

AN ORDINANCE AMENDING TITLE VI OF THE HAZELWOOD, MISSOURI, CITY CODE PERTAINING TO REGISTRATION OF RENTAL PROPERTIES

WHEREAS, the City of Hazelwood has determined through St. Louis County records that forty-nine percent (49%) of the housing stock within the City is renter-occupied; and

WHEREAS, it has been widely recognized that rental property is not maintained and operated to the same standards as owner-occupied property and, therefore, rental property is likely to cause a disparate impact on neighboring properties; and

WHEREAS, the goal of the City of Hazelwood Residential Rental Housing Program is to create a crime-free housing program and increase the quality of life of residents by partnering with the City and owners, landlords, managing agents, and authorized representatives to decrease the incidents of public safety/nuisance/code violations and criminal activity in rental properties; and

WHEREAS, this program is intended to collect current and accurate information identifying existing rental properties, owners, landlords, managing agents, and authorized representatives in the City of Hazelwood. This information shall be used by the Police and Public Works Departments to perform their respective duties; and

WHEREAS, it is not the intent of this Article, and it shall not be construed or enforced in any manner that would affect the tenancy of a tenant whose only involvement in an incident has been the victim of a crime; and

WHEREAS, the City Council of the City of Hazelwood has determined that it is necessary and proper to regulate rental housing in order to promote the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That Article VI BUSINESS AND OCCUPATION shall be amended by the addition of a new section, Section 655 Rental Registration Licensing, which shall read as follows:

Section 655.010 Definitions

DWELLING. Any building or portion thereof which is designated or used for dwelling purposes.

DWELLING UNIT. A building or portion thereof which is designed or used for residential dwelling by a single-family unit (i.e. a single-family house is one (1) dwelling unit; a duplex constitutes two (2) dwelling units; a four-family constitutes four (4) dwelling units; a multi-family dwelling constitutes multiple dwelling units).

DWELLING, DUPLEX. A detached building designed for or occupied by two (2) families living independently of each other.

DWELLING, MULTIPLE. A building or portion thereof designed or used as a residence of three (3) or more families living independently of each other and doing their own cooking in said building, including apartments, apartment hotels, and group homes.

DWELLING, ONE-FAMILY. A detached building designed or used for or occupied exclusively by one (1) family.

OWNER. The owner of record of residential property, whether an individual(s), trust, partnership or corporation.

PUBLIC NUISANCE. Includes, but not limited to, lewd and lascivious behavior; loud music and/or noises;; garbage/rubbish/litter; tall weeds and grass; property having physical conditions that threaten a person's health, safety, or welfare; having a dangerous building and/or conditions that threaten the physical health of a person; having derelict vehicles and/or equipment; having flammable and/or hazardous materials that may endanger public safety or other violations of the Municipal Code that cause a significant risk to the public health, safety and welfare.

RESIDENTIAL RENTAL PROPERTY. Dwellings, duplex dwellings, multiple dwellings and one-family dwellings occupied by or offered for rent, lease or occupancy to any person(s) who otherwise qualify for an occupancy permit who are not the owners of record of said property, excluding bed and breakfast establishments, lodging establishments and private clubs where lodging is furnished to members.

Section 655.020 Residential Rental License/Exemption

- A. License Required. A license is required for each rental dwelling unit located within the City, and no person shall permit occupancy of or offer for rent or lease without a residential rental license issued pursuant to this Article any residential rental property as defined herein within the City of Hazelwood to any person(s), as principal occupant(s), who are not record owner(s) of the

property or approved as exempt occupants under the provisions of this Article.

- B. Exemption. No residential rental license shall be required for non-owner occupancy of residential property where the principal occupant(s) of the residential property are beneficial owner(s) of the property or are related to the owner of the residential property within the second degree of consanguinity. An exemption to the requirement for a residential rental license for a particular parcel of residential rental property shall be established by filing with the Director of Public Works, on forms prescribed thereby, a declaration setting forth the name, street address, telephone number and a copy of identification of the owner of record of such residential rental property, signed thereby and the name of the principal occupant of the property and the basis for an exemption. Such exemption shall remain valid and need not be renewed unless circumstances of exemption change or cease, but the Director of Public Works may periodically request verification of continuing qualifications for exemption status.

Section 655.030 License Application/Amendment/Agent

- A. Effective January 1, 2025, application for a license for each individual dwelling unit required by Section 650.020 shall be filed annually by the owner, landlord, managing agent, or authorized representative with the Director of Public Works by the earlier of:
1. January 31 of each calendar year for all residential rental property owned on January 1 of that year, or
 2. For later acquired residential rental property, prior to permitting any occupancy of or any offering thereof for rent or lease by the owner.
- B. Applicants shall provide, on a form approved by the Director of Public Works, the name, street address, telephone number, and a copy of identification of the owner of record of such residential property, signed thereby and shall list the street address of each and every parcel of residential rental property owned by the owner that is located in the City of Hazelwood. In the event of dwelling-multiple licenses, applicants may provide the name and range of addresses in lieu of individual addresses.
- C. Prior to the issuance or renewal of a residential rental license, owner, landlord, managing agent, or authorized representative shall first ensure tenant or lessee has obtained a Certificate of Occupancy from the City for the license period. No Certificate shall be issued until the dwelling unit has been inspected and found to be in compliance with all building, property, and life safety codes of the City. A new Certificate shall be required prior to a change of occupancy of any dwelling unit. In addition, an inspection and Certificate is required for renewal of the

residential rental license; provided, however, that if there has been no change in occupancy since the last inspection and Certificate, the required inspection will focus on the City's life safety requirements. Any Certificate shall be valid for the remainder of the period until the following January 31.

- D. If the owner of said residential rental property wishes to designate an agent to be responsible for said property, and to accept and respond to notices issued by the City, the owner of record shall designate said agent in the application together with the agent's name, street address, and telephone number and the extent of the agent's authority to rent, manage, and make expenditures of said property. The owner, landlord, managing agent, or authorized representative must reside within fifty (50) miles of the City of Hazelwood. A post office box, e-mail address, mailing address, or long-distance (e.g. 800 numbers) shall not be deemed sufficient to meet the provisions of this article.
- E. In the event of any 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, landlord, managing agent, or authorized representative shall file prior to issuing a new lease or rental agreement an amendment of such application.
- F. No owner, landlord, managing agent, or authorized representative shall permit lessee or occupant to occupy the premises prior to a new Certificate of Occupancy for said unit being issued by the Director of Public Works.

Section 655.040 Application Requirements and Crime Free Housing

- A. All applicants shall have and maintain a crime-free housing certificate from the City of Hazelwood Police Department or from another certified City, meeting all of the criteria of the internationally accepted Crime Free Housing Program. The Chief of Police may issue such rules and regulations as deemed necessary to administer the Crime Free Housing Program for the City of Hazelwood, which shall be provided at no charge.
- B. All owners, landlords, managing agents, or authorized representatives are encouraged to conduct a U.S. Comprehensive Background Search on all prospective tenants and occupants eighteen (18) years of age and older prior to executing a lease or rental agreement. The search may go back seven (7) years including all known addresses, and should also check nationally recognized sex offender registration websites. The owner, landlord, managing agents, or authorized representatives may conduct this search, or may have a reputable agency conduct the search. The owner, landlord, managing agent, or authorized representative are encouraged to refer to the U.S. Department of Housing and Urban Development (HUD) Guidance on Application for Fair Housing Act

Standards to the use of criminal records by providers of housing and real estate related transactions or similar materials.

- C. All owners, landlords, managing agents and authorized representatives are encouraged to have the crime free rental agreement addendum completed and signed by the owner, landlord, managing agent, or authorized representative and all occupants or lessees the age of eighteen (18) and older prior to the issuance of an occupancy permit.

Section 655.050 Fees and Renewals

The annual administrative fee for each calendar year or portion thereof for the license required by this Article shall be thirty-five dollars (\$35.00) per year for each dwelling unit in the City of Hazelwood. Said fee shall be due and payable at the time a license is issued. License renewals are due by January 31 of each year. A delinquency fee, calculated at two dollars (\$2.00) for each month or portion thereof shall be assessed for late payment for an application fee, but may be waived by the Director of Public Works for good cause shown. However, license renewals may not be processed if the property has outstanding ordinance violations.

Section 655.060 Occupancy Prohibited

Unless and until the annual application is filed by the owner, landlord, managing agent, or authorized representative with all necessary documents, and fees are paid in full, and all outstanding fines imposed by the Hazelwood Municipal Court for any housing or Building Code violations by such owner are paid in full, no residential rental license shall be issued to such owner nor shall any new occupancy permit be issued for the occupancy of any dwelling of such owner. Failure to obtain and maintain a valid residential rental license shall constitute grounds for the revocation or cancellation of all outstanding occupancy permits issued for any dwellings of residential rental property of such owner associated with the rental license. No new occupancy permit shall be required if the occupancy remains the same for any dwelling of rental registration property purchased or obtained.

Section 655.070 Rules

The Director of Public Works may issue such rules and regulations as deemed necessary to implement this Article and the policies contained herein.

Section 655.080 Suspension and Revocation

- A. The residential rental license applicable to the residential rental property may be suspended or revoked by the Director of Public Works or his/her designee

following 10 days written notice to the owner and occupant(s) and an opportunity to be heard before the Director of Public Works or his/her designee under the following conditions:

1. A license may be suspended if the residential rental property is found to be out of compliance with the City's Property Maintenance and/or Building Codes on more than three (3) occasions within six (6) months and corrections are not made to bring the property into compliance within the time period shown on the notice of non-compliance.
2. A license may be suspended if the owner, landlord, managing agent or authorized representative is found to have made materially false statement(s) on their application or failed to report a change of occupancy on the property listed on the license in question.
3. A license may be suspended or revoked if within a twelve (12) month period the owner or occupant has been notified of three (3) or more acts of conduct by the tenants, or other persons on the property who claim to reside on the property but are not listed on the occupancy permit, or are invited guests of the resident, which constitute a disturbance or public nuisance to neighbors or the neighborhood; destruction of property; or are a danger to the public health, safety, and welfare of surrounding residents or properties.
4. A license may be suspended or revoked if any member of a household, guest, or another person under the resident's control commits any of the following criminal activities, if it is determined that the household member, guest or another person under the resident's control has committed such activities, regardless of whether such person has been convicted of any such activity. No enforcement action will be commenced against an individual who is the victim in whole or in part of the incident(s) that formed the basis of the suspension or revocation of the license:
 - a. A felony crime under Federal or State law on or in the immediate vicinity of the residence;
 - b. Class A misdemeanor under Federal, State or local laws or in the immediate vicinity of the residence;
 - c. Any criminal activity that threatens the health and safety of, or the right to the peaceful enjoyment of, the premises by other residents;
 - d. Any criminal activity that threatens the health or safety of, or the right to the peaceful enjoyment of, the residents or persons residing in the immediate vicinity of the premises;

- e. Any violent criminal activity at or in the immediate vicinity of the premises;
 - f. Any drug-related criminal activity on or in the immediate vicinity of the premises;
 - g. Any abuse of drugs or alcohol that threatens the health, safety, or right to the peaceful enjoyment of, other residents on the premises or persons residing in the immediate vicinity of the premises;
 - h. Violation(s) of the offenses set forth in the Hazelwood Municipal Code; or
 - 5. A license may be revoked if the owner has more than two (2) suspensions of their license in any twelve (12) month period.
 - 6. As a matter of public health and safety, a license may be suspended or revoked in the event that the owner, landlord, managing agent, authorized agent or tenant or lessee using water, gas, electric, sanitary sewer service, or solid waste collection service fails to restore these utility services within fourteen (14) calendar days after receiving notice that the utility service provider is stopping service. Upon proof of restoration, the license will be restored without requiring a new Certificate of Occupancy inspection.
- B. Any appeal of a suspension or revocation must be made in writing to the City Manager or their designee and received by the City Manager or their designee within ten (10) working days of notification of the suspension or revocation by the Director of Public Works. The submission of the appeal will stay the suspension or revocation pending holding of a hearing.
- C. The City Manager may, at his/her option, review the determination on the basis of the City's files and the record of the prior proceedings or may hold an additional hearing thereon. The City Manager shall reduce the results of his/her review to writing and give notice thereof to all parties.
- D. Any person aggrieved by the decision of the City Manager may seek judicial review pursuant to the provisions of Chapter 536, RSMo., by filing a petition for same with the Circuit Court of St. Louis County within fifteen (15) days of the date of the City Manager's decision.
- E. Once a license has been suspended, the owner may apply for reinstatement following six (6) months of the date of suspension, provided that the residential rental property is in full compliance with all applicable codes, and the cause for the suspension has been reasonably resolved. The owner shall pay a one-hundred dollar (\$100.00) fee for the reinspection of the property and reinstatement of the residential rental license.

- F. Once a license has been revoked, the owner may apply for reinstatement following twelve (12) months from the date of revocation, provided that the residential rental property is in full compliance with applicable codes and the circumstances giving rise to the revocation have been reasonably resolved. The owner shall pay a two-hundred dollar (\$200.00) fee for the reinspection of the property and reinstatement of the residential rental license.

SECTION 2. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION FOUR. This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED this _____ day of _____, _____ by the Council of the City of Hazelwood, Missouri.

ATTEST:

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

Julie Lowery, CMC - City Clerk
City of Hazelwood, Missouri

APPROVED AS TO FORM:

Kevin M. O'Keefe - City Attorney
City of Hazelwood, Missouri