

Council Bill: B 289-13

MOTION TO AMEND:

MADE BY: _____

SECONDED BY: _____

MOTION: I move that Council Bill B 289-13 be amended as set forth on this amendment sheet.

=====

Material deleted from the original bill is shown in ~~strikeout~~;
material added to original bill shown underlined.

Section 22-184(c) is amended to read as follows:

(c) It shall be unlawful for any owner, operator, agent or property manager of a rental unit to fail to immediately ~~exhibit~~, upon request by a police officer or city inspector investigating ~~any code a violation of this article~~, provide the certificate of compliance and notice of occupancy limitations signed by all lessees or sublessees ~~all lease, rental payment, tenant information and the zoning occupancy disclosure form~~ pertaining to the unit. No person shall be found guilty of violating this subsection if the person demonstrates to the city that the person met the disclosure requirements of this section at the time of the alleged violation by producing the properly executed documentation within ~~seven (7) ten~~ (10) business days of the date of the ~~alleged violation request~~.

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 289-13

AN ORDINANCE

amending Chapters 13, 16 and 22 of the City Code as they relate to the duty of real estate agents, landlords and others to disclose occupancy limitations under the zoning code; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 13 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

ARTICLE VI. ~~RESERVED REAL ESTATE AGENTS, REAL ESTATE BROKERS AND PROPERTY MANAGERS~~

~~Sec. 13-156. Real estate agents, real estate brokers and property managers; duties.~~

~~Real estate agents, real estate brokers and property managers shall provide to the buyer or lessee of any residential property that the agent, broker or manager sells or leases, information regarding the zoning district in which the property is located and the applicable occupancy limitations contained in chapter 29.~~

~~Secs. 13-157-156~~ – 13-185. Reserved.

SECTION 2. Chapter 16 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 16-166. Notice for residential dwelling units; information on zoning district and occupancy limitations required.

It shall be unlawful for the owner of any building with one (1) or more dwelling units to sell or lease such property without first providing to the buyer or lessee written notice of the zoning district in which the dwelling unit or units are located and the applicable

occupancy limitations contained in chapter 29. The notice shall be contained in either the seller's disclosure, the real estate contract, the lease agreement, or on a zoning district and occupancy disclosure form provided by the director of community development. The definition of "dwelling unit" provided in section 22-183 of this Code shall apply to this section.

16-~~166-167~~—16-169. Reserved.

SECTION 3. Chapter 22 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 22-184. Certificate of compliance and notice of occupancy limitations.

(a) It shall be unlawful to operate within the city any apartment house, rooming house, two-family dwelling, or single rental unit without a current certificate of compliance. The certificate of compliance shall be displayed in the office of the manager.

(b) It shall be unlawful for any person to lease or sublease any apartment house, rooming house, two-family dwelling or single rental unit without first providing to the lessee or sublessee written notice of the zoning district in which the property is located and the applicable occupancy limitations under chapter 29. The notice shall be signed by the lessor and each lessee and shall either be contained in the written lease or shall be on a zoning occupancy disclosure form provided by the director ~~and signed by the lessor and each lessee~~. ~~All current zoning occupancy disclosure forms and leases for the property shall be maintained in the office of the manager.~~

(c) It shall be unlawful for any owner, operator, agent or property manager of a rental unit to fail to immediately ~~exhibit~~, upon request by a police officer or city inspector investigating any code violation, provide the certificate of compliance and notice of occupancy limitations signed by all lessees or sublessees ~~all lease, rental payment, tenant information and the zoning occupancy disclosure form~~ pertaining to the unit. No person shall be found guilty of violating this subsection if the person demonstrates to the city that the person met the disclosure requirements of this section at the time of the alleged violation by producing the properly executed documentation within seven (7) days of the date of the alleged violation.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

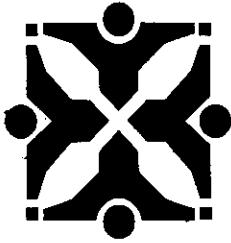
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - NS

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: October 7, 2013

Re: Revisions to Occupancy Disclosure Ordinance

EXECUTIVE SUMMARY:

Staff was asked by Council to review the Occupancy Disclosure Ordinance passed on January 7, 2013. This bill includes amendments to the ordinance in response to feedback received from the Columbia Board of Realtors and the Columbia Apartment Association.

DISCUSSION:

On January 7, 2013, City Council passed an ordinance requiring that landlords make their tenants aware of the zoning district and occupancy restrictions on residential units either by using a disclosure form or by including the information in the lease. The ordinance also required real estate agents, real estate brokers and property managers to inform buyers or lessees of the zoning district and occupancy limitations. The purpose was to educate all parties about occupancy restrictions and give staff an additional enforcement tool.

On August 30, staff met with representatives from the Columbia Board of Realtors, the Columbia Apartment Association, and neighborhoods close to the MU campus. The Realtors asked that 13-156 be deleted; the consensus among all parties is that the addition of 16-166 accomplishes the same goal of informing buyers of the zoning occupancy restrictions on the property, with the owner responsible instead of a real estate agent. The Columbia Apartment Association (CAA) requested that the sentence in 22-184(b) requiring that the forms and leases be maintained in the office of the manager be deleted.

CAA requested a section be added pertaining to oral leases; staff believes that is not necessary as the occupancy disclosure form can be used in instances of an oral lease. CAA also wanted section 22-184(c) to allow a "reasonable length of time" for the certificate of compliance and notice of occupancy limitation in place of "immediately." Staff suggests this amendment also not be granted as the ordinance allows for the documents to be produced in seven days before a person would be convicted of a violation.

Should these amendments be approved, staff in the Office of Neighborhood Services will continue to educate rental property owners and stakeholders in the real estate industry about this ordinance and use it as a tool to enforce our occupancy restrictions.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approval of these amendments.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	