In early December of last year, the attached two questionnaires were mailed to all University of Montana students not living in organized housing (i.e., dorms, Married Student Housing, fraternities and sororities). In short, this poll was an attempt to get the information from the inside on the conditions of rented housing in Missoula. Approximately 1200 answers were received by the end of December. These answers covered a total of 735 different units and 1724 people, all living in rented or leased housing. This amounts to between 40% and 50% of the total number of students living in rented or leased units in Missoula. Almost all of those who answered are upperclass students or adults over the age of 19 years.

The essential purpose of this study was to answer, at least in part, the following questions:

1. To what extent is there a shortage of housing in Missoula?
2. To what extent is the housing in Missoula overcrowded?
3. How much of that housing is inadequate or substandard?
4. How much potential market is there for new housing, in general, in Missoula?

The following information pertains to the 735 units and the 1724 students who responded to the questionnaires. Together they pay a total of $85,393.00 a month for rent. Approximately $1,000,000.00 is paid a year to utilities. On the average, each adult in the household pays $53.60 a month for rent and utilities. A substantial number (35% - 258 couples) are married and they have a total of 129 children. Only 8% of the units are trailers and the remaining 92% is divided into either rented homes or rented apartments. The location of the units is concentrated near the University but is widespread throughout Missoula.
In Ward 1 there are 270 people in 137 units.

In Ward 2 there are 131 people in 58 units.

In Ward 3 there are 401 people in 167 units.

In Ward 4 there are 179 people in 87 units.

In Ward 5 there are 231 people in 93 units.

In Ward 6 there are 139 people in 55 units.

And in unlocated units or outside the city limits, there are 466 people in 145 units.

To indicate whether or not there is a serious shortage of housing the tenants were asked how long it took them to find a place to rent. About 31% stated that they needed one day or less, 20% stated they needed 2 - 7 days to one week, 15% stated they needed more than one week but less than one month, and 34% stated they needed more than one month to secure a rental unit.

The tenants were also asked what time of the year they attempted to find a rental unit. The period of late May to July was the time when the lessening of the average time needed in finding an apartment or house to rent. Two conclusions are possible to draw when one realizes that it takes one month or more for 34% of the people to find housing. The first would indicate a poor communications network in operation. The second would indicate a lack of proper housing. In either case or both, it is clear that the problem is serious.

The statistics also indicate that the housing being rented is overcrowded. On the average, there is about 1.65 rooms per person and 0.77 bedrooms per person. According to the Housing Code Standards, each bedroom should have 150 square feet in order to be occupied by two people and
bedrooms of smaller variety should have only one person per bedroom. Most of the bedrooms in this survey are of the smaller variety and thus should be occupied by only one person. About 55% of the units have less than one bedroom per adult. Considering the size of these bedrooms, many of the units have overcrowded conditions.

The question, "To what extent is this housing inadequate?", a very high percentage (80%) answered that they have no fire extinguishers in the unit indicating a possible serious fire hazard. In answer to the questions concerning sanitation and structural conditions, only 27% did not give negative answers. (A negative answer is listing a no answer to any question in Section 2 except for answering whether the unit has a bathtub or a shower. A no answer to question three of Section 3, and a yes answer to questions one or two of Section 3.) About 42% listed one or two negative answers, 20% listed three or four negative answers, and 11% listed five to eleven negative answers.

Tabulating only those answers to which negative answers would imply a direct threat to the health or safety of the occupants of that unit perhaps yields more enlightening information. (The questions used are question six of Section 2, all the questions of Section 3, and "Are there enough electrical outlets to accommodate appliances used?") About 34% of the units responded negatively to one or more of these questions, indicating at least 34% of the units were substandard.

As a basis of comparison, a sample of the residents in the University's Married Student Housing was obtained. Thirty couples answered the same questionnaires. None of the people listed negative answers to the questions indicating serious problems and none of these listed more than three negative
answers to all of the questions in Section two and three. (Only one listed three negative answers.)

In assessing their own housing condition, 60% of the respondents answered that they considered it good, 30% fair, and 10% poor. This shows that at least 10% of the people are very dissatisfied with their housing condition and would probably move if they could.

Finally, how much of a potential market for new housing can be projected? The University plans to build no new on-campus housing (i.e. dorms, or Married Student Housing) within the next five years to ten years. Present on-campus housing is now full. Therefore, any increase in the student population must be absorbed in the Missoula community. This survey indicates that present housing is overcrowded and much of it substandard. Finally, any attempt to accommodate more students in the present housing would merely aggravate these overcrowded, substandard conditions.

Submitted by:

Tom Mozer, Chairman
Off-Campus Housing Committee

January 17, 1972
January 20, 1972

Mr. John R. Christensen, President
Associates Students University of Montana
University of Montana
Missoula, Montana 59801

Re: Municipal Reapportionment

Dear Mr. Christensen:

Reference is made to your letter to us dated January 14, 1972, in which you ask four specific questions concerning municipal reapportionment law. We have researched the questions posed, and offer the following opinion based on the present stage of development of the law:

1. WHAT IS THE ACCEPTABLE DEVIATION IN POPULATION INVOLVING MUNICIPAL REAPPORTIONMENT CASES?

The United States Supreme Court has not defined a mathematical scheme which it deems acceptable in all reapportionment cases. Rather, it has indicated that it will require "substantial equality" which is to be determined by the particular circumstances involved.

The quotation most often cited as authority for this approach is from Roman vs. Sincock, 377 US 695, 710 (1964):

"Our affirmance of the decision below is not meant to indicate approval of the District Court's attempt to state in mathematical language the constitutionally permissible bounds of discretion in deviating from apportionment according to population. In our view, the problem does not lend itself to any such uniform formula, and it is neither practical nor desirable to establish rigid mathematical standards for evaluating the constitutional validity of a State legislative apportionment scheme under the Equal Protection Clause. Rather, the proper judicial approach is to ascertain whether, under
the particular circumstances existing in the individual State whose legislative apportionment is at issue, there has been a faithful adherence to a plan of population-based representation, with such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination."

Although this case involved a challenge to the apportionment of a state legislative assembly, not a municipal body, it seems probable that the Supreme Court would not differentiate between state and local governmental bodies in developing permissible standards. See, the discussion in Calderon vs. City of Los Angeles, 481 P2d 489, at 501-503 (1971); Preisler vs. Mayor of City of St. Louis, 303 F. Supp. 1071, at 1074 (1969); and Montano vs. Lee, 298 F. Supp. 865 (1967).

Hence, we conclude that no flat percentage of deviation from equality should automatically be accepted by a court in cases such as this and that any deviation must be justified; the greater the deviation, the greater the justification necessary. Furthermore, vague and unsupported reference to abstract considerations will not provide the necessary justification; specific proof of permissible considerations that necessitate the particular variance must be produced. Ellis vs. Mayor and City Council of Baltimore, 352 F. 2nd 123 (1965), citing Davis vs. Mann, 377 US 678, 691 (1964).

2. WHAT ARE THE ACCEPTABLE CRITERIA FOR DRAWING UP REAPPORTIONMENT?

The concept of the "one man, one vote" principle in reapportionment cases has been developed by numerous United States Supreme Court decisions since the landmark case of Baker vs. Carr, 369 US 186 (1962). In Reynolds vs. Sims, 377 US 533 (1964) the court considered at length the question of apportionment of a state legislature, and concluded that the Equal Protection Clause of the United States Constitution requires apportionment of seats substantially on a "population basis." The principals of this decision were held applicable to units of local government in Avery vs. Midland County, 390 US 474 (1968); and Hadley vs. Junior College District, 397 US 50 (1970).

Throughout these and other related decisions, the Supreme Court fostered confusion for a time by using interchangeably
the terms "population," "citizen," "inhabitant," "resident," and "voter" in connection with reapportionment cases. The court recognized this problem in 1966. In its decision in Burns vs. Richardson, 384 US 73 (1966) it faced a Hawaiian apportionment scheme based on registered voters; such a scheme necessarily excluded sizable numbers of military personnel and tourists, not eligible to vote.

In sustaining the Hawaiian method of apportionment, the court made reference to its earlier decisions by declaring that the

"Equal Protection Clause does not require the States to use total population figures derived from the Federal census as the standard by which this substantial population equivalency is to be measured." Id at 92. Later in its decision the court declares:

"nor. . . has this Court suggested that the States are required to include alien, transients, short-term or temporary residents, or persons denied the vote for conviction of crime in the apportionment base by which their legislators are distributed and against which compliance with the equal protection clause is to be measured. The decision to include or exclude any such group involves choices about the nature of representation with which we have been shown no constitutionally founded reason to interfere". Id at 92.

The impact that this language might have on a scheme which excludes short-term residents, such as students, has not yet been determined.

Turning then to the voter basis specifically, the Burns Court states:

"Use of a registered voter or actual voter basis presents an additional problem. Such a basis depends not only upon criteria such as govern state citizenship, but also upon the extent of political state activity of those eligible to register and vote. Each is thus susceptible to improper influences by which those in political power might be able to perpetuate underrepresentation of groups constitutionally entitled to participate in the
electoral process, or perpetuate a "ghost of prior malapportionment." Moreover, "fluctuations in the number of registered voters in a given election may be sudden and substantial, caused by such fortuitous factors as a peculiarly controversial election issue, a particularly popular candidate, or even weather conditions." [Citation omitted] Such effects must be particularly a matter of concern where, as in the case of Hawaii apportionment, registration figures derived from a single election are made controlling for as long as 10 years. In view of these considerations, we hold that the present apportionment satisfies the Equal Protection Clause only because on this record it was found to have produced a distribution of legislators not substantially different from that which would have resulted from the use of a permissible population basis."

This language has been interpreted by lesser courts to mean that a local government apportionment scheme based upon registered voters is not per se constitutional or unconstitutional. If there is evidence that such a scheme would produce a distribution of legislators not substantially different from that which would have resulted from the use of a permissible population basis, the scheme will stand. If, on the other hand, such a scheme is shown to produce voting districts which do not contain roughly equal numbers of people, and if this deviation cannot be justified, then such a scheme based on numbers of registered voters is unconstitutional. Calderon v. City of Los Angeles, Supra; Hartman v. City and County of Denver, 440 P2d. 778 (1968); Preisler v. Mayor of City of St. Louis, supra; Ellis v. Mayor and City Council of Baltimore, supra.

3. CAN A DESIRE TO PRESERVE THE INTEGRITY OF EXISTING WARDS SERVE TO JUSTIFY ANY GREATER POPULATION DEVIATION IN REAPPORTIONING?

4. CAN THE NUMBER OF WARDS BE INCREASED OR DECREASED TO ATTAIN AN ACCEPTABLE POPULATION DEVIATION?

Questions 3 and 4 lend themselves to a simultaneous discussion. We are aware of no cases which would consider a desire to preserve existing wards as a justification of greater deviation in apportioning. In fact, the court in Burns v. Richardson, supra at 96, suggests frequent reapportionment,
"perhaps every four or eight years," to avoid possible imbalance due to changed conditions.

Inherent in this suggestion is that the apportionment scheme must be designed to produce districts of "substantially equal" population; Avery vs. Midland County, supra; Reynolds vs. Sims, supra; Calderon vs. City of Los Angeles, supra; and, if in order to do this the existing districts must be changed, then so be it.

The typical block layout of an integrated urban community affords multiple patterns of choice available in establishing an equitable apportionment system. Geographical boundaries, such as railroad tracks or rivers, do not provide sufficient justification for an exception to this mandate to achieve substantially equal districts. Montano vs. Lee, supra.

We trust that the above opinion satisfactorily answers the questions posed in your recent letter. The subject of reapportionment on a local level is one in which the existing law is extensive. Furthermore, the development of the law in the last five years indicates that this particular question is the subject of much litigation at the present time. Therefore, changes in the existing guidelines may develop rapidly. Nevertheless, we are confident that the basic decisions referred to above are sound and will not be overturned in the near future.

If you have any further questions on this subject, or if you wish more detail in a particular area, please contact us and we will comply.

Thank you for this opportunity to be of service to your organization.

Very truly yours,

GARLINGTON, JOHN & ROBINSON

By

Lawrence F. Daly

LFD:1ck
The meeting was called to order by President John Christensen at 7:00 p.m. in the Montana Rooms of the University Center.

The minutes were approved as read.

REPORTS OF OFFICERS AND STANDING COMMITTEES

Planning Board: Berven said that Planning Board approved a schedule for activity and election dates during winter quarter. Primary elections for officers and 17 Central Board members will be held March 1 and elections on March 8 with a deadline for having petitions in by February 18. Unless CB wishes to change these dates, this is the way it will stand.

Committee to select Central Board positions: The committee to select replacements for CB positions presented the new members for approval by CB. They are Bill Paddock, Margaret Cook, Jane Fouty and Mike McKenzie. BECK MOVED THAT THESE 4 PEOPLE BE APPROVED AS MEMBERS OF CENTRAL BOARD. VICK SECONDED. DISCUSSION FOLLOWED. QUESTION CALLED BY SWENSON. BERVEN ASKED FOR POLL CALL VOTE. MOTION CARRIED WITH ALL IN FAVOR EXCEPT BERVEN, EHRlich, GRANDE, FLAHERTY AND OWENS OPPOSED.

Report on Off-Campus Housing: Mozer distributed a written report on the results of his off-campus housing questionnaire which was mailed in early December to all U of M students living off-campus. The report stated that "approximately 1200 replies were received which covered a total of 735 different units and 1724 people. This amounts to between 40% and 50% of the total number of students living in rented or leased units in Missoula. Almost all of those who answered are upper-class students or adults over the age of 19 years. The essential purpose of this study was to answer, at least in part, the following questions: 1. To what extent is there a shortage of housing in Missoula? 2. To what extent is the housing in Missoula overcrowded? 3. How much of that housing is inadequate or substandard? 4. How much potential market is there for new housing, in general, in Missoula? The following information pertains to the 735 units and the 1724 students who responded to the questionnaire. Together they pay a total of $85,393.00 a month for rent. Approximately $1,000,000.00 is paid a year to utilities. On the average, each adult in the household pays $53.60 a month for rent and utilities. A substantial number (35% - 258 couples) are married and have a total of 129 children. Only 8% of the units are trailers and the remaining 92% is divided into either rented homes or rented apartments. The location of the units is concentrated near the University but is widespread throughout Missoula. In Ward 1 there are 270 people in 137 units, in Ward 2 there are 131 people in 58 units, in Ward 3 there are 401 people in 167 units, in Ward 4 there are 179 people in 87 units, in Ward 5 there are 231 people in 93 units, in Ward 6 there are 139 people in 55 units. In unlocated units or outside the city limits, there are 466 people in 145 units. To indicate whether or not there is a serious shortage of housing the tenants were asked how long it took them to find a place to rent. About 31% stated that they needed one day or less, 20% needed 2 days to one week, 15% needed more than one week but less than one month, and 34% needed more than one month to secure a rental unit. The tenants were also asked what time of the year they attempted to find a rental unit. The period of late May to July was the time when the lessening of the average time needed in finding an apartment or house to rent. Two conclusions are possible to draw when one realizes that it takes one month or more for 34% of the people to find housing. The first would indicate a poor communications network in operation. The second would indicate a lack of proper housing. In either case or both, it is clear that the problem is serious. The statistics also indicate that the housing being rented is over-crowded. On the average, there is about 1.65 rooms per person and 0.77 bedrooms per person. According to the Housing Code (over)
Standards, each bedroom should have 150 square feet in order to be occupied by two people and bedrooms of smaller variety should have only one person per bedroom. Most of the bedrooms in this survey are of the smaller variety and thus should be occupied by only one person. About 55% of the units have less than one bedroom per adult. Considering the size of these bedrooms, many of the units have overcrowded conditions. The question, 'To what extent is this housing inadequate?' a very high percentage (80%) answered that they have no fire extinguishers in the unit indicating a possible serious fire hazard. In answer to the questions concerning sanitation and structural conditions, only 27% did not give negative answers. (A negative answer is listing a no answer to any question in Section 2 except for answering whether the unit has a bathtub or a shower. A no answer to question three of Section 3, and a yes answer to questions one or two of Section 3.) About 42% listed one or two negative answers, 20% listed three or four negative answers, and 11% listed five to eleven negative answers. Tabulating only those answers to which negative answers would imply a direct threat to the health or safety of the occupants of that unit perhaps yields more enlightening information. (The questions used are question six of Section 2, all the questions of Section 3, and 'Are there enough electrical outlets to accomodate appliances used?') About 34% of the units responded negatively to one or more of these questions, indicating at least 34% of the units were substandard. As a basis of comparison, a sample of the residents in the University's Married Student Housing was obtained. Thirty couples answered the same questionnaires. None of the people listed negative answers to the questions indicating serious problems and none of these listed more than three negative answers to all of the questions in Section two and three. (Only one listed three negative answers.) In assessing their own housing condition, 60% of the respondents answered that they considered it good, 30% fair, and 10% poor. This shows that at least 10% of the people are very dissatisfied with their housing condition and would probably move if they could. Finally, how much of a potential market for new housing can be projected? The University plans to build no new on-campus housing (i.e. dorms, or married student housing) within the next five years to ten years. Present on-campus housing is now full. Therefore, any increase in the student population must be absorbed in the Missoula community. This survey indicates that present housing is over-crowded and much of it substandard. Any attempt to accomodate more students in the present housing would merely aggravate these over-crowded, substandard conditions."

Van Buren Street Bridge: Dana said that the plans for building an underpass under the Van Buren Street bridge would be available for anyone to see in the ASIJM offices next week. Morganstern Construction Company gave a $55,000 to $510,000 estimate on this project. Dana said that he would speak to the mayor of Missoula about contacting City Council for a donation of a few thousand dollars. Dana expects no trouble in obtaining the rest from Missoula business men.

OLD BUSINESS

Appointments to Committees: President Christensen named Mike McKenzie and Dan George to Curriculum Committee for the remainder of winter quarter. Christensen appointed Margaret Cook to Student Court to replace Spall; Jane Fouty to Traffic Board; Mike Keller and Dan George to Recreation Facilities Council and Bruce Swenson to Budget and Policy. ANDERSON MOVED THAT THESE PEOPLE BE ACCEPTED BY CB FOR APPOINTMENTS DESIGNATED BY PRESIDENT CHRISTENSEN. CANNON SECONDED AND MOTION CARRIED WITH ALL IN FAVOR.

Liaison Committee: President John Christensen appointed Judy Gilbert and Steve Sorensen to serve on the Liaison Committee along with himself and 3 faculty members. The purpose of this committee is to form a bond between the Foundation and the University. They will investigate procedures of voting by proxy. BERVEN (more)
MOVED THAT GILBERT AND STEVE SORENSON BE APPROVED BY CB TO WORK ALONG WITH PRESIDENT CHRISTENSEN AND 3 FACULTY MEMBERS ON THE LIAISON COMMITTEE. CANNON SECONDED. MOTION CARRIED WITH ALL IN FAVOR.

Faculty Ethics Committee: President Christensen said that Faculty Ethics is a 5 man board consisting of two students and three faculty members. He asked for volunteers for this committee. Servheen, Ehrlich and Cannon responded. Dr. Wicks advised leaving this until next week as Thornton, who was originally assigned to instigate this committee, was not present to volunteer if he wished to do so.

Student Registration Investigation: President Christensen appointed Ridgeway and Mozer as the two student members to work with the faculty and administration on reviewing the procedures of registration on campus.

Admissions, Graduation and Academic Standards Committee: Cannon volunteered to serve on this committee along with Charles Williams, the other student member already assigned.

Academic Affairs: President Christensen appointed Bill Paddock and Margaret Cook, two of the four new members to CB, to serve on Academic Affairs Commission.

NEW BUSINESS

Proposed ASUM Bylaws: Berven introduced his proposed revision of ASUM bylaws, Divisions I through V as completed by Planning Board. DR. WICKS CALLED FOR POINT OF ORDER SAYING THAT THE CONSTITUTION WAS UNCLEAR ON CERTAIN MATTERS. DIVISION IV, ARTICLE V, SECTION I states that "the spring general election shall be held by April 15. The fall general election shall be held by October 31," WICKS BELIEVED IT SHOULD BE CLARIFIED TO READ SPRING QUARTER AND FALL QUARTER INSTEAD OF GENERAL Cannon suggested this issue be tabled for one week in order to study the revised bylaws. Ridgeway thought the bylaws should be read before the next Planning Board meeting so they could be in order for the next CB meeting. Christensen advised everyone to study the bylaws carefully as the next CB will have to live under them. CANNON MOVED THAT THE BYLAWS BE TABLED UNTIL NEXT WEEK. RIDGEWAY SECONDED. BERVEN CALLED FOR ROLL CALL VOTE. MOTION CARRIED WITH ALL IN FAVOR EXCEPT ANDERSON, BECK, BERVEN, GILBERT, MOZER, SERVHEEN, SWENSON, Sorenson, VICK AND DANA OPPOSED.

Election dates: President Christensen said that he would prefer elections before the end of winter quarter as this would give the new delegates time to set up their offices over spring break. It would also allow time for setting up budgets and for Program Council to do their fall programming. Christensen said that the issue would be put to Constitutional Review Board who will hold a meeting and have a decision by next CB meeting.

Charging students for football and basketball games: There is some confusion among the student body concerning a charge for football and basketball games. President Christensen said CB made a one-year commitment with Swarthout to charge students for football and basketball games. Servheen said that Swarthout doesn't want to charge the students for football games but he does want CB to charge them. MOZER MOVED THAT CB HAD A ONE-YEAR COMMITMENT WITH SWARTHOUT TO CHARGE STUDENTS FOR FOOTBALL AND BASKETBALL GAMES WHICH TERMINATES THIS YEAR. EHRLICH SECONDED AND MOTION CARRIED WITH ALL IN FAVOR.

MONTPIRG: President Christensen announced that the MONTPIRG speeches and lectures being held at the University on Monday nights will be moved to Thursday nights. This program was started in an effort to get people interested in setting up a MONTPIRG in Montana.
Investigation of Dean's Office: Grande reported that their committee discussed the goals concerning the investigation and that Dean Fedore and Dean Clow have been invited to next week's meeting for a question and answer session.

Vending Machines: Beck said that the opening of the bids for selecting a vending company on campus will be Friday, January 21 in Helena. Anyone interested could call Carson Vehrs.

Constitutional Convention in Helena January 20: Bob Sorenson and President Christensen will attend the Con Con tomorrow in Helena. They will visit with Robert Watt, ASUM's lobbyist, which will enable them to get familiar with Con Con and to bring up issues they would like to have discussed.

Radio Station for Students: Paddock said the U of M should have an operating radio station to serve student needs. Sorenson said this would cost $15,000 to $16,000 and CB is not financially able to support this. A man from KUFM was present and said that this station was not funded by the students and that it is directed toward the over-thirty population. President Christensen said that Paddock and McKenzie might look into this.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Ruby Biondjich
ASUM Secretary

PRESENT: ANDERSON, BECK, BERVEN, CANNON, EHRlich, GILBERT, GRANDE, MOZER, SERVHEEN, SWENSON, SORENSON, VICK, DANA, RIDGEWAY, FLAHERTY, OWENS.

ABSENT: SMITH AND SCHUSTER

EXCUSED: Cynthia Schuster, Faculty Advisor