

Substitute Bill No. 1 for

BILL NO. 204, 2015

ORDINANCE NO. _____, 2015

Introduced by Councilmember O'Mara

AN ORDINANCE

AMENDING TITLE VIII SLCRO 1974 AS AMENDED,
"OCCUPATIONS, BUSINESSES AND LICENSING," BY
ENACTING AND ADDING A NEW CHAPTER TO BE KNOWN AS
CHAPTER 825, "RESIDENTIAL RENTAL PROPERTY
LICENSING CODE."

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI,
AS FOLLOWS:

SECTION 1. Title VIII SLCRO 1974 as amended, "Occupations, Businesses and Licensing," is amended by enacting and adding a new chapter to be known as Chapter 825, "Residential Rental Property Licensing Code," which shall read as follows:

825.100 Short title and definitions.-1. This chapter shall be known as "Residential Rental Property Licensing Code." It shall be effective within the unincorporated parts of St. Louis County, Missouri.

2. For the purpose of this Code, the following terms, phrases and words shall have the meanings ascribed to them herein and shall apply in the interpretation and enforcement of this Code unless otherwise specifically provided:

Director: The Director of the Department of Public Works or the duly appointed designee thereof.

Dwelling: Any building or portion thereof designed or used for residential living.

Owner: The owner of record of residential rental property, whether an individual(s), trust, partnership, corporation or other business entity.

Public Nuisance: Any activity declared a public nuisance by or prohibited by St. Louis County Revised Ordinances Chapter 607, Chapter 713, Chapter 716, Chapter 726, Section 619.010, Section 701.110, Section 711.090, Section 712.040, or Section 1120.020; or any failure to meet the requirements of such ordinances.

Residential Rental Property: Dwellings, including one-family dwellings, two-family dwellings, attached townhouse dwellings

and multiple-family dwellings having four or less living units (other than university-owned housing, college fraternities and sororities, hotels or motels and multi-family dwellings, boarding houses or residential care/assisted living facilities each having five or more living units), either (i) occupied by persons or (ii) offered for rent, lease or occupancy to any person(s) who otherwise qualify for an occupancy permit and who are not the owners of record of said property.

825.200 License applications and exemption declarations.-1.

Application for a license required by this Code shall be made annually by each person or entity described by the criteria set out in Section 825.150 of this Code prior to rental of residential rental property. The application shall be made on a form to be provided by the Director and shall identify the name, street address and telephone number of the applicant; the address of each dwelling to be used as residential rental property; the name, street address, and telephone number of each agent, if any, who will be responsible for each listed property and/or for acceptance of notice and/or service of process as well as any limitation of each agent's authority to rent, manage and make expenditures related to the property; an affirmation that the applicant has no outstanding fines imposed by the St. Louis County Municipal Court; and an affirmation that the premises are in compliance with the provisions of Chapter 607 SLCRO 1974 as amended.

2. Director shall approve license applications which provide the required information unless Director determines that the application contains misstatements or the applicant is otherwise not entitled to a license under this code.

3. For later acquired residential rental property by a person or entity possessing a current residential rental property license, prior to permitting any occupancy of, or offering such property for rent or lease, the owner or designated agent shall complete a supplement to application on a form provided by the Director and verified by the owner: the name, street address and telephone number of the owner of such residential rental property; and a list by street address of each residential rental property owned by such owner located in unincorporated St. Louis County.

4. In the event of any other change of circumstances subsequent to the filing of an application that would result in a change in the information required by the application, the owner shall promptly file an amendment to application on forms provided by the Director.

5. The Director shall approve exemption requests for residential rental property to be occupied by either a

beneficial owner of the property or a person related to the owner of the property within the second degree of consanguinity, upon satisfactory proof of same by the person or entity seeking an exemption. An owner desiring an exemption to the requirement of a residential rental license shall file a verified application on forms provided by the Director, setting forth the name, street address, telephone number of the owner of record of such residential rental property; the name of the principal occupant(s) of the property; and an explanation of the basis for exemption. An exemption granted by the Director shall remain valid and need not be renewed unless the circumstances meriting the exemption as described in the declaration change or cease; provided however, the Director may periodically request verification of the qualifications for the exemption status.

825.250 Approval of application.—Unless and until the annual application is filed by the owner, all outstanding fines imposed by the St. Louis County Municipal Court are paid in full and no public nuisance exists on the subject property, no residential rental license shall be approved for such owner.

825.300 Rules. The Director may issue such rules and regulations as the Director deems necessary to implement the provisions of this Code and the policies contained herein. Any such rules and regulations shall be filed with the Administrative Director and will be effective upon approval by the County Council.

825.400 Suspension and revocation.—1. The Director may suspend or revoke a license approved pursuant to this Code upon the grounds specified in this section. Notice of the suspension or revocation shall be provided in writing and served upon the owner by means reasonably calculated to provide actual notice to the owner.

i. A license may be suspended as to any property subject to the requirements of this chapter if the property is found by the Director to be out of compliance with the Property Maintenance Code and corrections are not made to bring the property back into compliance within thirty (30) days from the date of notice of non-compliance, however the period for corrections may be extended by the Director if the Director determines that the license holder is moving forward as expeditiously as possible to correct all violations.

ii. A license may be suspended if an owner makes material false statements on a license application or declaration for exemption, or fails to report a change of occupancy of any property owned or managed for which a license under this Code has been approved.

iii. A license may be suspended or revoked as to a particular property if the owner has been notified by the Director of three (3) or more acts within one year by occupants

of said residential rental property which constitute a public nuisance.

iv. A license may be suspended if the owner is determined to be delinquent in the payment of any outstanding rental property maintenance fines imposed by the St. Louis County Municipal Court.

v. A license may be revoked if the owner has more than two (2) license suspensions in any twelve (12) month timeframe.

vi. A license may be revoked or suspended if an owner does not obtain an occupancy, re-occupancy, and Pre-Occupancy permit before the dwelling is occupied as covered in Chapter 1110 SLCRO, "The Property Maintenance Code."

2. (i) The Director may provide written notice to the owner of residential rental property licensed under this Code that an occupant thereof, within a period of one year, has been convicted of having violated a felony, misdemeanor or ordinance related to the following acts:

a. illegal sale, manufacture, storing, possession, distribution or use of narcotics or other controlled substances or precursors;

b. illegal sale, manufacture, storing, possession, distribution or use of drug paraphernalia or precursors;

c. illegal sale, storing, possession, use or distribution of a firearm, weapon or explosive device, or other violation of law related to use or possession of the same;

d. prostitution;

e. illegal gambling;

f. illegal sale, distribution and consumption of alcoholic beverages.

(ii) Within 30 days of receipt of such notice from the Director, the owner shall initiate eviction proceedings against such occupant or occupants, and shall thereafter diligently pursue them. Proof thereof shall be provided by the owner upon demand of the Director. An owner who fails to begin eviction proceedings with regard to such occupant or occupants within 30 days of receipt of the Director's notice, or who fails diligently to pursue such eviction proceedings, shall be subject to license suspension.

3. An owner whose license has been suspended may not apply for reinstatement until all licensed residential rental property is returned to compliance with this Code.

4. An owner whose license has been suspended or revoked whether in whole or as to one of more properties shall not initiate rental of any residential rental property subject to this Code until the suspension has been lifted or a new license approved and issued.

5. An owner whose license has been suspended or revoked may appeal the suspension or revocation in writing to the Director within five (5) working days of notification of suspension or revocation. The Director shall hold a contested hearing as soon as reasonably practicable and shall issue written findings of fact and conclusions of law not later than ten (10) days following conclusion of the hearing.

825.500 Penalties. 1. Every person or entity convicted of a violation of any of the provisions of this chapter shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the St. Louis County Jail for not more than one year, or be punished by both such fine and imprisonment.

2. Each day in which a person or entity allows occupancy of residential rental property in violation of any provision of this chapter shall constitute a separate violation.

825.600 Applicability of Property Maintenance Code.- Nothing herein shall be construed as replacing or permitting violation of any provision of Chapter 1111 SLCRO, "The Property Maintenance Code," including all requirements therein pertaining to occupancy permits.

SECTION 2. This ordinance shall become effective December 31, 2015.

ADOPTED: _____

CHAIR, COUNTY COUNCIL

APPROVED: _____

COUNTY EXECUTIVE

ATTEST: _____
ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM:

COUNTY COUNSELOR