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Boston inspection official pushes for changes to student housing law

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By **Matt Rocheleau**

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The head of Boston's Inspectional Services Department said Thursday that a rarely enforced city rule barring more than four undergraduates from living together in off-campus apartments needs to be rewritten.

"The way the statute exists, we cannot enforce it," William Christopher testified at a City Council hearing.

Christopher said that even if city inspectors believe a particular apartment is overcrowded, they have no legal authority to get inside. There is no requirement, either, that the tenants identify whether they are undergraduates.

Despite the fact that the rule was enacted in 2008, the city has never successfully cited anyone for breaking it.

Christopher suggested that the council could draft a new ordinance and embed the rule within the city's sanitary code. Right now, the rule is an amendment to the zoning code.

Doing so would put more teeth in the rule by allowing inspectors to issue fines. But not all the potential issues would be resolved, including the lack of a requirement for tenants to identify

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whether they are undergraduates.

Christopher's agency recently recruited former councilor Michael Ross, who helped author the "no more than four" rule, to help brainstorm solutions. The department also plans to seek other input, including from current councilors.

Ross told the council, "You're going to have to come up with another tool." He recommended that the council draft new rules aimed specifically at landlords who are "the bad actors."

Some have criticized the city for not doing more to enforce the rule — or even to publicize its existence — particularly in the light of a Globe Spotlight investigation in the spring of 2014 that uncovered a host of overcrowded, unsafe off-campus units in the city's college neighborhoods.

The Spotlight report found that some landlords have ignored fixing problems, while profiting from students who at times cram into apartments together to save on rent and can be less apt to complain about poor conditions.

The report detailed the death of 22-year-old Boston University student Binland Lee, who died in a fire in 2013 after getting trapped her attic bedroom in an overcrowded house in Allston that had insufficient exits and a faulty fire alarm system.

Christopher said Thursday, however, that the rule wasn't perfectly tailored to address student crowding problems. He noted that "if you have a house that's capable of 10 students, if there's five of them that are undergraduates, what's the problem?"

Those pushing for better enforcement of the rule have cited concerns not only about safety, but also neighborhood quality of life issues associated with student overcrowding. They've also said that overcrowding can drive up rents.

"Our neighborhood is becoming a dormitory," Brighton resident Bruce Kline told the council.

Again this year, in the days around the annual Sept. 1 move-in frenzy, inspectors did not find a single case of an off-campus apartment where more than four full-time undergraduates were living together, according to city officials.

Thursday's hearing was convened by Councilors Josh Zakim and Mark Ciommo, who represent areas

of the city with large numbers of students.

Councilors questioned Christopher's assertion that the rule was unenforceable.

"What is the resistance to writing a violation and testing it in housing court?" Ciommo asked.

Inspectional Services officials explained they believed the violation would be easily dismissed in housing court because inspectors essentially would not have enough proof.

Residents attending the hearing also disagreed with the notion that the rule is unenforceable.

"The City Council should not take no for an answer when it comes to enforcement of this provision," Brighton resident Joanne D'Alcomo wrote in a statement.

"This is not rocket science — it can be enforced, if the people at City Hall think strategically and develop a smart plan," continued D'Alcomo, an attorney and member of the Allston Brighton Community Development Corp.

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