

**RESOLUTION NO. 20131121-053**

**WHEREAS**, since the time that the University Neighborhood Overlay was adopted, there has been significant development pressure which is manifesting in the proliferation of dorm-style housing in single-family neighborhoods; and

**WHEREAS**, Austinites in some neighborhoods have raised concerns regarding the development of large houses and duplexes, built under single family development regulations, for the purpose of housing six unrelated occupants in a single family neighborhood; and

**WHEREAS**, these properties sometimes have disproportionate impacts on neighborhoods in terms of nuisance violations such as over-occupancy, noise disturbances, overflow parking, and overflowing garbage cans; and

**WHEREAS**, the tenants of group houses include not just university students and young adults, but also recent immigrants, returning ex-offenders, and others of low to moderate income who have limited housing options; and

**WHEREAS**, the homes built for this type of use are often out of accord with the character of the single family neighborhoods where they are located; and

**WHEREAS**, any changes to the dwelling unit occupancy limit should include consideration of unintended consequences such as a reduction in the number of affordable housing units for both student and non-student populations and increased rents; and

**WHEREAS**, nationwide, occupancy limits for cities who impose them are often less than 4; and

**WHEREAS**, though neighbors of these high-occupancy single family properties, also known as “stealth dorms,” have reported their occupancy complaints to the City of Austin’s Code Compliance department, it is difficult to remedy these issues due in part to the City’s high occupancy limits; and

**WHEREAS**, the Codes and Ordinances Subcommittee of the Planning Commission convened a stealth dorm working group beginning in June of 2013 consisting of representatives from the Austin Board of Realtors, the Austin Apartment Association, the Real Estate Council of Austin, the Austin Neighborhoods Council, the American Institute of Architects, representatives from impacted neighborhoods and Code Compliance; and

**WHEREAS**, that working group is in the process of preparing recommendations for presentation to the Codes and Ordinance Subcommittee at their November 2013 meeting; and

**WHEREAS**, the working group could benefit from hearing the perspectives of additional stakeholders, including students, recent immigrants, returning ex-offenders, and other tenants of group housing; **NOW, THEREFORE,**

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

The Council initiates a code amendment related to dwelling unit occupancy that will set the maximum number of unrelated adults who may reside in structures allowed on single-family zoned property at four and directs the City Manager to process the code amendment and bring it to Council on or before January 30, 2014. The Planning Commission may elect to recommend a different maximum; it may also recommend that the code amendment be limited

to some parts of the city, or be offered as a tool available to Neighborhood Planning Teams, rather than as a provision that applies to the entire city.

**BE IT FURTHER RESOLVED:**

The Codes and Ordinances Subcommittee Stealth Dorm working group (“Working Group”) is requested to convene additional meetings with the purpose of incorporating feedback from additional stakeholders and to continue its review of issues related to stealth dorms and best practices for enforcement, including: (1) expanding the City’s “Repeat Offender” program to include violations of City Code Section 25-2-511 (*Dwelling Unit Occupancy Limit*) and other laws related to quality of life; and (2) requiring “affidavits of occupancy”.

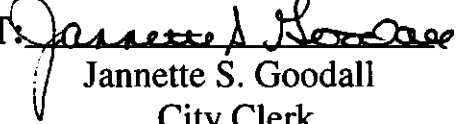
**BE IT FURTHER RESOLVED:**

In conjunction with the above occupancy limit changes, the Working Group is requested to consider potential adjustments to development regulations so as to accommodate development pressure in ways that are consistent with the Imagine Austin Plan.

**BE IT FURTHER RESOLVED:**

The City Manager is requested to provide support for the additional meetings and to bring the recommendations to Council on or before March 31, 2014.

**ADOPTED:** November 21, 2013

**ATTEST:**   
Jannette S. Goodall  
City Clerk