Introduced by		_
First Reading	Second Reading	
Ordinance No.	Council Bill No.	B 360-12

# **AN ORDINANCE**

amending Chapters 13 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-<del>156-</del>157 – 13-185. Reserved.

SECTION 2. 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 <u>and notice of occupancy limitations</u>-required; display.
- (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. displayed in full view in the lobby, vestibule or other prominent common area of the

apartment house, rooming house, two-family dwelling or single rental unit which is open to the public or to all occupants, and if there be no such area then such The certificate of compliance shall be displayed in the office of the manager-or in each dwelling unit or rooming unit.

- It shall be unlawful for any person to lease or sublease any apartment house, (b) rooming house, two-family dwelling or single rental unit without first providing to the lessee or sublessee notice of the zoning district in which the property is located and the applicable occupancy limitations under chapter 29. The notice 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, 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 3. This ordinance shall be in full force and effect from and after its passage.

PA	SSED this	day of	<del>,</del>	2013.	
ATTEST:					
City Clerk	ity Clerk		Mayor and Presiding Officer		
APPROV	ED AS TO FORM:				
City Coun	selor				



Source: Community Development - NS

Agenda Item No:

To: City Council

From: City Manager and Staff/V/

**Council Meeting Date:** 

Dec 17, 2012

Re: Occupancy Disclosure Ordinance

## **EXECUTIVE SUMMARY:**

Council heard a report on ideas to address over-occupancy at its June 18 meeting and received additional reports in August and September furthering the concept of an occupancy disclosure. Staff has drafted the ordinance language along with the form for Council consideration.

### **DISCUSSION:**

Over-occupancy occurs when properties exceed the number of occupants as defined by "family" in Chapter 29. Over-occupancy is particularly an issue in single-family neighborhoods where rental properties house more than the allowed number of unrelated occupants resulting in additional traffic, noise, trash and potential safety issues for the tenants.

Occupancy disclosure forms are a tool used by other cities as documentation of the tenants who have possession of a unit. The forms are maintained by the landlord or property owner, signed at the time of lease signing and made available to city staff upon investigation of a case. The forms serve as a tool to educate tenants and landlords about the zoning ordinance and penalties if violations occur.

On November 7, an informal meeting was hosted by Councilwoman Anthony, Councilwoman Hoppe and Councilman Kesphol including a number of neighborhood representatives, property owners and staff. During that meeting, there was consensus to move forward giving landlords two options: including the occupancy disclosure in their lease or using a separate document provided by the City. The proposed legislation provides for these options; the optional form is attached as well.

#### **FISCAL IMPACT:**

None

## **VISION IMPACT:**

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

None

# **SUGGESTED COUNCIL ACTIONS:**

Passage of the ordinance change requiring occupancy disclosures.

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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 yea	ar net costs:	Resources Rec	quired Vision Impact? No		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 #	

**Zoning Occupancy Disclosure Form**As required by Section 22-184 of the Columbia, Missouri City Code

City of Columbia, Missouri
Community Development Department • Office of Neighborhood Services
P. O. Box 6015, 701 E. Broadway, Columbia, MO 65205 573-817-5050 ◆ neighborhoods@GoColumbiaMo.com

Dwelling:			(st	reet and apt. no.)	
in this document p	revents the owner	aximum occupants for or operator from limit nitted by the City Code	ing the number o	unrelated persons. Not f tenants to less than the	hing
The names of all t	he occupants who	reside in this dwelling	are as follows:		
Date:	_ Signature:		Printed:		,
Telephone #		E-Mail			
Date:	_Signature:		Printed:		
Telephone #		E-Mail			
		E-Mail			
Date:	_Signature:		Printed:	<u> </u>	
Telephone #		E-Mail			
Check one of the	following:				
I am the $\square$ owner Columbia.	□agent □ opera	ntor □ property manage	er of the property	as registered with the Ci	ity of
or property manage inspector investigate occupancy disclose subsection if the properties at the time (7) days of the date dollar (\$1.00) nor	ger of a rental unit pating any code violeure form pertaining person demonstrate of the alleged viole of the alleg	to fail to immediately of lation, all lease, rental ag to the unit. No person es to the city that the per- lation by producing the olation. Violations sha andred dollars (\$500.00)	exhibit, upon requipayment, tenant in shall be found it is on the discount of the discount of the properly executed by the punished by the pun	for any owner, operator, a uest by a police officer or information and the zonir guilty of violating this closure requirements of the documentation with so y a fine of not less than or ment for not exceeding the	r city ng nis even ne
Date:	Signature:		Printed		

Signature: