



August 3, 2000

Mr. Reno Rubeis
Campus Development Group
4422 SW 85th Way
Gainesville, FL 32608-4132

Re: Delivery to Three Student Housing Complexes in Florida

Campus Lodge Apartments
2677 Old Bainbridge Road
Tallahassee, FL 32303

Campus Lodge Apartments
Gainesville and Tampa, FL

Dear Mr. Rubeis:

This letter responds to various communications the Postal Service has received from and on behalf of Campus Development Group (CDG)/Campus Lodge Apartments. In particular, your letter dated April 7, 2000 to the Consumer Advocate represents the most current statement of CDG's position regarding the Postal Service's determinations made by the District Manager, North Florida Customer Service and Sales, dated January 24, 2000, and the Manager, Operations Programs and Support, North Florida District, dated April 18, 2000, that Campus Lodge Apartments, as well as other housing facilities for college and university students, are eligible for single point delivery only of mail addressed to residents. We have also reviewed (without limitation) the previous correspondence from you dated February 14, 2000, and from Ms. Josie Dykes, another representative of Campus Development Group, dated March 6, 2000.

In addition, we have reviewed correspondence from the National Multi-Housing Council and National Apartment Association, dated June 1, 2000, referencing CDG's appeal to this office. We are aware that the Florida Student Association has written to the Chief Operating Officer of the Postal Service; a number of meetings have been held in Florida between the various interested parties; several editorials and articles on the subject of single point delivery to student housing facilities have appeared in the Alligator student newspaper; University of Florida students have collected several thousand signatures on petitions expressing opposition to single point delivery; and the University of Florida Student Senate passed a resolution opposing it.

As explained in detail below, the Postal Service's determinations that Campus Lodge Apartments are eligible for single point delivery only of mail addressed to their residents is affirmed. This is the Postal Service's final agency decision on the issue of delivery for Campus Lodge Apartments. See Domestic Mail Manual (DMM) § G.011.3.0, Issue 55, January IO, 2000.

I. Factual Background

According to the literature provided to the Postal Service and information available on the Internet, Campus Lodge Apartments is the name of at least three apartment communities owned and operated by CDG in Florida. The first, in Tallahassee, near Florida State University, is complete and has been receiving individual delivery since it opened for occupancy (with one brief interruption in the Fall of 1999).¹ The Gainesville complex, near the University of Florida, is nearing completion and is expected to be occupied in time for the upcoming Fall semester. The Tampa complex, presumably near the University of South Florida, is scheduled for completion in May 2001. All of these housing facilities and their leasing arrangements are designed to accommodate the needs and desires of the resident student populations attending schools nearby.

Campus Lodge Apartments consist of 2, 3, and 4-bedroom units, often termed "bungalows" in the marketing literature. Each bungalow consists of master bedroom suites, advertised as "StudySmart suites," which are individually leased to a specific roommate. Each StudySmart suite has double deadbolt locks on its interior entry door, its own bathroom, two private phone jacks, and CATV line with 58 channels and HBO 1 & 2. Each StudySmart suite is fully furnished with a queen-size bed and mattress, work desk and chair, and nightstand. There are 6-inch thick interior "QuietWalls" between the StudySmart suites. Each bungalow has shared living and dining areas including furniture, a large television, fully equipped kitchen, and laundry room. Cable TV, utilities, monthly maid service and use of the study/conference rooms, computer labs, pool, and exercise facilities are all included in every occupant's individual monthly rent. Campus Lodge Apartments provides a roommate matching service designed to place students in bungalows with other students who share compatible habits and traits.

The Postal Service notes that Campus Lodge Apartments do not restrict their residency to students. However, as their location, amenities, marketing

¹ Campus Lodge Apartments, Tallahassee, FL, is receiving individual delivery pursuant to the Postal Service policy that after an improper mode of delivery has been in place for 90 days, 'it will remain in place. See Postal Operations Manual (POM) 9 631.7. Nonetheless, it is an improper mode of delivery for the delivery characteristics and associated processing costs of its predominantly identifiable group of mail recipients (i.e. students), and its accommodation for CDG's Tallahassee property in no way affects the ineligibility for individual delivery of CDG's other student housing apartment complexes.

information, and indeed the very name indicates, they do primarily house university students.

II. Discussion

A. Campus Lodge Apartments are Student Housing

Because Campus Lodge Apartments are primarily student housing, the Postal Service has determined that they fall into the category of residences that are eligible only for single point delivery, in accordance with Postal Operations Manual § 631.52.²

Single point delivery is the appropriate method of delivery service for Campus Lodge Apartments. The Domestic Mail Manual states that “[m]ail addressed to a person at a hotel, school, or similar place is delivered to the hotel, school, etc. If the addressee is no longer at that address, the mail must be redirected to the current address, if known, or endorsed appropriately and returned by the institution to the post office.” DMM 55 § D042.5.2 (Jan. 10, 2000). The Postal Operations Manual goes further to specifically address delivery services to dormitories or residence halls. POM 8 § 631.52 (July 16, 1998). Section 631.52 of the POM first describes the type of delivery service to be provided to “dormitory buildings and residence halls.” This section continues to describe what a dormitory or residence hall would “ordinarily” look like. Finally, this section states that whether “located on or off campus and regardless of private ownership” such buildings are subject to single point delivery service.

Although the POM describes what a dormitory or residence hall would “ordinarily” look like, it does not provide that only buildings meeting that physical description will be treated as dormitories or residence halls. In order to fulfill its responsibility for cost-effective delivery policies, 39 U.S.C. sec. 403(b)(l), the Postal Service considers the broad delivery characteristics of various mail users and recipients. See, Egger v. United States Postal Service, 436 F. Supp. 138 (W.D. Va. 1977). The goal of the Postal Service in fashioning the delivery policy for colleges and universities was and still is the efficient and economic delivery of the mail. The reason for the policy is that unmarried college and university students are a highly transient group, and single point delivery is the most efficient method of delivery to a transient population. Single point delivery is similarly the only delivery option available to on campus dormitories and other types of transient communities for similar reasons. See, e.g., POM § 631.463.

While the delivery policy for students is not new, a great deal of confusion has resulted from the application of POM § 631.52 to privately-owned apartment

² Single Point Delivery is a delivery option whereby mail intended for multiple persons at an address is delivered in bulk to a management or other official at a single location for redistribution to the individual addressees. That official is also responsible for redirecting mail to individuals who have moved from the address.

complexes that primarily house students. increasingly nowadays, private developers are providing student housing that in former times was owned and operated by the schools themselves. These modern student housing complexes are somewhat different structurally than the dormitories and fraternity/sorority houses of past generations, reflecting the social norms of today's college students. Communal meal-taking at individual place settings on tables in large dining rooms at fixed times in accordance with traditional rituals, and ceremonial rooms to accommodate entertaining, customs, and night-time curfew restrictions of single-gender resident populations, among other things, have been superceded by gender-neutral fitness centers, swimming pools with accommodations for varying swimming preferences (lane swimmers, and wet basketball and volleyball enthusiasts), decks with open bar areas and lounge chairs for informal socializing, computer labs, individual kitchen and eating areas for solo meal taking at all hours, individual private access to cable TV, the Internet, and multiple telephone lines.

While the Postal Service's application of its policy formulated for the old-fashioned dormitories to the modern-day student housing complexes may appear to be anachronistic, it is not. This is so because, while student social norms and lifestyle preferences have changed, the deciding factor compelling single point delivery, namely the delivery characteristics of the resident population, viz., frequent, disperse relocation, have not. It follows that housing primarily utilized by students, irrespective of its structure, ownership, location, or lease terms, remains eligible only for single point delivery. Please be mindful that, apart from frequency of relocation, the number of individual tenants in each bungalow, multiplied by their disparate relocation destinations, significantly increases forwarding/handling costs of the mail to the Postal Service. See, Egger, 436 F. Supp. 138, 143 (1977).

Many of the concerns CDG and other interested parties have noted deal with the observation that Campus Lodge Apartments are physically structured in the same manner as any apartment complex. You also note that its mail kiosks were constructed to accommodate only one mailbox per bungalow, distinguishing it from other student housing complexes where each individual resident is assigned a locked mailbox of his/her own. Concededly, some apartments are structured in the same manner, but certainly not all. Obvious distinguishing characteristics are excessive sound-proofing, double deadbolt locks on interior doors, and private full bathrooms for each individual resident, among other things. Nonetheless, the structural similarities do not change the Postal Service's determination that Campus Lodge Apartments are student housing.

The changed characteristics of modern student housing require Postal Service officials to examine a variety of factors about a particular complex in order to determine its status for delivery purposes. The physical attributes of the housing, including the floor plans and mail collection locations, are among those factors, but no single one is deemed controlling. Further, while you are correct

that a landlord's method of rent collection has little if anything to do with eligibility of its tenants for individual mail delivery, it has much to do with the characteristics of the tenants themselves. For it is the status of the majority of the residents as students and not any particular characteristic of the building, that compels single point delivery. Campus Lodge Apartments, and other complexes like it, that are located in close proximity to colleges and universities, that lease furnished, individual bedrooms with individual locks to individual persons, that are designed for the needs of unmarried students, and the vast majority of whose residents are unmarried students, are properly classified as student housing for the purpose of mail delivery. While this may not be the most convenient service for the property owners, this determination is consistent with the determinations made in reference to similar buildings in Florida, Nebraska, Virginia, Texas, and other college and university communities nationwide.

Therefore, while Campus Lodge Apartments may have some distinguishing characteristics, their population still consists primarily of unmarried students living in communal living quarters for the purpose of attending school. For that reason, Campus Lodge Apartments are eligible only for single point mail delivery. Individual distribution to the students remains the responsibility of an official of Campus Lodge Apartments.

B. Training and Skills Issues

You raise the concern that Campus Development Group was being required to provide mail service without any training for the individuals who would be required to actually distribute the mail. However, in an earlier letter to your colleague, Ms. Dykes, dated September 22, 1998, local Postal Officials offered to provide individual training to CDG's employees on handling mail. To my knowledge, this offer was never pursued.

As mentioned previously, single point delivery is a type of delivery used in a variety of situations, by both businesses and residences. It is therefore not uncommon for the tasks you mentioned, such as handling Express or Registered Mail, or individual distribution to mailboxes, to be completed by private individuals other than Postal Service employees. In fact, on-campus traditional dormitories frequently use students for this purpose without undue difficulty.

Furthermore, in response to the numerous concerns expressed by students regarding untimely or uncertain mail delivery, it is the landlord's responsibility to remedy those problems. Single point delivery is not an uncommon situation, and is administered without difficulty in the majority of situations. The Postal Service is willing to assist CDG in providing training and education for whomever it selects to distribute its tenants' mail, but it is the landlord's responsibility to ensure that all the mail to the housing's address, including mail generally addressed to 'resident' or 'occupant', is delivered to the individual students in a timely manner. Willful tampering with an individual's mail,

any mail, is a crime subject to federal penalties. See 18 U.S.C. 5 1701,1702,1708.

C. Economic and Logistical Concerns

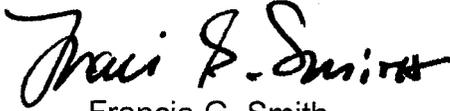
A related concern you raise is the unforeseen expense and liability issues CDG will incur as a result of Campus Lodge Apartments' status as student housing. It is unfortunate that this constitutes an unexpected operating expense and responsibility for CDG; however, as mentioned previously, it is not an uncommon occurrence for private buildings to be responsible for mail distribution to individual tenants.

The duty of the Postal Service is to provide efficient and economical mail service to everyone in the United States. The Postal Service provides universal delivery, without federal subsidy, funded by revenue from postage. However, contrary to your assertion, not everyone has a right to individual mail delivery. Postal Service policies are written and enforced in order to provide the most cost-effective service for the nation as a whole; those policies allow the Postal Service to provide different levels of service to identifiable classes of mail users in a manner reasonable to achieve that goal. Were the Postal Service to shoulder the responsibility of providing individual mail delivery to the growing number of nontraditional student housing complexes across the nation, a dramatic increase in workload would result that would inevitably lead to increased costs and rate increases.

Further, while the Postal Service appreciates CDG's offer to assist in providing forwarding information for its residents, this would not eliminate the extra time required to track, process, and accommodate for the frequent relocations endemic to the student community. The extra expense of delivery to students comes not only from the collection and maintenance of forwarding addresses, but the increased time it takes for the carriers to process and compensate for the changes of addresses for students who could feasibly move once every semester; i.e. postal employees would be required to examine each piece of mail to determine whether there is a forwarding order on file. Therefore, regrettably, CDG's offer to provide forwarding information does not change the Postal Service's determination that the most cost effective method of delivery is single point delivery for Campus Lodge Apartments. We point out that CDG's responsibility to redirect the mail does not require it to place additional postage on it. CDG's responsibility is simply to indicate the new address on the mailpiece and return it to the carrier. CDG may wish to consider asking the students when they move to provide adhesive labels bearing their new address to facilitate this.

III. Conclusion

The Consumer Advocate must confirm the previous decisions that Campus Lodge Apartments are entitled only to single point delivery of mail addressed to their residents.

A handwritten signature in black ink, appearing to read "Francia G. Smith". The signature is written in a cursive, flowing style.

Francia G. Smith

cc: Harold L. Swinton, District Manager
North Florida Customer Service and Sales
P. O. Box 40005
Jacksonville, FL 32203-0005