdf/MHNeighborhoodPlan02-2009Draft.pdf>, pg. 39.

Program administered by Madison's Economic Development Division only if the property under consideration is currently a rental unit to be converted to an owner-occupied residence. Madison has offered these loans for rental properties in its Greenbush, Bassett, Tenney-Lapham and Mansion Hill neighborhoods.⁵⁶ Critics point to the Bassett neighborhood program's four total loans in its single-year existence from 2007-08 or Mansion Hill's three loans in its three-year existence since 2011.⁵⁷ The city lost a tool for building affordable rental units in a 2006 Wisconsin Court of Appeals decision, *Apartment Association of South Central Wisconsin, Inc. v. City of Madison*, which struck down a city ordinance requiring all new rental housing developments with ten or more units to provide at least 15% of those units as affordable housing to city residents.⁵⁸

One positive development in terms of reducing renter pressure on urban residential neighborhoods has been an explosion of high-rise, luxury apartment development devoted almost exclusively to student renters on the isthmus immediately adjacent to the UW-Madison campus. The Hub, a mixed-use apartment development on State Street devoted entirely to student renters, will provide 313 additional units in the city that will house approximately one thousand students when completed in August of 2015.⁵⁹ Similar projects downtown offer hope that higher-density development downtown will lessen the pressure on residential neighborhoods further out, creating opportunities for buyers to capitalize on TIF incentives for student housing conversion in neighborhoods like Mansion Hill and Greenbush.

See Appendix A for family definitions from all of Wisconsin's twenty-four university cities and Appendix B for statistics related to student housing for all thirty-five Wisconsin university cities.

National Case Studies

Many university cities in the United States have taken measures to address the impact of off-campus student housing on adjoining neighborhoods. This section highlights several case studies from cities that have been fairly active in addressing student housing issues.

Boston

The City of Boston stands out for the national attention its student housing issues have received in the last few years. The tragic death of an undergraduate student in a house fire at a single-family residence housing fifteen students in April of 2013 prompted an intense investigation of local student housing conditions by the *Boston Globe*.⁶⁰ The spotlight

⁵⁶ <http://www.cityofmadison.com/dpced/economicdevelopment/mansion-hill-james-madison-park-neighborhood-small-cap-tif-loan-program/229/>, <http://www.cityofmadison.com/dpced/economicdevelopment/greenbush-housing-renovation-program-small-cap-tif-loan-program/1584/> ,

<http://www.cityofmadison.com/planning/pdf/BassettSmallCapTifLoanProgram.pdf> ,

⁵⁷ http://host.madison.com/news/local/forgivable-loan-program-to-encourage-home-ownership-in-tenney-lapham/article_6665b642-cca8-51a8-a0e5-390c6efe4ec8.html

⁵⁸ <file:///Users/Professional/Downloads/Apartment%20Assoc%20of%20South%20Central%20Wisconsin%20v.%20City%20of%20Madison.pdf>

⁵⁹ <http://www.findorff.com/project/detail/the-hub/>

⁶⁰ Boston Globe. *Shadow Campus Part 1: A House Jammed with Students, A Life of Promise Lost*.

investigation team discovered that nearly 33% of student rental housing in Boston violates density limits established in the city's zoning code definition of family.⁶¹ Overcrowding and a lack of timely inspections for code compliance had resulted in unsafe, overcrowded conditions for a startling number of the city's 43,000 student renters. As enrollment soared and on-campus housing capacity remained limited, Boston struggled to address an increase of student renters from 2006 – 2013. Despite having a comparatively inclusive definition of family that allows groups of up to four unrelated student renters to qualify as a family unit, nearly 14,000 students are living in conditions that exceed those limits, often in single-family residences in predominately residential neighborhoods.

Revised last in March of 2008, Boston's family definition reads as follows:

*"Family", one person or two or more persons related by blood, marriage, adoption, or other analogous family union occupying a dwelling unit and living as a single non-profit housekeeping unit, provided that a group of five or more persons who are enrolled as full-time, undergraduate students at a post-secondary educational institution shall not be deemed to constitute a family. A group residence, limited, as defined in clause (22B) of this Section 2-1 shall be deemed a family.*⁶²

Boston's definition is noteworthy for its limitation pertaining specifically to controlling density for residences occupied specifically by full-time undergraduate students of colleges and universities. City officials have promised to pursue measures to enforce compliance with density limits, including altering its family definition. But so far the emphasis has been on increasing inspections, with nearly \$18 million devoted to enforcing the city's new rental re-inspection program that requires landlords to register rental properties with the city and submit to safety inspections every five years.

Philadelphia

Compared to Boston, the city of Philadelphia in Pennsylvania has taken a more complex approach to addressing student housing concerns over the last decade. Concerns have centered on the impact of 7,000 student renters from Temple University on the nearby residential Yorktown and Main Campus neighborhoods on Philadelphia's northside. Philadelphia's definition of family places greater restriction on student renter density in single-family neighborhoods than Boston does, limiting occupancy to no more than three unrelated individuals, although college students are not specially mentioned in this case. Approved in May of 2013, Philadelphia's family definition reads as follows:

Published May 3, 2014.

<http://www.bostonglobe.com/metro/2014/05/03/allston-fire-overcrowded-house-takes-promising-student-life/THC5c82P53NQdsSAETKurK/story.html>

⁶¹ Boston Globe. *Shadow Campus Part 2: Overcrowded and at Risk – A Way of Life, and Sometimes, Death for Student Tenants*. Published May 4, 2014.

<http://www.bostonglobe.com/metro/2014/05/04/overcrowded-off-campus-housing-boston-puts-students-risk-even-landlords-cash/mCsUmZ0FpocJoFrRBM99YP/story.html>

⁶² Boston Redevelopment Authority, *Zoning Code*, Volume 1: Enabling Act / General Code, Article 2 (19).

<http://www.bostonredevelopmentauthority.org/getattachment/c263945e-b4ae-4ad1-84bc-3efa14e07061>

Family.

*A person living independently or a group of persons living as a single household unit using housekeeping facilities in common, but not to include more than three persons who are unrelated by blood, marriage, adoption, or foster-child status, or are not Life Partners.*⁶³

Philadelphia has also tried other measures to address student housing issues. In 2005, the City adopted a North Central Philadelphia Special District Controls ordinance that placed a moratorium on further conversion of single-family residences to student rental housing in the Yorktown neighborhood. In 2011, Philadelphia expanded the moratorium to include the Main Campus neighborhood, prohibiting development or conversion of student rental housing of any kind in these areas. The ordinance prohibited the following uses in the district:

(4) Prohibited Uses. Within the area subject to the North Central Philadelphia Special District Controls, and notwithstanding any other Chapter of this Title, the following uses shall be prohibited:

- (a) Multiple-family dwellings;*
- (b) Apartment houses;*
- (c) Tenement houses;*
- (d) Student housing not owner-occupied;*
- (e) Fraternity/Sorority houses.*⁶⁴

The ordinance proved highly controversial and drew criticism from student advocacy groups, developers, the construction industry, and property owner's intent on renting to students in the areas covered in the special district controls. It resulted in a lawsuit in which the appellate Commonwealth Court of Pennsylvania upheld the city's use of the moratorium in the Yorktown neighborhood.⁶⁵ In the decision, the appellate court affirmed the lower court's ruling that Philadelphia is not prohibited from "carving out an exception for a certain area of the city, where it determines that student housing needs to be treated differently from other single-family use."⁶⁶ Philadelphia was thus free to extend the boundaries of its moratorium to other at-risk neighborhoods in the city where planners and municipal officials feel that such restrictions are appropriate.

⁶³ City of Philadelphia, *The Philadelphia Code*, Chapter 14-200 (115). [http://www.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/title14zoningandplanning/chapter14-200definitions?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:philadelphia_pa\\$sanc=JD_14-203\(115\)](http://www.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/title14zoningandplanning/chapter14-200definitions?f=templates$fn=default.htm$3.0$vid=amlegal:philadelphia_pa$sanc=JD_14-203(115))

⁶⁴ City of Philadelphia, *Bill 110636 Amending § 14-1629 of The Philadelphia Code*, September 22, 2011. <http://legislation.phila.gov/attachments/11995.pdf>

⁶⁵ *SFH Properties, LLC and SF Master Properties, LLC v. Zoning Board of Adjustment of the City of Philadelphia and the City of Philadelphia* (128 C.D. 2011).

⁶⁶ Commonwealth Court of Pennsylvania, *SFH Properties, LLC and SF Master Properties, LLC v. Zoning Board of Adjustment of the City of Philadelphia and the City of Philadelphia* (128 C.D. 2011). <http://cases.justia.com/pennsylvania/commonwealth-court/128-c-d-2011.pdf>

St. Paul

The City of Saint Paul, Minnesota, is home to a number of colleges and universities where student renters encroach into single-family residential neighborhoods. Of particular concern are falling home ownership rates in the Highland Park, Macalester Groveland, and Merriam Park neighborhoods which absorb nearly 1,800 student renters every year from nearby Saint Thomas University. Saint Paul's definition of family allows for up to four unrelated individuals to occupy a residence and makes no special provision for student renters:

Family. One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.⁶⁷

In October of 2011, the city council passed an ordinance placing a temporary moratorium ordinance on the conversion of one-family homes student housing while the City's Planning Commission studied the issue.⁶⁸ The Planning Commission released the findings of its student housing zoning study in May of 2012.⁶⁹ Concerned with identifying the tipping point beyond which too many student renters in one area leads to a spiral of perpetual decline and homeowner flight, the Planning Commission believed that Saint Paul's unique local circumstances made even an 85% owner/15% renter split a potentially risky one for neighborhood integrity. (Other studies, like a strategic vision plan for the University of Wisconsin – Milwaukee neighborhood released by the city of Milwaukee Department of City Development (DCD) in June of 2003, recommended roughly a 67% owner/33% renter ratio.⁷⁰) The Saint Paul Planning Commission recommended that the City adopt a Student Housing Neighborhood Impact Overlay District requiring a 150-foot minimum distance between student dwellings. Other policy recommendations included: mandating that universities with on-campus housing facilities house all first and second year students on-campus; investigating opportunities for increasing renter density within small areas in the overlay district; creating an historic conservation district to protect and preserve residential character and appeal.

Based on the recommendations of the Planning Commission the City Council adopted the following ordinance (Ord 12-34, § 1, 6-27-2012) establishing the overlay district:

ARTICLE VII. - 67.700. SH STUDENT HOUSING NEIGHBORHOOD

⁶⁷ City of Saint Paul, *Code of Ordinances*, Part II – Legislative Code, Title VIII § 60.207 – F.
https://www.municode.com/library/mn/st_paul/codes/code_of_ordinances?nodeId=PTIILECO_TITVIIIZOCO_CH60ZOCOENPRDEZODIMAGE_ARTII60.200.GEDE_S60.201GEDE

⁶⁸ City of Saint Paul, *Ordinance 11-70*, October 3, 2011.
<http://www.stpaul.gov/documentcenter/home/view/18329>

⁶⁹ Saint Paul Planning Commission, *Student Housing Zoning Study: Report and Recommendations*, May 2012.
<http://www.stpaul.gov/documentcenter/home/view/20436>

⁷⁰ City of Milwaukee, *A Partnership for Change: A Strategy and Vision for the UWM Neighborhood*, June 2003.
https://www4.uwm.edu/master_plan/planning_materials/upload/Partnership_for_Change-2.pdf

IMPACT OVERLAY DISTRICT

Sec. 67.701. - Establishment; intent.

The SH student housing neighborhood impact overlay district is established as shown on the official zoning map, generally the area bounded by Mississippi River Boulevard, Marshall Avenue, Cretin Avenue, and Interstate 94, Snelling Avenue, Summit Avenue, Fairview Avenue, and St. Clair Avenue, to ameliorate the impact of dedicated student housing within and preserve the character of predominantly one- and two-family dwelling neighborhoods.

Sec. 67.702. - Student dwellings.

Within the SH student housing neighborhood impact overlay district, a student dwelling is a one- or two-family dwelling requiring a fire certificate of occupancy in which at least one (1) unit is occupied by three (3) or four (4) students. For the purposes of this article, a student is an individual who is enrolled in or has been accepted to an undergraduate degree program at a university, college, community college, technical college, trade school or similar and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

Sec. 67.703. - Standards and conditions.

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

- (1) A student dwelling shall be located a minimum of one hundred fifty (150) feet from any other student dwelling located on a different lot, measured as the shortest distance between the two (2) lots on which the student dwellings are located.*
- (2) Parking shall be provided in accordance with the requirements of article 63.200 for new structures.*

Sec. 67.704. - Registration and establishment period.

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

Sec. 67.705. - Ineligible properties.

All properties lacking either a fire certificate of occupancy or provisional fire certificate of occupancy or which exceed occupancy limits, as defined in Legislative Code § 60.207.F., at the time this article is adopted shall be ineligible for registration and establishment as an existing student dwelling during the registration and establishment period.

Sec. 67.706. - Establishing new student dwellings.

Establishing new student dwellings. After sixty (60) days following the conclusion of the registration and establishment period under this article, additional properties may be registered and established as new student dwellings, subject to the standards and conditions specified in Legislative Code § 67.703(a) and (b). A process for reviewing proposed new student dwellings shall be established by the Department of Safety and Inspections. The owner of a building deemed ineligible for establishment as a student dwelling may apply for a variance under Legislative Code § 61.601, as applied.

Sec. 67.707. - Tracking and renewal of registered and established student dwellings.

The department of safety and inspections shall maintain a current list of all registered and established student dwellings which shall be made available at the office of the department of safety and inspections upon request. All student dwellings shall have and maintain a fire certificate of occupancy that identifies the property as a student dwelling. All student dwellings shall be subject to all terms and conditions of Chapter 40 of this Code, and will be subject to renewal of status as student dwellings on a schedule to be determined by the Department of Safety and Inspections but no less frequently than specified in Legislative Code § 40.05. At the time of renewal, properties shall be subject to verification of status as a student dwelling, based on the written standards established by the department of safety and inspections.

Sec. 67.708. - Revocation of status as registered and established student dwellings.

The department of safety and inspections may remove properties from the list of registered and established student dwellings under the following circumstances:

- (1) Suspension or revocation of fire certificate of occupancy;*
- (2) Residence by more than four (4) students in any unit;*
- (3) Residence by less than three (3) students for more than twenty-four (24) of the preceding thirty-six (36) months.*

A revocation of student dwelling status may be appealed to the board of zoning appeals pursuant to Legislative Code § 61.701(a)—(c).

Chapel Hill

The town of Chapel Hill in North Carolina has also taken measures to address student renters in single-family residential neighborhoods. Of particular concern is Chapel Hill's Northside neighborhood, where an influx of student renters since the 1990's has resulted in

higher resident density, a spike in property values, and an exodus of homeowners.⁷¹ Chapel Hill’s family definition, adopted in 2004, is as follows:

Family:

An individual living alone or two (2) or more persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall include an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than 6 residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.⁷²

Chapel Hill allows no more than four unrelated individuals to occupy a single- or two-family dwelling unit, as described in the town’s definition of dwelling units, for single- and two-family residential zones:

Dwelling Units, Single-Family:

A detached dwelling consisting of a single dwelling unit only. A single-family dwelling shall be classified as a Rooming House if occupied by more than four persons who are not related by blood, adoption, marriage, or domestic partnership.

Dwelling Units, Two-Family—Duplex:

A single dwelling consisting of two (2) dwelling units (other than a “two-family dwelling – including accessory apartment”)...Any dwelling unit that is part of a two-family dwelling shall be classified as a Rooming House if occupied by more than four persons who are not related by blood, adoption, marriage, or domestic partnership.⁷³

The Northside Neighborhood Conservation District was established in that same year. The overlay district provides for additional restrictions on development to “preserve the history, charm, and composition...protect the family character of the neighborhood...[and] make certain that families seeking homeownership have opportunities to buy a home and can afford to live in this community.” The text of the 2004 overlay district imposed design guidelines on residential development within the district to discourage, among other things, the construction of additional bedrooms in residences intended to be converted to student rental units:

1. *Maximum Building Height, Other than Town Center-2 District and Office/Institutional – 1 Districts (primary): 20 feet*
2. *Maximum Office/Institutional -1 Building Height (primary): 29 feet*

⁷¹ The Daily Tarheel, *Over Two Decades, Students have Flocked to Single-Family homes in Northside*, February 2, 2015. <http://www.dailytarheel.com/article/2015/02/over-two-decades-students-have-flocked-to-single-family-homes-in-northside>

⁷² Town of Chapel Hill, *Land Use Management Ordinance*, Article 1.4, Appendix A, 2004. http://townhall.townofchapelhill.org/planning/planning_development/pdfs/lumo_finalmaster.pdf

⁷³ *Ibid.*

3. *Maximum Town Center-2 Building Height (primary): 40 feet (except for areas that abut land zoned R-2, R-3, or R-4; in such areas, the maximum primary height limit shall be 30 feet)*
4. *Maximum Building Height, Other than Town Center-2 District (secondary): 35 feet*
5. *Maximum Town Center-2 Building Height (secondary): 50 feet*
6. *Duplexes: Two-family duplex-type dwellings (defined in the Land Use Management Ordinance as “Dwelling, Two-family - - Duplex” are not permitted in the Northside Neighborhood Conservation District.*
7. *Maximum House Size (single-family or single-family with accessory apartment): 2,000 square feet; 2,500 square feet if variance is obtained from the Chapel Hill Board of Adjustment, based on the required findings outlined in Section 4.12.2 of the Land Use Management Ordinance.*
8. *Maximum Floor Area Ratio (single family, single family with accessory apartment): .25*
9. *Bathroom to Bedroom Ratio: A dwelling with more than 2 bedrooms, and a bathroom to bedroom ratio of 1.0 or greater, shall be classified as a rooming house unless the dwelling is occupied by persons related by blood, adoption, marriage, or domestic partnership, with not more than two unrelated persons.*
10. *Zoning Compliance Permit Notification: Owners within 1,000 feet of a property for which a Zoning Compliance Permit application is submitted must be notified of the application if an increase in floor area is proposed or if the addition of a garage is proposed.*⁷⁴

In the spring of 2011, the Northside and Pine Knoll neighborhoods petitioned the town council to take further action. The town council responded, enacting a temporary development moratorium in these neighborhoods from May 2011 until January 2012. Taken from a local planning document explaining the ordinance’s impact on development, the heart of the ordinance is as follows:

*The moratorium applies to applications for building permits (interior and exterior), applications for site plan approval, special use permits, zoning compliance permits, minor subdivisions and major subdivisions (preliminary plat) for residential development on residential zoned property submitted after May 23, 2011. The Town’s Planning and Inspections Departments will not issue permits for these types of applications during the moratorium period.*⁷⁵

In January and June of 2012, the town council amended the 2004 Northside Neighborhood Conservation District to include additional constraints on rental housing in the area. These are:

⁷⁴ Town of Chapel Hill, *Land Use Management Ordinance*, Article 1.4, Northside Plan, 2004.
http://townhall.townofchapelhill.org/planning/planning_development/pdfs/northside_plan.pdf

⁷⁵ Town of Chapel Hill, Planning Department, *Question and Answers about the Northside and Pine Knolls Temporary Development Moratorium*, July 11, 2011.
<http://www.townofchapelhill.org/home/showdocument?id=15015>

Zoning Compliance Permit Notification: Owners within 500 feet must be notified and given two weeks from the date of notification to transmit comments to the applicant, with no notification for projects that do not require a building permit.

Rooming Houses: Not Permitted

Maximum number of parked 4-wheeled motor vehicles...per zoning lot: up to 6 motor vehicles may be allowed for duplex and multi-family dwelling uses.

Planning Board Review: Site Plan Review, in accordance with Section 4.7 of the Land Use Management Ordinance, required for all single-family and multi-family demolition projects as well as single-family and multi-family projects that result in the addition of square feet of floor area to a zoning lot that is equal to or greater than 250 square feet.

Community Design Commission Review: Concept Plan Review by the Community Design Commission, in accordance with Section 4.3 of the Land use Management Ordinance, required for single-family and multi-family projects that result in the addition of 600 or more square feet of floor area to a zoning lot.⁷⁶

In 2015, the Northside neighborhood, in partnership with the University of North Carolina – Chapel Hill, Self Help Credit Union, and the Jackson Center, announced the *Northside Neighborhood Initiative*, a \$3 million project to create a community land bank that would acquire and sell “properties in the Northside that would be used for housing opportunities, for home ownership and rental, consistent with the community’s goals and vision.”⁷⁷ University students were credited with playing a vital role in the initiative, and a proposal was put forward to convert existing student rental housing in the neighborhood into “intentional housing options for undergraduate and graduate student enrolled in particular areas of study, such as education, public health, city planning, public policy, and other areas of study.”⁷⁸

For additional examples of family definitions from university cities around the country, please see Appendix C.

⁷⁶ Town of Chapel Hill, *Northside Neighborhood Conservation District Plan CD-1*, Amended January 9 and June 25, 2012. <http://www.townofchapelhill.org/home/showdocument?id=12179>

⁷⁷ Town of Chapel Hill, *Northside Neighborhood Initiative*, 2015. <http://www.townofchapelhill.org/town-hall/departments-services/housing-and-community/northside-neighborhood/northside-neighborhood-initiative>

⁷⁸ Ibid.

Appendix A: “Family” Definitions from Wisconsin Zoning Ordinances

City of Appleton

Family means one (1) or more individuals not necessarily related by blood, marriage, adoption, or guardianship, living together under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

-City of Appleton, *Municipal Code*, Building and Building Regulations, § 4-231(a).

City of Ashland

Family. A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel, club, fraternity, or sorority house, or other group, provided that unless all members except one are related by blood, adoption, marriage, or are legally cared for, no such group shall contain over five persons.

-City of Ashland, *Unified Development Ordinance*, §12.2

City of Beloit

FAMILY. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants; foster children and not more than 2 roomers residing with said "family."

-City of Beloit, *Municipal Code*, Chapter 19 § 11.3.73

City of De Pere

Family. One or more persons, each related to the other by blood, marriage, adoption, or foster children, who are living together in a single dwelling and maintaining a common household. Not more than five (5) unrelated persons living together on the premises may constitute a "family". A family includes any domestic servants and not more than one (1) gratuitous guest residing with same "family".

-City of De Pere, *Municipal Code*, Chapter 14 § 14-2(66)

City of Eau Claire

Family. One or more persons, who are related to each other by blood, marriage, adoption or legal guardianship, occupying a dwelling unit.

-City of Eau Claire, *Municipal Code*, Chapter 18, § 02.020(37)

City of Fond du Lac

Family. One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. In determining the functional equivalent of a traditional

family, the following criteria shall be present:

- A. The group shares the entire dwelling unit;
- B. The group lives together as a single housekeeping unit;
- C. The group shares expenses for food, rent, utilities or other household expenses;
- D. The group is permanent and stable and not transient or temporary in nature; and
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

-City of Fond du Lac, *Municipal Code*, Chapter 720, Article II § 720-6

City of Glendale

Family. The body of persons who live together in one (1) dwelling unit as a single housekeeping entity.

-City of Glendale, *Code of Ordinances*, Chapter 13, § 13.1.200(35)

City of Green Bay

Family: A group of two (2) or more persons related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit or a group of not more than three (3) adults not so related maintaining a common household.

-City of Green Bay, *Municipal Code*, Chapter 13, § 13-302

City of Kenosha

Family shall be defined as the occupancy of a place of resident for sleeping or lodging purposes by one of the following:

An individual; or

Two (2) or more persons all of whom are related to each and every other by blood or marriage. Servants and children placed in a foster home under the provisions of Chapter 48, Wisconsin Statutes, shall be treated as if they were related by blood or marriage to the other members of said family unit provided family units licensed under Chapter 48 shall maintain and comply with the terms of their license, and no more than two (2) unrelated individuals; or,

Four (4) or less persons unrelated to each and every other by blood or marriage.

The number of unrelated individuals authorized to reside in a Community Living Arrangement, consistent with Section 62.23(7)(i.), Wisconsin Statutes.

-City of Kenosha, *Zoning Ordinance*, § 12.0

City of La Crosse

Family.

(1) The term "family" means:

a. In the Single Family (R-1) Residence District, Washburn Residential District (WR), any number of

individuals related by blood, marriage, adoption or legal guardianship living together as a single housekeeping unit and using common cooking facilities, plus not more than two persons (total of three unrelated persons) not so related by blood, marriage, adoption or legal guardianship, or not to exceed ten persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State.

b. In the Residence (R-2) District, any number of individuals related by blood, marriage, adoption or legal guardianship living together as a single housekeeping unit and using common cooking facilities, plus not more than three persons (total of four unrelated persons) not related by blood, marriage, adoption or legal guardianship, or not to exceed ten persons living together as a single housekeeping unit using common cooking facilities in a foster home wherein the foster parents have been licensed by the State, except that for two family dwellings which have zero lot lines with a common wall perpendicular to the street the number of individuals not related by blood, marriage, adoption or legal guardianship shall not exceed two persons.

c. In the Low Density Multiple Dwelling (R-3), Multiple Dwelling (R-4) and Special Multiple Dwelling (R-5) Districts, any number of individuals related by blood, marriage, adoption or legal guardianship or not to exceed five persons not so related, living together as a single housekeeping unit and using common cooking facilities, or not to exceed ten persons living together as a single housekeeping unit using common cooking facilities in a foster home wherein the foster parents have been licensed by the State.

(2) Notwithstanding subsections (1)a and (1)b of this definition, any rental dwelling unit in existence on September 1, 1989, may continue to maintain housing for not to exceed five unrelated persons provided such rental dwelling unit is in compliance with all other applicable codes and regulations, and if the owner of such dwelling unit files an affidavit of such use with the Inspection Department by July 1, 1990, on forms which may be recorded with the register of deeds provided by the City Inspection Department upon payment of a fee of \$10.00 per tax parcel. The right to maintain up to and including five unrelated persons per rental dwelling unit in the single family and residence district shall continue until such time as total structural repairs or alterations to any such dwelling unit during its life exceeds 50 percent of the assessed value of such dwelling unit or until such time as such dwelling unit is destroyed by fire or casualty or for a period of 15 years from August 26, 1989, whichever shall occur first. The right to maintain up to and including five unrelated persons per rental dwelling unit provided by this paragraph shall terminate immediately should said tax parcel be found to have more than five unrelated persons living in any rental dwelling unit with the knowledge of the landlord or the landlord's agent.

(3) Notwithstanding the above provisions, adult family homes and community living arrangements shall be permitted uses allowed as provided in Wis. Stat. § 62.23(7)(i).

-City of La Crosse, Municipal Code of Ordinances, Chapter 115, § 115-1

City of Madison

Family. (a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:

1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.

2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.

3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.

4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

(b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit. Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;

(c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied.

-City of Madison, Code of Ordinances, Chapter 28, § 28.211

City of Manitowoc

Family means two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this chapter, a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit, will be considered equivalent to a single family.

-City of Manitowoc, *Municipal Ordinances*, Chapter 15, § 15.030

City of Menomonie

FAMILY: One or more persons related by blood, marriage, adoption or legal guardianship, living together in one dwelling unit as a single housekeeping entity.

-City of Menomonie, *Code of Ordinances*, Title 10, § 10-1-4

City of Mequon

Family means one adult occupant plus one or more persons who are legally related to said occupants as husband or wife, son or daughter, mother or father, mother-in-law or father-in-law.

-City of Mequon, *Code of Ordinances*, Article V, § 10-149

City of Milwaukee

FAMILY means a single person or group of persons who are related by blood, marriage, adoption or affinity and live together in a stable family relationship.

-City of Milwaukee, *Code of Ordinances*, Subchapter 2, § 295-201(181)

City of Oshkosh

Family: One or more persons related by blood, marriage, adoption, foster care, or a group of not more than four (4) persons who need not be related, living together as a single housekeeping organization and using common kitchen facilities.

-City of Oshkosh, *Zoning Ordinance*, Chapter 30, § 30-1(52)

City of Platteville

FAMILY – Any one of the following groups of individuals, but not more than one group at a time:

(a) Any number of persons, all of whom are related to each other by blood, adoption, marriage, legal guardianship, or domestic partnership formed under Wis. Stats. 770, along with up to two (2) roomers or boarders not so related, living together in one dwelling unit as a single housekeeping entity;

(b) Not more than four (4) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or

(c) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

-City of Platteville, *Municipal Code*, Chapter 22, § 22.15

City of Ripon

"Family" means an individual or a group of two or more persons related by blood or marriage, adoption or foster care arrangement living together as a single housekeeping unit; or a group of not more than four adults not so related, maintaining a common household, and using common kitchen facilities.

-City of Ripon, *Ripon Municipal Code*, Title 20, § 20.04.250

City of River Falls

"Family."

1. In the (R1) single-family (low density) residence district, "family" means an individual or two or more persons related by blood or marriage, adoption or legal guardianship, or evidence of a stable family relationship or a group of not more than four persons unrelated by blood or marriage, living together for single housekeeping in a dwelling unit. The right to maintain up to and including five unrelated persons in a preexisting rental dwelling unit in a single-family zoning district shall continue until such time as total structural repairs and alterations during its life exceeds fifty (50) percent of the assessed value of the rental dwelling unit or until such time as the dwelling unit is destroyed by fire or casualty or for a period of fifteen (15) years from the effective date of the ordinance codified in this section, whichever shall occur first. This right shall also terminate immediately should the tax parcel be found to have more than five unrelated individuals living within any rental dwelling unit with the knowledge of the landlord or the property manager.

2. In the (R2) multiple-family (medium density) residence district and (R3) high density residence district, "family" means an individual or two or more persons related by blood or marriage, or evidence of a stable family relationship, or a group of not more than five persons unrelated by blood or marriage living together for single housekeeping in a dwelling unit.

-City of River Falls, *Code of Ordinances*, Title 17, § 17.04.020

City of Sheboygan

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

(1) A person is pregnant.

(2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

(3) A person's household includes one or more minor or adult relatives.

(4) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.

(5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Village of Shorewood

Family. An individual, or two or more persons related by blood, marriage, legal adoption or legal guardianship, or a group of not more than three persons who need not be related by blood, marriage, legal adoption or legal guardianship, living together in a dwelling unit. Except as provided under § 62.23(7)(i), Wis. Stats., the foregoing definition of "family" may not be used or applied to prohibit or restrict the following:

A. A community living arrangement with a capacity of eight or fewer persons as described and meeting the criteria under § 62.23(7)(i), Wis. Stats., that is licensed, operated or permitted under the provisions set forth in § 62.23(7)(i), Wis. Stats.

B. A foster home under the provisions of Ch. 48, Wis. Stats., whereby a foster home license is issued, provided that the number of foster children shall not exceed four, unless all are in the relationship to each other of brother or sister.

C. An adult family home licensed under § 50.033(1m)(b), Wis. Stats., and described in and subject to the provisions of §§ 50.01(1)(b) and 62.23(7)(i), Wis. Stats, which provide that the number of additional adults residing at such adult family home shall not exceed four, unless all of the additional adults are siblings each of whom has a developmental disability.

City of Stevens Point

FAMILY - an individual, or two or more person related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or person plus one individual not having such similar legal relationship but functioning as a part of the single housekeeping entity.

City of Superior

Family means one or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, lodging house, motel or hotel as herein defined.

City of Waukesha

Family. One or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit. A number of adults, but not to exceed three unless it is necessary to exceed three to comply with applicable Federal or State law, living together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family. Adoption as herein defined means persons who are in a bona fide process of adoption or foster children.

-City of Waukesha, *Code Book*, Chapter 22, § 22.05(69)

City of Whitewater

"Family" means an individual or a group of two or more individuals who are related by blood, marriage or adoption, together with not more than two additional persons not so related, living as a single household in a dwelling unit. (For the purposes of this title, "family" includes "non-family households.")

-City of Whitewater, *Code of Ordinances*, Title 19, §19.09.290

Appendix B: Wisconsin University Cities Statistics

Wisconsin's Public & Private Non-Profit University Housing Demand in Host Cities & Adjacent Communities

University	Host City	Adjacent Cities/ Villages	Enrollment (Fall 2014) ⁷⁹	Housing On- Campus ⁸⁰	Unmet Housing Demand ⁸¹	HomeOwnership (%) ⁸²
Alverno College	Milwaukee	Greenfield	2,522	277	2,245 (89%)	43.70%
Bellin College	Green Bay	Bellvue	280	0	280 (100%)	58.40%
Beloit College	Beloit	South Beloit	1,300	550	750 (58%)	61.30%
Cardinal Stritch University	Milwaukee	Glendale	4,641	370	4,271 (92%)	43.70%
Carroll University	Waukesha	None	3,523	208	3,315 (94%)	58.70%
Carthage College	Kenosha	None	3,400	1,413	1,987 (58%)	58.40%
Columbia College/Nursing	Glendale	Whitefish Bay	153	0	153 (100%)	69.50%
Concordia University	Mequon	None	7,751	Unknown	Unknown	88.10%
Edgewood College	Madison	None	2,650	Unknown	Unknown	49.30%
Lakeland College	Sheboygan	Howards Grove	3,900	322	3,578 (92%)	62.50%
Lawrence University	Appleton	None	1,450	1,000	450 (31%)	69.50%
Marian University	Fond du Lac	None	2,306	Unknown	Unknown	56.60%
Marquette University	Milwaukee	None	11,800	4,000	7,800 (66%)	43.70%
Medical College of WI	Milwaukee	Wauwatosa	1,260	0	1,260 (100%)	43.70%
Milwaukee Inst of Art/Design	Milwaukee	None	725	300	425 (59%)	43.70%
Milwaukee Sch./Engineering	Milwaukee	None	2,564	Unknown	Unknown	43.70%
Mount Mary University	Milwaukee	Wauwatosa	1,856	Unknown	Unknown	43.70%

⁷⁹ Private university enrollment taken from “Wisconsin’s Private Nonprofit Colleges & Universities: Guide to Admissions & Financial Aid, 2014.” Public university enrollment taken from “The University of Wisconsin System Student Statistics Headcount Enrollment, 2014.”

⁸⁰ Public university on-campus housing data taken from “University of Wisconsin System Summary Student Occupancy Report, Fall 2014” published by the University of Wisconsin System Administration Office of Policy Analysis and Research.” Private university on-campus housing data taken from each university’s on-campus housing website.

⁸¹ Expressed as a percentage of total university enrollment exceeding available housing on-campus.

⁸² U.S. Census Data, Homeownership Rate 2009-2013.

Northland College	Ashland	None	554	443	111 (20%)	62.90%
Ripon College	De Pere	None	952	Unknown	Unknown	62.60%
Saint Norbert College	Ripon	None	2,287	900	1,387 (60%)	60.70%
Silver Lake College	Manitowoc	None	1,291	Unknown	Unknown	67.80%
University of WI-Eau Claire	Eau Claire	None	10,907	3,905	7,002 (64%)	55.00%
University of WI-Green Bay	Green Bay	None	6,667	1,974	4,693 (70%)	58.40%
University of WI-La Crosse	La Crosse	None	10,502	3,539	6,963 (66%)	50.50%
University of WI-Madison	Madison	Shorewood Hills	42,903	7,604	35,299 (82%)	49.30%
University of WI-Milwaukee	Milwaukee	Shorewood	27,784	4,224	23,560 (84%)	43.70%
University of WI-Oshkosh	Oshkosh	None	13,902	3,374	10,528 (75%)	55.10%
University	Host City	Adjacent Cities	Enrollment (Fall 2014)	Housing On-Campus	Unmet Housing Demand	City Home Ownership (%)
University of WI-Parkside	Kenosha	None	4,617	826	3,791 (82%)	58.40%
University of WI-Platteville	Platteville	None	8,717	3,031	5,686 (65%)	46.20%
University of WI-River Falls	River Falls	None	6,171	2,380	3,791 (61%)	52.50%
University of WI-Stevens Pt.	Stevens Point	Park Ridge	9,643	3,399	6,244 (64%)	50.40%
University of WI-Stout	Menomonie	None	9,286	3,039	6,247 (67%)	42.90%
University of WI-Superior	Superior	None	2,656	799	1,857 (69%)	55.50%
University of WI-Whitewater	Whitewater	None	12,015	4,270	7,745 (64%)	34.90%
Viterbo University	La Crosse	None	2,788	700	2,088 (74%)	50.50%

Appendix C: National Examples of “Family” Definitions

City of Boston, Massachusetts

"Family",

One person or two or more persons related by blood, marriage, adoption, or other analogous family union occupying a dwelling unit and living as a single non-profit housekeeping unit, provided that a group of five or more persons who are enrolled as full-time, undergraduate students at a post-secondary educational institution shall not be deemed to constitute a family. A group residence, limited, as defined in clause (22B) of this Section 2-1 shall be deemed a family.

- Boston Redevelopment Authority, *Zoning Code*, Volume 1: Enabling Act / General Code, Article 2 (19).

City of Philadelphia, Pennsylvania

Family.

A person living independently or a group of persons living as a single household unit using housekeeping facilities in common, but not to include more than three persons who are unrelated by blood, marriage, adoption, or foster-child status, or are not Life Partners.

- City of Philadelphia, *The Philadelphia Code*, Chapter 14-200 (115).

City of Saint Paul, Minnesota

Family.

One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

- City of Saint Paul, Minnesota, *Code of Ordinances*, Part II – Legislative Code, Title VIII § 60.207 – F.

Town of Chapel Hill, North Carolina

Family:

An individual living alone or two (2) or more persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall include an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than 6 residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

- Town of Chapel Hill, *Land Use Management Ordinance*, Article 1.4, Appendix A, 2004.

City of Ann Arbor, Michigan

Family. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of section 5:7.

-City of Ann Arbor, *Code of Ordinances*, Chapter 55, § 5:1 (19)

A dwelling unit may not be occupied by more persons than 1 of the following family living arrangements:
(a) One or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit, in all districts.
(b) Four persons plus their offspring living as a single housekeeping unit, in all districts.
(c) Six persons living as a single housekeeping unit in R4 districts.
(d) A functional family living as a single housekeeping unit which has received a special exception use permit pursuant to section 5:104.

-City of Ann Arbor, *Code of Ordinances*, Chapter 55, § 5:7 (2).

City of Cedar Falls, Iowa

Family means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over four persons.

-City of Cedar Falls, *Code of Ordinances*, Chapter 29-2

City of Berkeley, California

Family: See Household.

Household: One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the Household and other similar characteristics indicative of a single Household.

-City of Berkeley, *Municipal Code*, Title 23F.04.010

City of Lawrence, Kansas

Family: (1) a person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in a t1,t2, and t3 transect Zone a group of not more than three persons not related by blood or marriage, living together as a single housekeeping unit in a residential unit, as distinguished from a group occupying a lodging building; or (4) in a t4, t5 and t5.5 transect Zone, a group of not more than four persons not related by blood or marriage, living together as a single housekeeping unit in a residential unit, as distinguished from a group occupying a lodging building.

-City of Lawrence, *City Code*, Smart Code, §21-700.1

City of College Station, Texas

Family: A family is one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by (1) blood, (2) adoption, (3) guardianship, (4) marriage, or (5) are part of a group home for disabled persons, no such family shall contain more than four (4) persons.

-City of College Station, *Unified Development Ordinance*, Chapter 12, Article 11 § 12-11.2