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Ban on student housing upheld in area near Temple

January 17, 2012 | BY VINNY VELLA, vellav@phillynews.com

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If you rent to Temple students in Yorktown, be sure to brush up on your beer pong skills.

In a decision filed Jan. 4, the state Commonwealth Court upheld a 2010 Common Pleas decision that a special zoning ordinance requiring landlords to live with their student residents in Yorktown homes is constitutional.

The ordinance, which was adopted in 2004 but neighbors say was not enforced, was intended to maintain the "quality of life" for the families living there.

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" is constitutional and legal, and we had appropriate reasons for doing it," said Andrew Ross, chief deputy solicitor and the lawyer representing the city.

"We're ecstatic," Pamela Pendleton-Smith, president of The Resolute Alliance in Yorktown (TRAY), said today. "For the first time, the long dollar, or the deep pockets, did not win out."

SFH Properties LLC first filed suit in 2009, saying the ordinance was unconstitutional because it treated students differently from other tenants. It also claimed the properties would have met the definition as single-family houses, which are exempted from the ordinance, if they were limited to a maximum of three students.

Ross said limiting the houses to three students would meet the single-family definition in other parts of the city, but it won't work in Yorktown because of the ban. "If you own the house, you can't rent to students if you don't also live in the house, whether it's only one or two, or three students," he said.

Ross said the city will enforce the law and issue citations to landlords if necessary, relying on neighbors complain to the city.

That means the city won't evict students already living in the neighborhood, but several complaints and citations could prompt landlords to look for other renters. Calls to the lawyers representing SFH were not returned.

Staff writer Valerie Russ contributed to this report.

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