



Student Rental Restrictions

Analysis of the 2007 Amendment to the Indiana Borough Zoning Ordinance 1722

Modifications to the Indiana Borough Zoning Ordinance took effect in late July, 2007 to promote residential preservation. The purpose of the changes is to prohibit any further expansion of student rentals within the Borough. Home of the Indiana University of Pennsylvania (IUP), Indiana Borough residents have lived among students for decades. Public accusations of poor student behavior and blight led to amending the zoning ordinance. New changes impose restrictions based on familial status and location of permanent residence.

According to borough officials, there are currently 5,100 students living in off-campus housing within the borough. The university has housing for about 3,900 students on campus while the student population is more than 14,200. The population of Indiana Borough is approximately 14,817. Many residents have complained of late and loud parties, unkempt properties and vandalism to their own homes. These complaints prompted the Borough to vote for a tighter zoning ordinance that would close all possible loopholes for future student rentals.

A substantial amount of properties in Indiana Borough are owned by landlords or citizens that take advantage of the fact that IUP's burgeoning population has led to a student migration into the borough. By offering flexible 9 month leases the property owner can guarantee continued occupancy. Until recently, renting to students was allowed in R-1 and R-2 zone districts.

The changes to the zoning ordinance prohibit any future conversions of single family homes to student rentals. At this time all domiciles currently used as student rentals may remain so unless they are rented to a functional family for 10 months. At that time the rental is mandated to permanently switch to functional family housing.

Other college towns across Pennsylvania and the United States have passed similar ordinances but merely limit the number of unrelated people living in the rental. In most cases the number of allowed unrelated residents is three (3). From our research it appears that no other municipality has attempted to completely ban students from living within its boundaries.

Although the Fair Housing Act protects citizens against discrimination based on familial status, the provisions of the Act pertain solely to discrimination of renters with children under the age of 18. Student renters are not a protected class of citizens.

REALTORS® will be mandated to follow the imposed amendment to the zoning ordinance immediately. REALTORS® will have to look deeper into potential renter's relationships and assure that proper supporting documentation concludes that the address will be considered the renters permanent residency. The decision to not abide by the ordinance will result in fines as determined by the board of supervisors.

Changes to the ordinance that affect REALTORS®

- The term “family” has been deleted from the zoning ordinance and replaced with “functional family.”
 - “Functional Family” is defined as: either an individual, or a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with the demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or students where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.
- The zoning ordinance prohibits conversions of single family homes to student rentals. Domiciles currently used as student rentals may remain so unless they are rented to a functional family for at least 10 months. At that time the rental is mandated to permanently switch to functional family housing.
 - “No property located within an R-1 or R-2 zone shall be converted to or created for or used for the purpose other than that for a functional family.”
- Insertion of the definition of “Permanent Residence”
 - “Permanent Residence” is defined as: Primary domicile occupied by the owner for at least ten (10) months out of a twelve (12) month period.
- Student housing shall be permitted, providing the property is the permanent residence of the owner of the property.
- Rooming and/or boarding house shall be added as a special exception to the R-1 Single Family Residence District Zoning
 - “Boarding/Rooming House” is defined as: A single family detached dwelling whose owner accepts not more than two (2) persons not related to the family occupying the dwelling as permanent residents in the dwelling in return for compensation to the family and in accordance with the Borough Housing Code. If means are not provided to such persons, the dwelling shall be considered a rooming house.