Approved Housing Regulations

Title IX Approved Housing

The Fair Housing Act of 1968 governs community housing to protect individuals from discrimination based on gender, race, religion, national origin, familial status, or disability. The Title IX Higher Education Act of 1972 governs BYU-Idaho approved housing. It provides a general exemption to educational institutions to discriminate by gender (20 U.S.C.1681.Sex). In 1988 a religious-tenant exemption letter from Bruce Hafen, then president of Ricks College (now BYU-Idaho), was submitted and accepted which allows only BYU-Idaho admitted, matriculating students to live in university-approved housing to uphold the mission of our educational institution (34 C.F.R. 106.12(b) Exemption).

Single Students Must Live in Approved Housing

All single students under the age of 30 must live in approved housing unless they live at home with their parents. Students who wish to live with a relative must submit a request for an exception and receive approval from the BYU-Idaho Housing & Student Living Exceptions Committee. All off-track students who remain in the Rexburg area must also live in approved housing.

Separation of Single Male and Female Students

All approved-housing complexes must provide for the appropriate separation of single male and female students. BYU-Idaho reserves the exclusive right to determine how its policy of separating the sexes should be implemented.

Qualifications for Living in Approved Housing

All single students are required to live in BYU-Idaho approved housing, unless otherwise specified in the sections below. Those who qualify are:

1. Individuals who are currently attending as admitted and matriculating BYU-Idaho students (degree seeking and admitted to a BYU-Idaho track).
2. Students who are off-track and continue to live in the immediate Rexburg area.

Note: The approved housing manager has the responsibility to ensure all tenants meet these qualifications prior to allowing a contract to be signed.

Students who lose eligibility to live in BYU-Idaho approved housing must move out within 72 hours. This includes:

1. Students who have been dismissed for a Student Honor violation or evicted for violations of BYU-Idaho Apartment Living Standards.
2. Students who are on Academic Suspension.

Those who are not required or do not qualify to live in BYU-Idaho approved housing are:

1. Individuals who have not been officially admitted to BYU-Idaho or who come to Rexburg prior to their assigned track.
2. Students who are married.
3. Single students who qualify as a family (have dependent children or are legal guardians of dependent children).
4. Widows or widowers, unless they receive an exception from the Housing & Student Living Office.
5. Students who are divorced, unless they qualify for an 5. exception from the Housing & Student Living Office.
6. Students who are married but whose spouse is away for 6. military duty, or who are otherwise not currently living with their spouse.
Summer Session and Off-Track Students

Current matriculating single students who attend Summer Session classes, or are off-track and continue to live in the immediate Rexburg area, are required to live in BYU-Idaho approved housing as a condition of their continued enrollment.

Housing Classifications

Types of Complexes

As a condition of approval, all types of approved housing must meet all BYU-Idaho minimum apartment specifications and all city, state, and federal regulations including zoning, life-safety, and building codes. They must also pass city/state inspections. A business registration from the City of Rexburg is required to rent to any individual. The Housing & Student Living Office will require a copy of that registration prior to approval. The following are the different types of complexes:

1. Apartment Complexes (existing/new construction) – These projects are built specifically as rental complexes and meet all approved-housing regulations to rent to BYU-Idaho single students. They may be a single structure, multiple buildings, or pods. These complexes will be considered as one project with one gender.

2. Single-Family Residential Home – These projects are converted from a single-family residence to a single-student apartment with owner or employee as a manager living in a separate apartment within the complex. Whether it is a single home or multiple homes, generally, these types of projects will not be approved. Currently approved converted homes may continue to be approved and rent to students. If the property is sold, the new owner must submit a new application for approval using the prescribed process outlined in the approval section of this guidebook. Although all requirements must be met for approval, city zoning for the single-student market and life-safety are of particular concern for these renovations.

3. Community Housing/Family Housing – These projects are typically dwelling units or complexes intended for rental property and are not appropriate for BYU-Idaho single students. These projects are governed by Fair Housing laws.

Approved Housing Requirements

Apartment Ownership

1. Owners of these projects must work closely with City of Rexburg officials to see that all city, state, and federal codes are being met, as well as with the BYU-Idaho Housing & Student Living Office to see that all minimum standards are met.
2. All buildings within a complex must be owned by one individual, a legal partnership, or corporation; and the entire complex needs to be approved as one project.
3. Owners may not be single students living at their property. Also, teenage or older children and guests may not reside in approved housing when their residence is in violation of the university policy of separation of single men and single women.
4. Owners must keep on file with the Housing & Student Living Office a list of all individuals who have an ownership interest in the apartment complex. Any changes in ownership should be communicated to the Housing & Student Living Office.

Apartment Management

1. To achieve a reasonable level of supervision pertaining to BYU-Idaho Apartment Living Standards and Student Honor, each apartment or apartment complex must have a manager living on site.
2. On-site management (including assistant managers, spouses, etc.) must have an “Ecclesiastical Endorsement” (Appendix F) on file at the Housing & Student Living Office.
3. If owner is not living at the property:
   a. An on-site manager must live there and receive for their compensation, at least minimum state wages for the number of hours of work expected.
   b. Management must be located strategically to serve all students living on the property.
   c. Vision to all buildings, exterior doors, etc. may need to be considered.
   d. Managers may not be a single student or college peer.
e. The complex must have at least two separate apartment, with separate entrances (at least one for owner/manager, the other(s) for students). Managers and students may not share the same apartment within the complex.

**Name of Complex**

The entire complex must have one name and be identifiable with one address. Proposed name changes must serve a justifiable purpose beyond simply a desire to move up in the alphabetical listing of approved-housing complexes. Apartment complex names must begin with a letter, not a number or symbol.

**Gender Separation**

Only one gender will reside in an approved-housing complex. Gender will not be mixed from one building, pod, or wing to another, but will be the same for the entire property.

**Common Areas and Perception**

All structures will be considered as one complex and must maintain exclusive, gender-separated, common areas. These common areas are for the use of residents in one complex and may not be shared by another complex (i.e., laundry rooms, lounges, pools, hot tubs, etc.).

The complex cannot share a common driveway, parking lot, or other facilities with a neighboring property. There will need to be a perception (visual and otherwise) that the complex, including those with multiple buildings, is one rental property. For example, common architectural elements may provide a visual commonality.

No commercial establishments can be housed in any buildings on the premises. No commercial activities can be conducted on the premises, nor can residents work a business in their apartment that brings individuals to the rental for products or services.

Community housing cannot be part of the complex. All structures that are part of the complex will need to be approved for single students or the managers only.

**Hotels; Motels; Trailers; Studio Apartments; Condominiums; or Individually-owned, Multiple-unit complexes; Single-Family Residential Homes and Commercial Property**

1. Hotels; motels; trailers; studio apartments; condominiums; 1. or individually-owned, multiple-unit complexes and single-family residential homes are not approved housing for single students.
2. Apartments housed in the same building as commercial 2. property or community housing are not approved housing for single students.

**Approved-Housing Apartment Specifications**

Each approved-housing property must be in full compliance with all city, state, and federal codes, as well as all BYU-Idaho housing standards and policies.

Nothing in these guidelines should be interpreted as precluding BYU-Idaho from upgrading the requirements for approval at any time.

The landlord agrees to maintain both the interior and exterior of the property and any furnishings or appliances provided in a safe and operable condition and in compliance with all apartment specifications established by BYU-Idaho. An annual inspection will provide written notification of needed repairs or maintenance and should be given to the owners and managers. Serious violations of apartment specifications should be brought to the attention of the Housing & Student Living Office.

**Exterior property maintenance, appearance, and upkeep includes, but is not limited to, the following requirements:**

1. Buildings and outbuildings should be in good repair. Paint, siding, rain gutters, roof, doors, and screens need to be in place and functioning.
2. Parking lots and sidewalks should be clean, free from hazards (such as uneven or broken concrete), and orderly (marked stalls for parking and no-parking zones).
3. Stairwells, railings, and steps must be safe and free from deterioration, as well as snow and ice.
4. Yard and landscaping needs to be well-maintained, mowed, trimmed, weeded, and have a neat and clean appearance.

**Interior property maintenance, appearance, and upkeep includes, but is not limited to, the following requirements:**

1. Apartment(s) shall have a pleasant appearance. Walls and ceilings painted and free from cracks, peeling, and holes – preferably light in color, especially in basement rooms and study spaces.
2. Furniture and carpet must be clean and in good condition (steam cleaned or shampooed regularly for sanitary and odor concerns).
3. Linoleum and tile floors need to be free from damage that is unsightly or causes concern to the tenants (such as transition bars, sharp edges, etc.)
4. Cabinets, drawers, and countertops need to be functioning properly (drawers and cupboards open easily and close tightly). Any cracks or sharp edges must be repaired, including backsplash areas.
5. Tables, chairs, and stools must all be in good repair. Damaged seating must be removed and repaired or replaced.

**Space and room arrangements**

1. Every room occupied for sleeping purposes shall contain at least 50 square feet of floor space per student, not including closet space.
2. No more than four tenants shall sleep in a single bedroom.
3. Each apartment shall have a common area with reasonable space for residents and guests (not in a sleeping room).

**Apartment furnishings include the following:**

1. Every dwelling unit occupied by students shall contain adequate study facilities. It is recommended that this include six square feet of study space for each student (this may include a desk or table).
2. There shall be one straight-back, study chair for each tenant. This can include the chairs in the kitchen as well as those in their bedrooms.
3. There shall be one reasonably-sized dresser or equivalent per student. At least three normal-sized drawers are ideal and can be contained in built-in closets, bed frames, stand-alone dressers, or armoires.
4. There shall be at least three feet of shelving for each student for books or personal items. This can be in a common area or in bedrooms.
5. There shall be adequate mirrors in the apartment, including a reasonably-sized bathroom or vanity mirror.

**Beds and bedding**

1. A separate bed shall be provided for each tenant.
2. Beds shall be clean, sanitary, in a good state of repair, and equipped with a mattress cover either provided by the tenant or the landlord. If provided by the landlord, it must be clean and free from stains and tears.
3. Sleeping facilities for single students are not allowed to be set up in the common areas.

**Light and ventilation**

1. Lighting shall be sufficient to the space and have fixtures or lamps. All light switches must have light covers with no exposed wiring. Wall and ceiling mounts shall be securely attached and light covers free from damage.
2. All windows shall have screens that are in good repair, and either blinds, curtains, or drapes, as well as a functioning inside lock. Bedroom windows must be at least 5.7 square feet (at least 2’ x 3’) of openable space for egress. All bedroom windows must open and cannot be obstructed.

**Bathroom Facilities**

1. Every bathroom shall have an outside window or exhaust fan. It is encouraged that all apartments have fans installed to prevent mold growth.
2. There shall be at least one toilet, wash basin, and bathtub or shower in good working condition for every six tenants. They must be clean, free from mold and decaying caulk and grout, and reasonably free from stains.
3. All bathroom facilities shall be located within the dwelling so as to be reasonably accessible to all persons sharing such facilities.

Heat and Water

1. Every dwelling shall have heating facilities and equipment that are capable of maintaining a room temperature of 70 degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms. Portable heating units are prohibited due to fire danger, and are permitted only on a short-term basis as repairs are being made to a heating unit. Tenants shall not provide portable heaters; they must be provided by management and removed once heating issue is resolved.
2. Hot water and normal water pressure (good to great pressure) shall be reasonably available at all times. Consistent problems with either of these elements may necessitate investigation and repairs. It may be helpful to consult with the city to resolve water pressure problems.

Closet and storage space

1. Closets must be in at least a partially enclosed space. Freestanding or wall-mount hanging racks are not appropriate for closet space.
2. There shall be closet space at least 22 inches deep and three feet in width, or the equivalent, provided for each tenant occupying the bedroom.
3. There shall be storage space for bags and trunks belonging to the tenants, either in the apartment or in a secure storage area.

Cooking and eating apartment requirements

1. The apartment shall contain a kitchen sink that is connected with hot and cold water and is also connected to the sewer drain. Damaged areas beneath the sink must be cleaned and/or repaired to prevent mold growth.
2. The apartment shall have an electric or gas stove with an oven. Both shall be in good operating condition. All knobs, handles, and burners shall be functioning, the oven door shall have an appropriate seal and close tightly, and all elements shall be in good repair.
3. The apartment shall have a refrigerator in good operating condition for every six (6) tenants. All drawers, shelving, door rails, and handles should be functioning and free from cracks or duct tape. The vent on the bottom of the fridge should be in place to prevent injury.
4. Kitchen floors, countertops, and walls shall be in a good state of repair and shall be finished so that they are sanitary and easily kept clean.
5. There shall be adequate garbage storage and disposal facilities. If there is a garbage disposal in the sink, it must be functioning and in good repair.

Safety

1. No accumulation of rubbish or combustibles shall be permitted in the building.
2. No flammable materials (clothing, paper products, boxes, etc.) shall be stored within 12 inches of the furnace or water heater.
3. All apartments shall have outside doors with a substantial lock, and a key shall be issued to each tenant occupying the apartment.
4. Landlords shall make arrangements to reasonably remove snow and ice from stairways, walkways, and parking lots.
5. All common areas (including the kitchen/living room, as well as hallways or corridors inside a building to which apartments open) must be equipped with a fire extinguisher of at least 5 lbs (2A-10BC) which must be mounted to a wall and be easily accessible.
6. All shared hallways inside a building and all lounges or gathering areas with more than one exit must have an exit sign at each exit that is in working condition and equipped with batteries in case of a power-outage.

Parking

Parking shall comply with city ordinances as well as university requirements. Therefore, approved-housing complexes must inventory all approved parking spaces and manage those in accordance with City of Rexburg parking regulations, which requires that
residents receive an “affirmative statement” of whether they have or do not have a parking space that will allow them to park overnight in a designated, on-site parking area.

1. Properties must provide adequate visitor parking based on current City ordinances and agreements with the city and university.
2. If properties contract with a third-party booting or towing company, they must provide proper signage as noted in City Ordinance 911.
3. Parking stalls should be clearly marked and provide adequate access to all exits, dumpsters, etc. Parking stalls must be contained in designated lots and not on grass, sidewalks, or the like.

Inspections

1. The City of Rexburg should conduct an initial inspection prior to approval for health and safety, and to determine if city, state, and federal codes are being met. A copy of the inspection report needs to be provided to the BYU-Idaho Housing & Student Living Office. BYU-Idaho will also conduct an inspection specific to BYU-Idaho standards before approval is granted.
2. Each apartment unit will be inspected by BYU-Idaho annually, thereafter, to assure continued compliance with the criteria established by the Housing & Student Living Office and to assess the comfort, safety, and success of students.

Clean Checks and White Glove

It is a wise practice to perform regular clean checks in order to maintain an apartment and furnishings from undue wear and tear and damages. Though we do not require clean checks or white glove, nor their frequency, we do recommend certain practices. Also, there are some legal implications regarding cleaning fees that will be clarified in the paragraphs below. Please see the Best Practices ideas at the end of this section.

1. A flat cleaning fee may not be added to the contract or addendum. Any cleaning charges are based on a clean check or white glove and must be reasonable and based on fair market value (such as $10.00 an hour).
2. Any cleaning charges assessed to a student at checkout must be itemized and sent with the remaining refundable portion of the deposit.
3. Landlords are responsible for the normal wear and tear that would occur with daily living. This includes cleaning of carpets and upholstery, painting, mold removal, etc., which are considered to be a cost of business. If damages are caused through carelessness or neglect, such as broken screens from removing them out of the windows to enter the apartment or spills on the carpet or burns on a countertop, the student(s) may be held financially accountable.
   a. Charges must reflect the depreciation value of the item, not the purchase of a new item. For instance, if a carpet is damaged with stains beyond normal wear and tear, such as an ink stain or red punch, the student could reasonably be charged for the shampooing of the carpet in that room, not the entire apartment. If a carpet is torn or burned, then calculate the cost of the carpet and subtract the anticipated life of the carpet; if replacement would normally be 10 years and this incident occurred on the sixth year, you would calculate either the patch repair costs or the life of the carpet remaining and charge the student accordingly.
   b. Any charges for a damaged item that can easily be corrected or replaced, such as a damaged door or screen, must then go into the replacement of that item. It is understandable that some repairs or replacements take time.
4. Inventory cards are a way to assess damages that need maintenance attention as well as determine responsibility.
5. Weekly or bi-weekly cleaning checks are recommended. However, the frequency has less to do with the outcome than the teaching. If students are clean and orderly, they probably don’t require as often a check. If students have a hard time keeping the apartment clean, they need to understand the principle of Mutual Respect as it applies to other people and property. Cleanliness is often the root of many roommate disputes. Pay attention to posted notes above the sink and around the apartment and take the opportunity to teach.

Check-in and Checkout

1. Dates and times for check-ins and checkouts are determined by the university calendar and all approved housing complexes must abide by those dates and times.
2. Office hours must reflect designated check-in and checkout times as set by the university.
3. It is not permissible to expect students to leave earlier than the official checkout time.
4. All students must receive before or at check-in, at minimum, a key to their apartment, a copy of their contract, and an inventory sheet for the apartment.

Residence Hall Night/Welcome Meeting

The first Wednesday evening after classes begin is Residence Hall Night/Welcome Meeting for all BYU-Idaho students. Classes will be in session, but we encourage all managers to take time to meet residents in an informal setting. Incentives are often helpful. Please see the Best Practices ideas at the end of this section.

The following subjects may be included during the meeting:

1. Establishing a culture of Zion
2. Personal Honor
3. Student Living
4. Apartment Living Standards
5. Keys
6. Overnight guest policy
7. Quiet hours
8. Housing hours (curfew)
9. Missing person policy
10. Clean checks
11. Posters—what’s appropriate and what’s not?
12. Repairs and damages
13. Firearms
14. Mail
15. Laundry room
16. Use of appliances, vacuums, etc.
17. Inappropriate displays of affection
18. Housing complex activities
19. Landlord/tenant responsibilities
20. Parking permits and regulations

Postal Services

All apartment complexes must either have postal-approved receptacles or have bulk mail delivered. With approved secured receptacles, the postal service will distribute the mail to the boxes and assume the responsibility of forwarding first-class mail.

By not installing acceptable mail receptacles, the apartment management will have to assume the responsibility for mail distribution into secured receptacles and the forwarding of first-class mail.

All questions regarding approved mailboxes and their placement should be directed to the postmaster or the mail carrier. The postal service has a publication, “Apartment House Mail Receptacles,” that gives regulations and manufacturing standards. This is available at the post office.