

Source: Law

Agenda Item No: Report

To: City Council
 From: City Manager and Staff

Council Meeting Date: Aug 5, 2013

Re: Possible Amendments to Chapter 13 (Licensing and Business Regulation), Chapter 16 (Offenses) and Chapter 22 (Public Works - Rental Conservation Law) of the City Code

EXECUTIVE SUMMARY:

At the request of Council, staff has prepared draft ordinance revisions that would provide options to address some of the concerns raised by the Columbia Board of Realtors at the June 10, 2013 City Council meeting.

DISCUSSION:

The current City Code provisions were adopted by the Council on January 7, 2013 with an effective date of February 1, 2013. Discussion regarding the enforcement of over-occupancy limits began in June of 2012 and continued at the September 4, September 17 and December 17 Council meetings (copies of the reports and meeting minutes related to this matter are included with this report for your information and use). During the prior discussion and evaluation of the City Code provisions, staff was requested to solicit comments from stakeholders. The feedback received at that time is attached to the September 4, 2012 report.

Staff is providing possible revisions to the City Code to further address some of the concerns raised by the Board of Realtors. The draft attached to this report would accomplish the following:

1. Add a new section in Chapter 16 to make it an offense for a property owner who is selling residential property to fail to provide written notice of the zoning district in which the property is located, and the applicable occupancy limitations under Chapter 29, to the buyer prior to closing of such sale of the property.
2. Clarify the Chapter 13 required disclosures provided by agents, brokers and managers to ensure the licensee is acting as a agent and not a primary source of the information. The disclosure required to be provided by the agent prior to closing or lease of residential property may be accomplished through either (a) seller's disclosure form, (b) real estate contract, (c) lease agreement, or (d) occupancy disclosure form provided by the director of community development.
3. Amend Chapter 22 to specify the documents required to be produced by the lessor to identify the lessee(s) of the property are: (a) certificate of compliance, and (b) the written notice of occupancy limitations provided to each lessee. This eliminates the production of any other potentially confidential financial information provided by the lessee to the lessor in connection with rental of the unit.

Please advise if you would like additional information on this topic or would be interested in having a bill brought forward to make any of the modifications presented.

FISCAL IMPACT:

None.

VISION IMPACT:

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

5.3 Goal: Columbians will live in well maintained, environmentally sound neighborhoods that include a range of housing options and prices; that are within walking distance of amenities such as schools, places of worship, shopping and recreation facilities; and that are supported by citywide bicycle, pedestrian, and transit systems.

SUGGESTED COUNCIL ACTIONS:

Provide direction regarding further action desired.

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?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.3
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 #	

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. _____

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.

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 written notice of the zoning district in which the residential property is located and the applicable occupancy limitations contained in chapter 29. The notice shall be provided prior to any real estate closing or rental of the property and may 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.

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 property; information on zoning district and occupancy limitations required.

It shall be unlawful for the owner of any residential property to sell or lease such property without first providing to the buyer or lessee written notice of the zoning district in which the residential property is 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.

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.

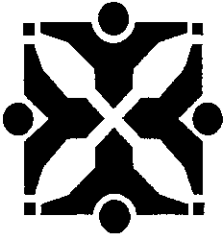
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - NS

Agenda Item No: REP 97-12

To: City Council
From: City Manager and Staff

Council Meeting Date: Jun 18, 2012

Re: Enforcement of over-occupancy provisions in the Zoning Ordinance (Tracker 3622)

EXECUTIVE SUMMARY:

Violations of the City's occupancy limits as defined in Chapter 29 of City Ordinance can create problems, particularly in R-1 zoning districts where no more than three unrelated people can live together. Additional noise, trash and traffic can all affect the quality of life in the neighborhood and there may be safety issues for the occupants. Staff in Community Development-Neighborhood Services continue to investigate these cases and enforce when evidence indicates a violation. Council has asked for a report on additional ways to address this issue.

DISCUSSION:

Background

Changes were made in 2011 to Chapter 22 of City Code in the Rental Conservation Law to stiffen the consequences when convictions of the Zoning ordinance occur. In summary, if there is a violation of Chapter 29 in a rental unit, the rental Certificate of Compliance may be revoked for three years when there is a conviction on an over-occupancy charge. As an alternative, the owner may apply for a one-year provisional Certificate of Compliance. Owners applying for a provisional certificate must share how they are going to address the over-occupancy issue and agree to regular inspections to verify the unit is compliance with code and occupancy. City staff are continuing their work to make cases and file charges with municipal court to trigger these consequences.

Recommendations

Staff has identified two immediate improvements related to enforcement of over-occupancy cases:

1. Increase awareness of City ordinances among both occupants and neighbors. This may help with gaining voluntary compliance but also encourage reports from neighbors on properties staff should investigate. Currently, ONS is working with the University of Missouri's Wellness Resource Center to share information on this and other City ordinances with students living off-campus. The City Channel, City Source newsletter and communication to neighborhood groups are all free ways staff can educate citizens on this ordinance and the importance of compliance.
2. Require an occupancy limit disclosure or rental housing occupancy affidavit for all rental property that would be made available upon request to City staff. The cities of Ft. Collins, CO and West Lafayette, IN currently have this requirement (examples attached). Staff recommend these forms be maintained by the property owner or manager. A disclosure or affidavit would also be helpful in addressing trash, nuisance and fireworks cases as it would be evidence of who has control of the property and who can be held responsible for violations. Staff recommends getting input from our stakeholders including rental property owners, real estate agents, and neighborhood groups before putting this requirement in place as it would create an additional administrative burden on rental property owners.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Acceptance of this report and direction on legislation to require an occupancy disclosure or affidavit for rental property as desired.

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 #	



Neighborhood Services
281 N College Av
PO Box 580
Fort Collins, CO 80522-0580
970-224-6046

OCCUPANCY LIMITS DISCLOSURE STATEMENT FOR PROPERTY LEASE

The City of Fort Collins Code requires that any person selling or leasing a home, apartment or other dwelling unit must inform the buyer or renter about the maximum number of people who, by law, are allowed to occupy that home. All parties must sign where indicated below.

The maximum permissible occupancy of this dwelling unit is:

1. One (1) family (related by blood, marriage, adoption) and not more than one (1) additional person; or
2. Two (2) adults and their dependents, if any, and not more than one (1) additional person.
3. Up to four (4) unrelated persons in a dwelling unit located in an apartment complex containing units which were approved by the City to house four unrelated persons.

Actual signatures are required on this form. *It is required that this form be verified by electronic means OR notarized, attached to your lease, and a copy kept at the leased property or on-site management office. The shaded areas are for notary use. If the form is not notarized, the shaded areas should be left blank.

Property Address: _____

Tenant 1 Name: _____ Signature: _____ Date: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of: _____ My commission expires: _____

Tenant 2 Name: _____ Signature: _____ Date: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of: _____ My commission expires: _____

Tenant 3 Name: _____ Signature: _____ Date: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of: _____ My commission expires: _____

Property Owner Name: _____ Phone: _____

Address: _____

Property Manager Name: _____ Phone: _____

Address: _____

Owner/Manager Name: _____ Signature: _____ Date: _____ Phone: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of: _____ My commission expires: _____

If requested by the City, you are required to provide this fully executed disclosure statement to the City pursuant to City Code Section 5-265(b). Failure to properly execute and retain this statement is a civil infraction punishable by a fine of not more than \$1000, in addition to any costs, fees or surcharges assessed by a court or referee. Fines may be assessed to the owner, manager, and/or tenant(s).

**City of West Lafayette
Rental Housing Occupancy Affidavit**

Attachment C

As required by Section 117.05 of the West Lafayette City Code

Dwelling: _____ (street and apt. no.)

I have made personal and diligent inquiry and make this affidavit based upon personal knowledge. The names of all the occupants who reside in this dwelling and those persons and their relationship to any other persons residing in the dwelling (if no relationship, state none) are as follows:

<u>Name</u>	<u>Relationship</u>
_____	_____
_____	_____
_____	_____
_____	_____

If any familial relationship is claimed between occupants, the names of the occupants who claim to be related shall be identified below, together with the names, addresses, telephone numbers, e-mails, and relationship of the persons through whom they claim to be related and who can verify the information:

Initial one of the following:

_____ I am the owner of the property _____ I am the manager of the property

Section 117.08 (d)(4)(A) – It shall be the continuing duty of the owner and/or manager to file an occupancy affidavit no less than annually and updating the occupancy affidavit upon any change in occupants. (Ordinance 03-09 Amended)

I affirm under the penalties for perjury that the foregoing representations are true. Under Indiana law, perjury is a class D Felony punishable by incarceration for one year. Submission of an incorrect affidavit is a violation of West Lafayette City Code Section 117.20, punishable by a fine of \$1,000 to \$2,500, and may result in the suspension of the rental certificate.

Date: _____ Signature: _____ Printed _____

ALL OCCUPANTS OF THE PROPERTY MUST COMPLETE REVERSE SIDE OF THIS FORM AT THE TOP (UNLESS CONSIDERED A MINOR CHILD)

Occupant Confirmation: I affirm under the penalties for perjury that the foregoing representations are true. Under Indiana law, perjury is a Class D Felony punishable by incarceration for one year. Submission of an incorrect affidavit is a violation of West Lafayette City Code Section 117.20, punishable by a fine of \$1,000 to \$2,500.

Date: _____ Signature: _____ Printed: _____
Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____
Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____
Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____
Telephone # _____ E-Mail _____

If the occupants refuse to sign the occupant confirmation in a timely manner, the owner or manager shall sign below certifying that the occupants have refused. The occupants may then be prosecuted for violation of §117.20(d). I certify under penalties of perjury that I have demanded that the occupants sign this occupancy affidavit and one or more occupants have refused to do so.

Date: _____ Signature: _____ Printed: _____

proof standard was so high it would be meaningless unless the last part of the sentence was removed.

REP97-12 Enforcement of over-occupancy provisions in the Zoning Ordinance.

Mr. Teddy provided a staff report.

Ms. Anthony stated she liked the recommendations of staff as it was trying to engage voluntary compliance and recommending stakeholder input on a potential affidavit. She asked if an ordinance change was needed to proceed. Mr. Teddy replied the examples given referenced ordinances that provided for penalties, so staff could bring it back in ordinance form or provide a form for Council to review.

Mr. Kespohl asked if the property owners could verify their understanding of the ordinance every three years when they had a rental inspection. Mr. Teddy replied this would be included with the rental certificate application. Ms. Anthony believed there needed to be some responsibility on the owner's part to update the information as they might not have the same renter annually. Mr. Kespohl thought they would police themselves if they understood what they needed to do.

Ms. Hoppe thought this might save staff time because staff currently had to collect the information when there was a complaint.

Ms. Anthony asked staff to proceed as recommended in the staff report, and to report back as to whether an ordinance change would be needed after stakeholder input was received. Mr. Teddy stated they would proceed.

REP98-12 Walnut Street to Hubbell Street Stormwater Management and Sanitary Sewer Improvements, and Sunset Drive Stormwater Management Improvements.

Mr. Kespohl suggested these projects be moved to 1-2 year projects in the CIP plan. Mr. Matthes stated they would be moved.

REP99-12 Limerick Lakes Outlet Repair/Water Quality Modification Project.

Ms. Anthony asked if Council had already voted on this issue. Mr. Glascock replied an agreement existed and the ordinance allowed for items under \$100,000 to come to Council as a report instead of having to hold a public hearing.

REP100-12 Columbia Transit Pet Policy.

Mr. Matthes provided a staff report.

Mayor McDavid noted this report was requested due to a citizen wanting to take his caged cat to the veterinarian. Mr. Schmidt wondered why that would not be allowed. Mr. Matthes stated staff could review the policy with regard to caged animals. Mr. Glascock pointed out there might be issues if people had allergies.

Ms. Hoppe understood people were allowed to take pets on to airplanes regardless of allergies. Mr. Matthes thought they were placed with the cargo. Ms. Hoppe believed they could be placed under the seat if they were small enough.

Mr. Matthes asked if Council wanted staff to review the policy for any animal in a cage. Mr. Schmidt and Ms. Hoppe replied that would be their preference. Mr. Glascock asked if

TAX INCREMENT FINANCING COMMISSION

Krawltz, Nikki, 901 Edgewood Avenue, Ward 4, Term to expire September 1, 2016

Schatz, James, 1407 Longwell Drive, Ward 4, Term to expire September 1, 2016

Mayor McDavid noted Louis Gatewood had submitted his resignation from the Enhanced Enterprise Zone (EEZ) Board because he was leaving the area, and explained he was appointing Jim Loveless, the Executive Director of Job Point, to the EEZ Board to complete the remainder of Mr. Gatewood's term, which would end on May 21, 2014.

SCHEDULED PUBLIC COMMENT

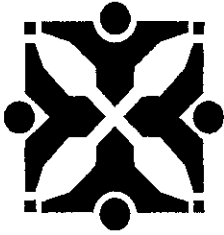
Dan Cullimore - Tenant Occupancy Disclosure Forms.

Dan Cullimore, 715 Lyon Street, stated he was a member of the North Central Columbia Neighborhood Association and a member and supporter of the Neighborhood Association Revitalization Action Team (NARAT), and understood the Council would soon be receiving a report from staff in support of a request for increased vigilance with regard to rental occupancy compliance. He explained Robbie Price of the Grasslands Neighborhood Association had approached the NARAT and had circulated a letter asking for the creation and implementation of a document by the City that clearly stated the maximum number of occupants allowed in a rental unit and identified, by signatures, the legal occupants of any rental. Tenants and landlords would be required to complete and sign the document, and the document would be kept by the property owner and available for inspection if a complaint arose. He pointed out many cities employed such a form as part of their commitment to public health and safety. He explained this request by Mr. Price was a result of repeated violations of zoning occupancy regulations by properties along Providence Road, but he thought these violations occurred frequently all over Columbia. Permanent residents of Grasslands were subjected to increased vehicular traffic, over-parking, increased litter and loud noise during early morning hours. Such disturbances detracted from the character of the neighborhood, created public nuisances and put public health and safety at risk. The proposed document, if required and properly executed, would provide a code enforcement tool for documented violations. He understood some might object that such a document would create an unnecessary burden on landlords and tenants, but noted it was necessitated by the disturbances the Grasslands residences and many others around Columbia experienced every year. He felt the burden of such a form would be minimal given that landlords already collected personal and intrusive information about their tenants. He understood another objection might be that it was unfair and blaming to make property owners responsible for administering the form because they might not have knowledge of what the tenants did after the lease was signed, and noted East Lansing Michigan had published a two-page explanation of its occupancy ordinance, which indicated most landlords were not aware of over-occupancy issues when it occurred, but some tenants also pointed to overcrowding by unscrupulous landlords. He noted either condition created unsafe housing and strained neighborhood capacity. He believed the goal was to provide safe housing while preserving the character of the neighborhood, and the proposed document would be a step in that direction. He pointed out there were costs to property owners for over-occupancy, such

as the increased use and cost of utilities, additional wear and an increase in the risk of property damage, and costs of over-occupancy to tenants involved rent inflation. He commented that constructing and enforcing such a regulation needed to be carefully considered since there were occasional, legitimate reasons for over-occupancy, such as a form of homelessness known as "couch surfing" for the first few weeks of the school year when students attempted to find apartments and housing. He understood there were more severe and economically driven forms of over-occupancy as well due to the number of affordable housing units being far less than the number of people needing them. Section 29-2 of the City's Code of Ordinances did not define "a guest" when addressing residential dwellings, but the definition of family was limited to not more than one additional person not related to the family by blood or marriage. The definition did not account for the number of rooms or the size of a dwelling unit. In many cases of over-occupancy, the dwelling might remain safe and the neighborhood well cared for even though the strict number of legal occupants was exceeded, and crafting an appropriate mechanism for addressing the concerns of the residents in the Grasslands while not doing further harm to those impacted by the economic conditions would require a careful balance and well considered advice. He understood some jurisdictions had more residential zoning codes, defined extra occupancy dwellings or utilized fines as a means to enforce compliance. Columbia had fines for violations for zoning codes, but the obligations of tenants and landlords were not defined. He believed a means for enforcing the existing occupancy code needed to be addressed, and stated Mr. Price's suggestion of a document that tenants and landlords signed, thereby acknowledging the understanding of the legal requirement, was a sound step toward solving a recurring problem for the Grasslands neighborhood.

Monta Welch - Columbia Climate Change Coalition response to the Greenhouse Gas Report.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the Columbia Climate Change Coalition and asked that the annual budget be available by March of every year and for the public to be actively notified and invited into the process so City officials were able to hear and honor the wants of the public. With regard to climate and energy issues, the Columbia Climate Change Coalition was asking for ten greenhouse gas reduction targets, which included an early review of building codes and an immediate move to implement greener energy efficient building codes; the expansion of existing energy efficiency programs and efforts; the utilization of distributed and decentralized renewable energy sources to quickly build and transition the local renewable energy supply; a comprehensive city government and city-wide assessment report in terms of greenhouse gas energy emissions and actual light pollution with appropriate changes to the lighting ordinance and building codes to address pollution concerns; a comprehensive continued push for alternative transportation and behavior reforms in the transportation sector; the encouragement of more recycling, which would include a cost assessment report with regard to the trash system, the addition of other types of plastic recycling and more recycling bins throughout the community; the development of a natural cleansing, purifying and processing plan for water, which would include the pursuit of alternative water sources, catchments,



Source: Community Development - NS

Agenda Item No: REP 147-12

To: City Council
From: City Manager and Staff

Council Meeting Date: Sep 17, 2012

Re: Occupancy Disclosure Forms (Tracker 3622)

EXECUTIVE SUMMARY:

Council heard a report on occupancy disclosures as a means to address over-occupancy in rental properties at their September 4 meeting. Council requested that the draft form be submitted for their review via an additional report.

DISCUSSION:

Over-occupancy occurs when properties exceed the number of unrelated 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.

A disclosure form is a tool used by other cities to assist in cases of over-occupancy and was supported by Council at their September 4 meeting. Feedback from Council members indicated the form should be simple, not require notarization and be provided for through an ordinance to give staff some discretion in the content of the form. A draft form for use by the City of Columbia is attached.

There were two questions stated by Council:

- Are landlords at risk of prosecution if the tenants have moved in additional occupants without their permission? The investigation will indicate who is at fault in cases of over occupancy. Landlords will have some protection with the disclosure form as it is evidence that the number of people living in the unit is appropriate for the zoning district. The City has not prosecuted landlords when the evidence indicates they are not responsible for the violation. Landlords who have been in violation and seek compliance have usually broken the lease with their tenants to resolve the over-occupancy.
- What is the penalty for not having the completed form available for staff upon investigation? While Council has the discretion to define the penalty, Section 1-8 of City ordinance defines the punishment by a fine of not less than \$1 nor more than \$500, or by imprisonment for not exceeding three months or by both fine and imprisonment. Every day any violation shall continue is a separate offense.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Acceptance of this report; direction of further action is desired.

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 #	

City of Columbia, Missouri
Rental Housing Occupancy Affidavit

As required by Section 22-XX of the Columbia, Missouri City Code

Dwelling: _____ (street and apt. no.)

Zoning District: _____ The maximum occupants for this unit are _____ unrelated persons. Nothing in this document prevents the owner or operator from limiting the number of tenants to less than the maximum allowable occupancy permitted by the City Code.

I have made personal and diligent inquiry and make this affidavit based upon personal knowledge. The names of all the occupants who reside in this dwelling and those persons and their relationship to any other persons residing in the dwelling (if no relationship, state none) are as follows:

Name

Relationship

_____	_____
_____	_____
_____	_____
_____	_____

If any familial relationship is claimed between occupants, the names of the occupants who claim to be related shall be identified below together with the names, addresses, telephone numbers, e-mails, and relationship of the persons through whom they claim to be related and who can verify the information:

Check one of the following:

I am the ☐ owner ☐ agent ☐ operator of the property as registered with the City of Columbia.

Cite City ordinance language here

Failure to possess a complete and current affidavit and make it available to city staff upon request in a timely manner is a violation of Columbia, Missouri City Code Section 22.XX, punishable by a fine of up to \$500 per violation or up to three months imprisonment. Each day the violation exists is a separate offense.

Date: _____ Signature: _____ Printed _____

**ALL OCCUPANTS OF THE PROPERTY MUST COMPLETE REVERSE SIDE OF THIS FORM
AT THE TOP (UNLESS CONSIDERED A MINOR CHILD)**

**Occupant Confirmation: Failure to sign the affidavit is a violation of Columbia, Missouri City Code
Section 22.XX, punishable by a fine of up to \$500 per violation or up to three months
imprisonment. Each day the violation exists is a separate offense.**

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

If the occupants refuse to sign the occupant confirmation in a timely manner, the owner or manager shall sign below certifying that the occupants have refused. The occupants may then be prosecuted for violation of Section 22-ZZ. I certify that I have required that the occupants sign this occupancy affidavit and one or more occupants have refused to do so.

Date: _____ Signature: _____ Printed: _____

Ms. Hoppe made a motion directing staff to make the changes and to prepare the appropriate ordinance changes. The motion was seconded by Mr. Schmidt.

Mr. Dudley asked if an arrow could be painted on the street coming off of Cliff Drive near the bulb. Mr. Glascock replied they could review it. Ms. Hoppe suggested staff obtain input from the East Campus Neighborhood Association.

The motion made by Ms. Hoppe and seconded by Mr. Schmidt directing staff to make the changes and to prepare the appropriate ordinance changes was approved unanimously by voice vote.

REP147-12 Occupancy Disclosure Forms.

Mr. Matthes provided a staff report.

Ms. Anthony asked for more time to review the occupancy disclosure forms provided. She understood there was not an urgency with regard to this issue since it would be a new tool for the toolbox.

Mr. Schmidt asked if it was appropriate for them as a legislative body to discuss the details of the form. He thought it was more administrative. Mr. Boeckmann replied it was not illegal for Council to get to this level of scrutiny. Mr. Teddy pointed out the motion at the previous meeting was for staff to bring forward a form for Council review. In addition, he viewed it as something that would illustrate a future ordinance. Mr. Schmidt stated he was comfortable voting on a model, but not necessarily a specific form.

Mayor McDavid stated there was a lot of resistance from apartment owners, but the issue was that there was a problem with people abusing the rental regulations of the City of Columbia. His plea to the people that did not want the disclosure forms was to provide the Council a solution to the problem. Even though a specific apartment complex or landlord did not create the problem, it was a problem of the industry.

Mr. Kespohl commented that he was happy to see penalties on the form, but wondered if the fine would be assessed to the owner of the property or the management company. Mr. Teddy replied the fine would be assessed to the license holder. Mr. Kespohl noted the property owner might not be aware of the situation. He also wondered if the \$500 fine would be assessed to the tenant if they were in the wrong, and questioned how that fine would be collected. He thought the issue would have to go to court. Mayor McDavid asked for his recommendation for change. Mr. Kespohl thought they needed time to determine how this would be administered.

Ms. Hoppe suggested the form include a statement indicating information would need to be provided in the future if there was a question regarding a familial relationship instead of requiring verification in advance. She also wondered how verification would work in terms of single sex partners and children.

Mr. Kespohl stated he had been asking for the names of tenants and their relationship on the rental applications for years because he wanted to know who was living there and what the relationship was amongst those people.

Mr. Kespohl suggested a meeting be held for further discussion. Ms. Anthony stated it needed to include homeowners and neighborhood associations in addition to landlords. Mr. Kespohl agreed it should be open to everyone. He also believed a representative of the legal

department needed to participate to help determine what could and could not be done. Mr. Matthes stated a meeting would be held similar to an interested parties meeting, and then the issue could also be discussed during a future pre-council meeting in order to get through some of the concerns.

REP148-12 Heibel-March Building Update.

Mr. Hood provided a staff report.

Mr. Kespohl understood this had been an on-going issue and they were at the same place they were ten years ago. He thought they would need to pull the plug on this at some point in time.

Ms. Hoppe stated she thought it was reasonable to extend it for a week if there was interest.

Mr. Schmidt agreed with Mr. Kespohl in that at some point this would need to end, but he pointed out that once the past was gone, it was gone, so he hoped they could hold on to the building a little longer.

Mr. Hood explained the building was not in good condition so at some point it became a concern for the City. Mr. Schmidt asked if the Parks and Recreation Department could use the land to build something new that had character. Mr. Hood replied they had many options. The original plan was to remove the building and install a nice landscaped area on the corner that mirrored what Columbia College had done on the opposite corner. He noted it had been twelve years, but they were optimistic a couple proposals would be received by September 21, 2012.

REP149-12 Hazardous Tree Removal Report: Lions-Stephens Park.

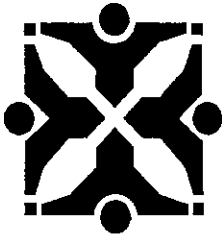
Mr. Hood provided a staff report.

Ms. Hoppe understood the Benton-Stephens Neighborhood Association was concerned because they had not been notified, and in this particular situation, there had been a two month period from the time the limb fell to the time it was determined the tree needed to be removed. She suggested neighbors be notified in terms of good customer service because people tended to be invested in parks and old trees. She thought the neighbors could have been notified that the tree was being studied and might need to be removed.

Mr. Schmidt thought the Benton-Stephens Neighborhood Association expected to hear about any tree removal due to a prior situation in terms of tree trimming by the Water and Light Department. He thought they would have been satisfied with being told the tree was being removed.

Mr. Hood stated they would try to recognize situations where there might be established neighborhood associations and people heavily involved in the park in order to notify the neighborhood association. He pointed out this was a situation where once he was notified the tree was a hazard, he felt the tree needed to be removed.

Mr. Kespohl pointed out a press release had been issued. Mr. Griggs noted the press release had been sent out the day the tree was removed, but it obviously did not get to the neighborhood association in time.



Source: Community Development - NS

Agenda Item No: B360-12

To: City Council

From: City Manager and Staff

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.

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 #	

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: _____ (street and apt. no.)

Zoning District: _____ The maximum occupants for this unit are _____ unrelated persons. Nothing in this document prevents the owner or operator from limiting the number of tenants to less than the maximum allowable occupancy permitted by the City Code.

The names of all the occupants who reside in this dwelling are as follows:

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Date: _____ Signature: _____ Printed: _____

Telephone # _____ E-Mail _____

Check one of the following:

I am the ☐ owner ☐ agent ☐ operator ☐ property manager of the property as registered with the City of Columbia.

Per Columbia, Missouri City Code Section 22.184 (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 with seven (7) days of the date of the alleged violation. Violations shall be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not exceeding three (3) months, or by both such fine and imprisonment.

Date: _____ Signature: _____ Printed: _____

Ms. Hoppe stated she believed this was a basic, minor, fundamental and reasonable change that would help the HPC do its job in an efficient way. She hoped the Council would receive additional and more substantial recommendations from the HPC in the future.

Mayor McDavid agreed this was a reasonable request and noted he would support it.

B359-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B360-12 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.

The bill was given second reading by the Clerk.

Mr. Teddy and Ms. Britt provided a staff report.

Mayor McDavid asked if the City had received a lot of complaints on this issue. Ms. Britt replied there were 46 cases in 2012. She thought the issue might be more frequent, but they were not necessarily receiving those complaints. She pointed out this ordinance would help educate both tenants and landlords about this issue.

Ms. Hoppe asked if staff had tracked whether the complaints involved new properties or repeat properties, or whether there were repeated complaints, as she believed the likelihood of someone complaining would be reduced if nothing was done due to enforcement issues. Ms. Britt replied she did not have that information, but guessed that several of the 46 cases had been investigated in the past.

Mr. Trapp asked if all of the adult occupants had to sign the lease. Ms. Britt replied some leases were verbal or were with only one individual and might not reflect all of the occupants of the unit. If the landlord did not use a traditional lease, the City could provide this form to capture the occupant information. Mr. Trapp asked whether signatures of all of the adult occupants would be required on the lease if the landlord chose to include the information in the lease. Ms. Britt replied yes.

Mr. Kespohl asked if anything had been done to try to expedite these cases through Municipal Court. Ms. Britt replied not specifically. Mr. Kespohl understood they wanted to solve these problems as quickly as possible and thought these issues would be resolved more quickly in Municipal Court than in Circuit Court. Ms. Britt explained there was usually voluntary compliance once a violation was investigated and discovered. The landlord usually worked to find another location or would break the lease with those tenants. Most of these issues were resolved voluntarily, and outside of any court action. Mr. Kespohl asked if a 30 day notice was required to be given by the landlord if a lease was broken. Ms. Britt replied yes. Mr. Kespohl thought there needed to be a faster way to resolve these issues than 30 days or Circuit Court. He suggested a seven day notice with a fine being assessed for every day after the seven days.

Skip Walther, an attorney with offices at 700 Cherry Street, stated he was speaking on behalf of the Columbia Apartment Association, and commented that while the Association shared the notion of supporting good enforcement efforts with respect to over-occupancy problems, he encouraged the Council to oppose the proposed ordinance as it would require every landlord to create, maintain and exhibit upon request, a zoning occupancy disclosure

form and all tenant information. There were 25,000 units in the City of Columbia and understood this ordinance would apply to every one of those units. He pointed out there were only 46 reported complaints regarding over-occupancy, and of those 46 complaints, 26 were determined to not be violations. Six of the remaining twenty cases resulted in voluntarily compliance, and the remaining fourteen cases were either violations or awaiting a determination of some kind. He pointed out there were only fourteen violations from 25,000 units, so the violation numbers did not justify more regulation on rental businesses in Columbia. He did not believe Columbia had an over-occupancy problem. He agreed there might be an issue of addressing violations through Circuit Court, but this ordinance did not address that issue. He commented that he was unsure how this ordinance would affect over-occupancy as he did not know how this form would solve the over-occupancy problem, and reiterated that he did not believe Columbia had an over-occupancy problem. He understood this ordinance was immediately effective, if passed, so 50,000 people would need to sign the form or enter into revised leases if they assumed two tenants per unit. The professional landlords he represented would likely consult with an attorney before inserting language into its lease, so this would be costly to the landlords in term of time and expense. He questioned whether this was a big enough problem to justify landlords spending hundreds of thousands of dollars to comply with this ordinance. He also understood this would allow the police the right to an unlimited search of all lease and tenant information, which could include social security numbers, employment background information, family background information, etc., without a warrant by only announcing they were investigating a code violation. The code violation could involve the fire code, building code, the sidewalk, a sign, etc., and would not have to do with over-occupancy. He did not believe the City should pass this type of law, and urged the Council to oppose it as it was over-reaching and likely the unconstitutional regulation of rental businesses.

Alyce Turner, 1204 Fieldcrest, stated she believed this issue affected all of the neighborhoods in Columbia to include her neighborhood, and thought an increased vigilance was needed regarding rental occupancy compliance in Columbia. She felt most people were hesitant to report their neighbors. She was aware of one neighbor that reported another neighbor on her block, and it resulted in voluntary compliance. She was not sure it ever involved the Office of Neighborhood Services. She noted there were ten homes on her block, and 50.3 percent of those homes had been sold during the ten years she had lived there with only one being sold to a family. One of the homes on her street was a group home that was in compliance, and another was rented to a family, but the rest were rentals that were probably beyond the code as they had seen an increase in traffic, cars on the street, etc. She believed there was a need for this ordinance and felt the number of complaints were low because neighbors did not always report their neighbors. She asked the Council to support this ordinance.

Stanley Diaz stated he was the President of the Columbia Apartment Association, and explained the Association was against over-occupancy and wanted to work with the City to reduce over-occupancy as it was harmful to business since it increased the wear and tear of units, created problems with other tenants, increased the cost of utilities, etc. He commented that he did not believe this ordinance would be effective, and noted it would affect

approximately 25,000 rental units and 50,000 people, which was half of the population of Columbia, and was based on just a few complaints. He thought a better approach would be to work with apartment owners and prosecute those that were in violation.

Jeanine Pagan, 701 Bluffdale Drive, stated she was in support of the ordinance and noted the form did not have to be included in the actual lease. In addition, it was simplified form, which only asked for the name, phone number and e-mail addresses of the people residing at that location. She believed it was important to have this information from a safety standpoint in case there was a fire or other emergency situation. She commented that she lived in an older neighborhood with single-family homes and some rentals, and at times they had to report their neighbors on this issue. The extra vehicles on the narrow streets created an issue in terms of trash trucks, school buses, etc. As a parent who might have to co-sign a lease, she believed this was a good idea since the parent would know who was residing in the unit as well. She did not believe the form was intrusive.

Helen Katz, 1304 Fieldcrest, commented that she was in support of this ordinance as she believed it was a good education tool for renters. Her street had fourteen homes, and she suspected over-occupancy in some since they were four bedroom homes and had many cars. The neighbors were hesitant to report their neighbors, especially when they were nice and did not cause trouble, but they were concerned because they did not want the neighborhood to end up with the negative effects of over-occupancy.

Pat Fowler, 606 N. Sixth Street, understood rent was about \$600-\$900 per month for student housing and was not sustainable for young people that borrowed money to go to college, so the pressure was there for them to double up to reduce costs. She commented that Columbia was facing a cultural shift and felt this was an excellent opportunity for the City to show young people how to conform their behavior properly, through voluntary compliance and disclosure, by giving them information at the outset. She did not believe they could be subtle and stated they needed to be straight forward with young people. She felt this was a cost of doing business for the rental companies and landlords, and thought the use of the form could be phased in and made effective August 1st since leases were generally entered into or renewed then. She also suggested the number of occupants be shown on the city maps, which show the parcel and zoning information as well. This would allow neighbors to conduct their own voluntary compliance check.

Flo Osborn, 19 E. Leslie Lane, felt the number of vehicles was the main issue in terms of over-occupancy. She agreed buildings needed an occupancy limit for safety issues, but thought five or six adults could live in a four bedroom house just as a family of that size could. She noted a lot of people could not afford to live on their own due to the economy. She felt there were several different ways of looking at this issue. She noted it was a lot of paperwork and she was not sure what it would solve.

Hank Ottinger, 511 Westwood, stated he was the Chair of the Historic Southwest Neighborhood Association and they were in support of the ordinance. He noted the most frequent complaint he received from the neighbors was with regard to over-occupancy and the associated nuisances in terms of trash, traffic, noise, etc. He understood an ordinance of this type had been passed in other communities, and urged the Council to support it.

Karl Skala, 5201 Gasconade Drive, commented that he wanted to reinforce some of the remarks made by several speakers with regard to the trend toward rental properties in some neighborhoods and the problem with over-occupancy. He suggested a compromised approach to address some of Mr. Walther's objections, such as a phased-in approach through the renewal of leases or with this separate form. In addition, the City could limit the amount of information collected so it was specific to the violations of the code and ordinance of interest.

John Clark, 403 N. Ninth Street, stated he believed over-occupancy was a bigger problem than Mr. Walther had indicated, and suggested asking the Columbia Apartment Association to propose a regimen they would find acceptable along with the appropriate level of intensity for identifying and prosecuting offenders instead of saying it was too costly. He noted there were some very responsible landlords and the Association was responsible as well, and reiterated they needed to provide a proposal they thought might work since they had the same goal of reducing the problems caused by over-occupancy.

Jeff Akers, 1411 Anthony Street, commented that over-occupancy was a real problem and noted he could point to examples on his street. He stated he was in favor of this ordinance.

Janet Hammen, 1844 Cliff Drive, stated she was the President of the East Campus Neighborhood Association and pointed out they had R1, R-2 and R-3 zoning in their neighborhood and saw this problem of over-occupancy in all of those zoning areas. She explained most neighbors did not call to complain as it was a very difficult problem to solve, but they knew there was a violation due to the number of cars and people, and by talking to the students. She felt this would be a way to help with the issue as they would then know who the tenants were as it was a problem for the Office of Neighborhood Services to determine who lived in a particular location when they did receive a complaint. There was also a public service aspect in case of an emergency, such as a tornado, since it would help identify those that lived in the home.

Jay Hasheider, 1403 Windsor, stated he was the Vice-President of the Benton-Stephens Neighborhood Community Association and explained they had not met as a neighborhood on this particular issue, but the Executive Committee of the Neighborhood Association had unanimously supported the ordinance. He believed there was a need for enforcement of the occupancy ordinance and this seemed like a rational way to proceed. He also pointed out that he, as a landlord, did not have any problem with complying with this ordinance.

Dan Harder, 1803 Bluff Pointe Drive, commented that he had managed rental properties in Columbia for ten years and was a member of the Columbia Apartment Association, and noted he believed this problem was specific to one or two areas of Columbia. Although he had never had a complaint, he thought he would take the appropriate course of action to solve the problem if there was one. He stated the list of residents on the disclosure form would be the same people included on his lease and felt the disclosure form was burdensome in comparison to just having a lease. He also wondered what steps this form would allow people to take over and beyond the regular lease, if any.

Mr. Kespohl asked Mr. Harder for his mix of rental properties. He wondered if he had duplexes or large apartment complexes. Mr. Harder replied he had duplexes, condos, condominium complexes and single-family homes. Mr. Kespohl asked if most of them were zoned R-1 or R-2. Mr. Harder replied a majority were, and noted he had property in East Campus and agreed it was hard to find parking. He also agreed it was difficult to determine whether someone was actually living in the unit or if they lived elsewhere and stayed there six nights a week. He was uncertain as to how this form would help with those situations.

Mayor McDavid understood the ordinance as written would go into effect immediately. Ms. Britt stated that was correct. Mayor McDavid asked if it would be reasonable to amend the ordinance so it would go into effect August 1, 2013 in order to capture new leases. Mr. Schmidt thought this would be for the renewal of leases. He did not believe landlords would have to contact their tenants tomorrow for this information. Ms. Britt stated she did not believe the ordinance was written that way, but they could amend it to read that way. Mr. Schmidt suggested it be amended to include any renewal starting tomorrow. Mayor McDavid suggested the provide time for the landlords to create a new lease by making it effective February 1, 2013.

Mayor McDavid made a motion to amend B360-12 so it reflected any new or renewal lease enacted on or after February 1, 2013. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Kespohl commented that he believed two different situations trying to be accommodated by one ordinance, which was hard to do. There were situations where someone owned an R-1 or R-2 zoned structure in a neighborhood with a traffic, parking and over-occupancy problem, but there were also situations where someone owned ten buildings that had sixteen apartments in each building in a complex with its own parking lot, etc. and those did not create traffic, parking, trash or other nuisances. He wondered if they needed to separate the two scenarios. Mr. Teddy stated they would need to find a way to separate the large complex that might be zoned R-3 from an isolated lot in an older neighborhood. Ms. Hoppe commented that the R-3 zoned properties still created problems for East Campus and other areas, and suggested using the number of units instead of the zoning district. Mr. Schmidt stated he preferred the simplicity of requiring the disclosure form or having this information in the lease regardless of the number of apartments. Ms. Hoppe noted the safety issue would apply to all units. Mr. Schmidt agreed.

Mayor McDavid asked if they were missing disclosure for situations where a parent purchased a home for their son or daughter while in college, and they verbally entered into an agreement with their friends who lived there as well. Ms. Britt replied those were often captured in the rental program because in almost all of those cases they were collecting rent and were registered rental properties.

Mr. Trapp commented that he felt this was a reasonable step so people knew the law before entering into the agreement, but noted there was some argument to the use of resources based on the household size rather than individuals. He did not believe an argument could be made that over-occupancy was not a problem in spite of the low number of official complaints as one could see areas of town with lots of cars and lots of garbage cans. He understood this ordinance might not fix the problem, but he felt it was a step

towards holding people accountable for knowing the law, and if they were going to disregard the law, they would knowingly do it. He stated he planned to support the ordinance.

Ms. Hoppe explained she, Ms. Anthony, Mr. Kespohl and Mr. Matthes had met with a group of neighborhood representatives and landlords to listen to their concerns in an effort to fine tune the form so only the necessary information would be requested. She noted she had been on the City Council for seven years and over-occupancy was a frequent concern on almost every street within neighborhoods in the Sixth Ward that allowed rental properties. She felt that once someone made a complaint and learned enforcement was not possible, they did not contact the Office of Neighborhood Services again. This caused frustration and a lack of confidence in City government. She believed this ordinance would address the situation and noted some landlords were supportive of it. It would also improve quality of life and property values. She pointed out it did not change the ordinance. It only provided a mechanism to enforce the ordinance.

Mr. Schmidt commented that many renters were not from Columbia and did not know City ordinances, and in some cases were told more people could live in a house than was allowed by ordinance. If a neighbor complained and the City investigated, the landlord could break the lease creating a situation where the renters were homeless. He believed this would help protect renters as well.

B360-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B372-12 Amending Chapter 2 of the City Code to eliminate the Enhanced Enterprise Zone Board.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the People's Visioning and others in the community, and commented that many in the community had long awaited the day the Council would vote to disband the Enhanced Enterprise Zone (EEZ) Board. She asked the Council to abandon this incentive direction for economic development and the related tools that used blight and impacted the budget and financial support of education. While it was true the blight designation was a big reason the EEZ was not supported, there were other reasons as well. She pointed out they repeatedly provided the Council, REDI and others a long list of reasons EEZ's and similar programs were not supported, such as its impacts on education, insufficient data for positive claims, detrimental audit reports, etc. She noted corporations held communities hostage due to incentives, and felt this point was proven by Beyond Meat coming to Columbia at the same time an airline was lost when higher incentives were offered to a competitor. She was hopeful the Council vote would reflect an abandonment of inappropriate programs, and asked for development to be slowed down in order to work on a vision the people would support.

Mike McMillen, 2709 Squire Circle, commented that he believed the EEZ was part of a larger United Nations Agenda 21 plan, which was a blueprint for a sustainable world that was introduced at a United Nations Conference on Environment and Development in Rio de



Source: Community Development - NS

Agenda Item No: REP 140-12

To: City Council

From: City Manager and Staff

Council Meeting Date: September 4, 2012

Re: Efforts to Enforce Over-Occupancy - Occupancy Disclosures (Tracker 3622)

EXECUTIVE SUMMARY:

Council heard a report on ideas to address over-occupancy at its June 18 meeting. Council requested that the occupancy disclosure concept be explored and asked staff to return with more information and public feedback.

DISCUSSION:

Over-occupancy occurs when properties exceed the number of unrelated 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.

The City has worked to address this issue over the last few years through strengthening the Rental Conservation Law found in Chapter 22 of City Ordinance to stiffen the penalties after a Chapter 29 conviction, raising awareness of the zoning districts and rules and increasing enforcement efforts. Staff is currently working with Public Communications on a video and City Source article to increase public awareness of this issue. The Office of Neighborhood Services has investigated 26 over-occupancy cases in calendar year 2012; no violation was found in 14 of those cases.

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. Sample ordinances from three cities are attached.

In July, the Office of Neighborhood Services requested feedback from residents on occupancy disclosures at the same time comments on the rental fee changes were presented. A number of rental property owners, realtors and some tenants voiced opposition to the idea. Some residents and neighborhood groups expressed support. All the comments received by staff by August 10 are attached.

Should Council support the idea of an occupancy disclosure, staff will return with a proposed amendment to Chapter 22 to add such a requirement to the Rental Unit Conservation Law.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Acceptance of this report; direction of further action is desired.

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 #	

Ordinance language from other cities – Occupancy disclosures

Iowa City, Iowa

17-5-14: INFORMATIONAL DISCLOSURE AND ACKNOWLEDGEMENT FORM:

Beginning with written or oral rental agreements entered into after the effective date hereof, the owner or operator and all tenants, excluding minor dependents of a tenant under the lease, shall execute an informational disclosure and acknowledgement form, which is prepared by the city department of housing inspection services, that provides the following:

- A. The maximum occupancy limit of the dwelling unit as established by the city if said limit is available. The maximum occupancy limit is available for purposes of this section if it is on the housing and inspection services web page on the city web site at the link entitled "rental permit". Owners, operators, and tenants may access said limit via the internet or by telephoning the housing and inspection services department or by visiting housing and inspection services department personally. Owners, operators, and tenants have the affirmative duty to determine whether the maximum occupancy limit is available.
- B. The names of the tenants, pursuant to the rental agreement, who may occupy said unit.
- C. Acknowledgement that the owner, operator, and tenant are responsible for complying with the maximum occupancy limits prescribed by this code and that violation of the maximum occupancy limits can result in a fine to the owner, operator, and/or tenant. The informational disclosure and acknowledgement form shall further contain a statement that nothing in the document shall prevent an owner or operator from limiting the number of tenants in a dwelling unit to less than the maximum allowable occupancy permitted by this code.
- D. Identification of specific nonhabitable spaces and rooms that cannot be used for sleeping purposes.
- E. Acknowledgement of allowed parking, if any, and acknowledgment that there is no parking on the grass or on the public sidewalk.
- F. Trash and recycling requirements, but only if the rental property is four (4) dwelling units or less.
- G. A recitation of the language of section 8-5-5 of this code, the crime of disorderly house.
- H. City website address
- I. Contact information for the city of Iowa City neighborhood services coordinator.
- J. Information on where to locate the Iowa residential landlord tenant law (Iowa Code chapter 562A) including a website
- K. Who is responsible for snow removal and lawn mowing. (Ord. 02-4052, 11-5-2002)
- L. Information concerning the Iowa law on rental deposits as follows: 1) the right of the landlord to withhold from the rental deposit such amounts as are reasonably necessary to restore the premises to the condition at the commencement of the tenancy, including the university off

campus website or another website that provides a checklist for documenting the condition of the premises; and 2) the requirement that the tenant provide the landlord with the tenant's mailing address or delivery instructions for return of the rental deposit. (Ord. 11-4430, 5-17-2011)

The owner or operator shall provide a photocopy of the executed informational disclosure and acknowledgement to the inspector upon request. (Ord. 02-4052, 11-5-2002)

Ft. Collins, Colorado

Sec. 5-265. Posting; inspection of books and records; disclosure.

(a) Any certificate of occupancy for an extra occupancy rental house specifying the number of allowable tenants must be posted on the back of the front door of the dwelling.

(b) Whenever reasonable cause exists to believe that a violation of the Code or Land Use Code has occurred at any rental dwelling unit, the owner and property manager, if any, of said unit shall, immediately upon request, make available to the City all lease, rental payment and tenant information pertaining to the unit, together with the written disclosure statement required by Subsection (c) of this Section.

(c) Any person selling or leasing a dwelling unit shall forthwith provide all purchasers, lessees or sublessees of such unit with a written disclosure statement, on a form provided by the City, specifying the maximum permissible occupancy of such unit under Section 3.8.16 of the Land Use Code. Such disclosure statement shall be signed and dated by all parties to the transaction immediately upon execution of any deed, contract for purchase and sale or lease pertaining to such unit. In the case of a lease, the following shall apply:

(1) All signatures on such disclosure statement shall be notarized by a notary public or, as an alternative to notarization, an electronic record may be used to verify the date that the disclosure statement was signed by the parties.

(2) The disclosure statement shall be attached to a copy of the fully executed lease agreement and retained at the leased premises by the owner of the unit and the property manager, if any. If an electronic record is used to verify the date that the disclosure statement was signed, then documentation evidencing the electronic record shall also be attached to a copy of the lease agreement.

(3) In the case of a multi-family building with an on-site manager, the lease, the disclosure statement and any documentation evidencing electronic verification may be retained in the office of the property manager for the unit.

(d) Notwithstanding the foregoing, a new disclosure statement need not be provided upon renewal of a written lease agreement if all parties to such renewal agreement executed a disclosure statement at the time of execution of the original lease agreement.

(e) It shall be a violation of this Section for any person to rent a dwelling unit, or portion thereof, to any person who has failed or refused to sign the disclosure statement required by Subsection (c) of this Section.

(f) It shall be a violation of this Section for any person to occupy a dwelling unit pursuant to a lease or sublease unless such person has signed the disclosure statement required by Subsection (c) of this Section.

West Lafayette, Indiana

Section 117.05. Occupancy Affidavit.

(a) The owner or manager of each property shall make a signed application upon the forms provided by the program administrator. Such application shall include a statement reading as follows for each dwelling unit covered by the application, signed by the owner and/or manager and signed by each

occupant:

Dwelling: _____ (street and apt. no).

I have made personal and diligent inquiry and make this affidavit based upon personal knowledge. The names of all the occupants who reside in this dwelling and those persons and their relationship to any other persons residing in the dwelling (if no relationship, state none) are as follows:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

If any relationship is claimed between occupants, the names of the tenants who claim to be related shall be identified below, together with the names, addresses, telephone numbers and relationship of the persons through whom they claim to be related and who can verify the information:

Initial one of the following:

___ I am the owner of the property.

___ I am the manager of the property.

I understand that I may be requested to furnish the updated information on this form to the City of West Lafayette. I affirm under the penalties for perjury that the foregoing representations are true. Under Indiana law, perjury is a Class D Felony punishable by incarceration for one year. Submission of an incorrect affidavit is a violation of West Lafayette City Code section 117.20, punishable by a fine of \$1,000 to \$2,500, and may result in the suspension of the rental certificate.

Date: _____ Signature: _____ Printed: _____

Occupant Confirmation: I affirm under the penalties for perjury that the foregoing representations are true. Under Indiana law, perjury is a Class D Felony punishable by incarceration for one year. Submission of an incorrect affidavit is a violation of West Lafayette City Code section 117.20, punishable by a fine of \$1,000 to \$2,500.

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

If the occupants refuse to sign the occupant confirmation in a timely manner, the owner or manager shall sign below certifying that the occupants have refused. The occupants may then be prosecuted for violation of § 117.20(d). I certify under penalties of perjury that I have demanded that the occupants sign this occupancy affidavit and one or more occupants have refused to do so.

Date: _____ Signature: _____ Printed: _____

(b) For any building located in an R-3W or R-4W zone or in a PD-R permitting only multi-unit residential structures, the requirement of such statement is waived unless there has been a complaint about occupancy concerning the building. For any owner or manager of more than six units in one building, the program administrator may waive the requirement of such a statement for all units and may require such statement only for certain units, being not less than two units, selected by the program administrator.

(c) Each applicant shall submit an updated occupancy affidavit and each occupant shall sign the same, as set forth above, for each unit located in a single-family district and R-2 district upon request of the Program Administrator. If there is no change since the previously filed occupancy affidavit, the owner may indicate "no change" in place of the names and need not include occupant signatures. The updated occupancy affidavit shall be delivered to the program administrator's office within 15 calendar days.

To: Whomever It may Concern

Subject: Proposed Occupancy Disclosure

I live in East Campus which is a high density neighborhood. East Campus is home to long term residents and also many renters, most of which are students. I would like to express my support for the new proposal to require property owners to report the number and names of their renters at each property for the following reasons.

While most property owners do observe the regulations and rent to the number of people allowed under the ordinance, some do not. As a long term resident of East Campus where there are many rental properties, I think it is especially important to enforce the number of people allowed within the zoning ordinance. When this does not happen, it can lead to increased violations of other ordinances including (a) the trash ordinance (b) the noise ordinance and (c) the abuse of the property. It takes a lot of valuable time for City staff to follow up on all these calls. These violations of things such as trash out early, late night noise, and other nuisance violations can at least be decreased by this additional information. Implementing such an ordinance would be more of a preventive measure as well as save valuable city staff time.

The only way to ensure that each property has not exceeded the number of renters required by the zoning restrictions is to require all property owners to report the names and numbers associated with each property. This is nothing more than a check list to prevent misuse of rental properties.

Other cities that have initiated this requirement also are cities with large Universities (and many rentals). It is time to take this additional measure to ensure that communities where a diversified population resides can enjoy a better quality of life for all (renters and long term residents).

I would recommend that this "occupancy disclosure" requirement be implemented immediately and that it be made an easy process for property owners. (i.e. online reporting, simple forms). The owners of these properties should already have this information so it is just a matter of reorganizing the lists for reporting purposes.

Always with increased density comes new challenges and opportunities for protecting and supporting the quality of life for all the residents. Please move this forward as soon as possible.

Bonnie Bourne

1503 University Avenue

Columbia, Missouri

To The City Council Members, and Office of Neighborhood Services.

I am writing to you in support of the Office of Neighborhood Services' effort to address the issue of over occupancy, and specifically, to adopt an Occupancy Disclosure Plan.

We live in the 4th ward. Our home is located at 3916 Faurot Drive. I am happy to be part of the Rothwell Heights Home Owners Association. Rothwell Heights consists of 270 single family homes and over 40 duplexes on Brewer and Scott Boulevard.

Most of the duplexes and some single family homes are rental properties. Land lords of these premises rent these single family homes and the duplexes to more than three unrelated persons. This leads to increase traffic on Brewer Drive. More occupant leads to more cars, and many occupants of duplexes on Brewer park their cars on both side of the streets, and since the Rothwell streets are narrow, this creates a hazardous situation for the school busses and trash collectors to pass through.

Scott Boulevard because of over occupancy the tenants park their cars on grass on their front yard. There seems to be trash spread all over the front yards of the duplexes on Scott Boulevard. Rothwell Heights has volunteers to pick up trash thought out the subdivision. However no volunteer will pick up on Scott Blvd because of dangerous fast moving traffic.

We ask you seriously to consider and support the adoption of Occupancy Disclosure Plan. This plan would be helpful to the Neighborhood associations as well as the property owners of these rental units.

We look forward to any comments or concerns you may want to address
Cordially yours.

Farah and Maarten Nieuwenhuizen
3916 Faurot
Columbia, MO 65203

Comments received via email regarding occupancy disclosures

This is an important provision that should be enforced. There is no other way to know if the rules of occupancy are being observed. The city doesn't have the time or man power to enforce regulations.

Please realize that neighbors of tenants have a right know when rules are being ignored.

Bernice Prost
200 W. Ridgeley Road
Columbia. MO 65203

As a citizen of Grasslands, we have had years of overcrowding in R-1 houses, bought to rent to students. The accompanying noise, trash, parking violations and parties have cause much disruption of an otherwise nice subdivision where occupants take good care of their property. SOMETHING must be done to restrict these numbers. While I understand the landlords objection to more paperwork, there must be a way to control the problem.. It is time the City took some action,

Marjo Price
107 Bingham Road

This tool, landlord disclosure of occupancy, will be a big help to the continuing Grassland neighborhood problem with rental properties. I support this idea.

Sally Papreck

Good Morning, Leigh

I wanted to drop you a note to let you know that the Columbia Board of REALTORS® opposed the proposals to add a tenant occupancy disclosure system as outlined on the City of Columbia website. Actually we can only find examples from other communities and no concrete proposal for Columbia. We firmly believe that this proposal will end up penalizing property owners when tenants fail to follow rules and guidelines. Not to mention the administrative nightmare these property owners will face.

Please let me know what more we can do to keep this out of the ordinances.

Thanks for your help

Lee

Lee Terry Russell, ePro
Chief Executive Officer
Columbia Board of REALTORS®
2309 I-70 Dr NW
Columbia, MO 65202
(573) 446-2404
<http://cbormls.com>

Leigh,

A new ordinance to insure compliance with rental occupancy is needed and I support efforts to bring that to pass. Violations of neighborhood restrictions involving too many occupants etc are not being complied with in grasslands where I live.

George Wagner

I am writing in support of the occupancy disclosure plan. My husband and I have lived in Columbia for 35 years, owning two homes, both in rental housing threatened neighborhoods (Old southwest and Grasslands.) We love living near downtown and campus. We walk and ride bikes and thoroughly enjoy being so close to the many activities going on, but it is discouraging and worrisome to face potential loss of property values because of nuisances occurring from rental units nearby.

Comments received via email regarding occupancy disclosures

We pay taxes, we own homes and we vote. We believe this occupancy disclosure plan will require landlords to do their part in protecting the greater city of Columbia by respecting the rights of homeowners to live in a quiet, safe, clean neighborhood. While it won't solve all of the problems, it will go a long way to addressing some of them. Law-abiding landlords have nothing to worry but those who built economic business plans on assumption of more tenants in a rental unit than allowed by law will be held accountable.

Please feel free to contact me or my husband, Chris Teeter, if you have any questions. We can be reached at the above email address.

Thank you.

(From Donna Checkett)

Hopefully you will vote to adopt the Occupancy Disclosure proposal. I own a home and live in Grasslands. The rental homes have caused numerous calls to city services regarding loud and disruptive behavior, parking illegally, trash on the property for days, and an obvious large number of occupants. The house owners and their rental occupants have been rude and dismissive to those of us who call this historic neighborhood home. We have had to incur their obscene language and lack of proper social behavior. It is apparent that the landlords who own the houses have no desire to control their renters.

Please vote to adopt the Occupancy Disclosure proposal and help us preserve our neighborhood.

Sally Malloy
101 Bingham Road
Ward 5

Dear Director Britt:

I write to you in support of the Office of Neighborhood Services' efforts to address the issue of over occupancy, and specifically, to adopt an Occupancy Disclosure Plan.

I live in the 5th Ward. My home is located at 111 E. Brandon Road and I am happy to be a part of the Grasslands neighborhood. Over the past years we, as a group, have witnessed the gradual degradation of our R-1 properties along Providence Road through the repeated use of these dwellings as rental houses. Typically, they are not owner occupied, rented to university students and generally there are more than 3 unrelated persons occupying the residence, many more. This leads to increased traffic, noise and sometimes, trash. It puts pressure on the adjacent owner-occupied homes and over time, has reduced property values in general.

The City has ordinances in effect to combat this problem but not with sufficient deterrents or the manpower to enforce. Absentee property owners know this and effectively flaunt their actions because they know there is little to no direct consequence. As a homeowner, I would like to see the City adopt more stringent enforcement of the existing ordinances through increased inspections and penalties. Understanding that requires more officers and staff, the Occupancy Disclosure Plan would provide an easy tool for better awareness and enforcement of existing rules but without the need for increased resources.

A recent Tribune article expressed the opinion of some stakeholders at a City meeting citing privacy and excessive effort as reasons not to employ such a system, and the Office of Neighborhood Services stated 'the disclosure requirement might not be a good fit for the city'. Perhaps not a good fit for the landlords as they would have to comply with the law, but one needed to help protect neighborhoods and the individual homeowner.

I urge you seriously consider and support the adoption of a balanced and fair Occupancy Disclosure Plan which would "fit" the needs of all parties in this issue – both Landlords and Homeowners alike.

I look forward to any comments or concerns you might wish to address.

Cordially yours,
Robbie Price

Comments received via email regarding occupancy disclosures

111 E. Brandon Road
Columbia, MO 65203
573.443.1407

In the Tribune article 'Landlords Oppose Tenant Occupancy Form' (July 20, 2012), it appears that the only voices speaking out on this issue right now are those with a vested financial interest in NOT making this change. The realtors and landlords of Columbia complaining about an 'onerous task to deal with during the hectic weeks in which students are moving in and out of rental properties' completely disregard those of us who actually live year-round in the neighborhoods where these units are present. We are subject to much more 'compromising positions' that directly impact OUR property values--augmented noise levels, unsightly trash piles and increased traffic to name a few. It is time for the city leaders to take seriously this threat to our pocketbooks in diminished home values rather than those quoted who care only about their bottom line. Our rights to the peace and quiet of living in a family neighborhood are certainly 'situations sometimes when privacy is utmost' as well.

Rick Crow and Linda Keown
106 W. Burnam Road

Dear Leigh,

I'm writing in support of the proposed Occupancy Disclosure Form that the City is considering. With the growth of Columbia as well as the increased enrollment at the University, the rental market is booming and rentals close to campus and centrally located in town are valuable and sometimes at a premium, but the laws must be followed. The Occupancy Disclosure Form gives the city another tool, if needed, to help ensure that ordinances around rental occupancy are followed. This protects everyone-- residential property owners, rental property owners, and tenants, and I believe this will help continue to make the quality of life in Columbia one of the best in the nation.

Thanks for your consideration of this matter.

-Greg Zguta

Dear Ms. Britt:

We are writing to support the occupancy disclosure plan presented by the Office of Neighborhood Services to help enforce occupancy levels in rental housing. As you already know, our neighborhood -- the Grasslands -- has had an issue with the R-1 houses which are used as rental property and typically flaunt the occupancy ordinance. This ordinance restricts the number of unrelated persons living together to no more than three. The Occupancy Disclosure Form, if enacted, would require property owners to disclose who their tenants are and -- if found to be over-occupied -- establishes fines and/or suspension of their ability to rent.

For neighborhoods like ours, the disclosure form is the most important feature of the recent proposed changes for landlords. Observation indicates that many landlords -- maybe most in our neighborhood -- who rent off-campus housing to students intentionally remain "ignorant" and "innocent" of occupancy violations. Experience and common sense both tell us that the only effective tool likely to get their attention and make them follow the law is a rather stiff penalty or fine for violations. Given that the city does not have the manpower to enforce occupancy regulations for rental property, requesting landlords to collect disclosure forms can offer some deterrent against those abusing this specific ordinance.

The "onerous" nature of the requirement is a typical fabricated whine from those who do not want to accept and fulfill their responsibility for actions which take advantage and cause

Comments received via email regarding occupancy disclosures

problems for permanent residents. Please do not let these landlords continue to "skate" from accountability for being responsible managers and citizens.

Sincerely,

Gary and Patti Freeman
111 West Ridgeley Road
Columbia, MO 65203

To the Mayor, the City Council Members, and Office of Neighborhood Services.

I am writing to you in support of the Office of Neighborhood Services' effort to address the issue of over occupancy, and specifically, to adopt an Occupancy Disclosure Plan

My name is Nicole Wei and my home is located at 3913 Faurot Drive. There are a lot of problems with rental properties in the Rothwell Heights subdivision. Most of the duplexes and some single family homes are rental properties. Land lords of these properties rent these duplexes to more than three unrelated persons which is not complying with the city ordinance. This leads to increased traffic, noise and trash. More occupants lead to more cars, and many occupants of duplexes are parking their cars on their lawns . This does not comply with the city ordinance as well.

I ask you seriously to consider and support the adoption of Occupancy Disclosure Plan

Cordially yours,

Nicole Wei
3913 Faurot Dr.
Columbia, MO 65203

Comments received via the City website form regarding occupancy disclosures

I strongly recommend required occupancy disclosure as a way to help keep records of and therefore potential accountability if there are violations of the city policy of number of non-related individuals. The occupancy limits are in place to protect renters from unsafe and crowded situations as well as neighborhoods who want to maintain quality of life issues and property values. I live in a family friendly neighborhood where we like to get to know each other. When neighbors know and trust each other, crime is lower. Thank you for supporting required reporting occupancy.

As far as the number of people disclosure, I think that that is an issue best resolved by being complaint driven rather than an additional layer of work to be imposed upon the landlord.

Rental Property Owner or Manager

I like the idea of an occupancy disclosure form. As enrollment at the University has increased and the population of Columbia has increased, there is a strong demand for rentals near campus and the center of town. However, there are also well-established neighborhoods surrounding downtown and the campus. Occupancy disclosure forms are a way to manage the changes in rental demand and help ensure that ordinances, covenants, etc. are followed.

In the Tribune article 'Landlords Oppose Tenant Occupancy Form' (July 20, 2012), it appears that the only voices speaking out on this issue right now are those with a vested financial interest in NOT making this change. The realtors and landlords of Columbia complaining about an 'onerous task to deal with during the hectic weeks in which students are moving in and out of rental properties' completely disregard those of us who actually live year-round in the neighborhoods where these units are present. We are subject to much more 'compromising positions' that directly impact OUR property values--augmented noise levels, unsightly trash piles and increased traffic to name a few. It is time for the city leaders to take seriously this threat to our pocketbooks in diminished home values rather than those quoted who care only about their bottom line. Our rights to the peace and quiet of living in a family neighborhood are certainly 'situations sometimes when privacy is utmost' as well.

From a vote taken on 7/24 at the Columbia Apartment Association meeting it was unanimously agreed that this would be a useless burden to property owners. The current lease provides the same information and requiring a separate form would not reduce over-occupancy. Those who want to cheat will say that they are having guests over for a visit. The solution is to go after the few existing violators and not burden the other 24,000 apartment units with more bureaucracy.

Rental Property Owner or Manager

Comments received via the City website form regarding occupancy disclosures

Leigh, I also agree with Bob Craig and appreciate your careful consideration of these matters.
Sincerely, Matt Blanton, OD Rental Property Owner or Manager

Regulation should be in place regarding the number of tenants allowed per unit in the Benton Stephens neighborhood.

I am in favor of a required occupancy disclosure form for tenants so that occupancy can be monitored to make sure the law is being followed which limits the number of unrelated persons that can live in a residence. Thank you for your attention to this issue. Kathryn Dueello, 203 Bigham Rd. Columbia.

I think that any good landlord should know exactly who lives in a house and if he doesn't he is just looking the other way and trying to milk a property and not follow the law. If you live in a low income neighborhood the land lord is the last person looking out for his tenants. The city doesn't have the money or the people to police this problem so making a landlord be more responsible is a great first step. I keeps a landlord from overrenting a house that is not zoned for rental property but is supposed to be a single family house. Tenant

This is critical to preserve and protect Columbia residents and Columbia neighborhoods. If we don't do this, the people who have the means to pay taxes and contribute to the economic well being of Columbia will flee to the suburbs, just like in other cities across the country. We will be left with decaying eyesores in our urban area, overrun by students who don't pay taxes and move out of town after four years.

Bad timing. Tenant

I live in the Benton Stephens Subdivision and I would like to see that the required occupancy disclosure form for tenants is a good idea. With our subdivision being located so close to all the Columbia Campuses we see a lot of over occupancy in rental units and this causes crowding on streets and stress on the neighborhood. As a long term property owner I am in favor of the proposals for rental fee changes and occupancy disclosure.

I VERY STRONGLY SUPPORT this proposal. Students are often unaware of zoning restrictions concerning number of individuals which may occupy a unit. They think nothing of taking in

Comments received via the City website form regarding occupancy disclosures

girlfriends, boyfriends, etc. to live with them, and some will take on extra roommates to share the rent. At the very least, this law would make students AWARE of the maximum occupancy ordinances for zoning.

This is an excellent idea. It should include a statement that the form is signed under oath and that a possible penalty for failure to accurately disclose the number of tenants could be revocation of the certificate of occupancy.

Great idea. Is there a form that the landlord needs to fill out that officially lists the tenants in each rental? Is it due every August? Is there going to be any oversight to actually make this happen? As a landlord, I don't mind filling it out. However, EVERYONE needs to participate, otherwise those of us that follow the rules will continue to do so, and other landlords will not follow the rules and there will be no consequences. Rental Property Owner or Manager

With rising numbers of students, Columbia should follow the example of other university towns like Fort Collins, CO (Colorado State University) and West Lafayette, IN (Purdue University), and require occupancy disclosure for tenants, in order to make it more difficult to crowd unlawful numbers of tenants into housing units without consequence. Overcrowding does tenants no favors.

I am opposed to this and feel it is more work for no gain. And guest of tenants can change day to day. How long does one have to occupy to no longer be a guest. Also the tenants may not always be truthful. Too much burden on the owner Rental Property Owner or Manager

As a private homeowner living near the University and an employee I am very sensitive to issues students have with housing. But I am also sensitive to the problems surrounding student housing in those neighborhoods that have 7-10 students living in housing zoned for only 3-4. It means more traffic, more parties, more broken glass on the sidewalk, major noise problems and a general lack of courtesy to surrounding residents. If rental property owners are obeying the laws as written there should be no reason they should hesitate to have the disclosure forms signed as part of the rental contracts.

Landlords, managers and people who wish to rent to more people than allowed by zoning will not be stopped by being required to fill out a form to keep on file. What is the current percentage of rentals have been found in violation of zoning in the past year? What were the experiences of the other towns used when investigating this recommendation. What was thier

Comments received via the City website form regarding occupancy disclosures

rate of violation in the year proceeding the implementation, and what was the rate of violation after implementation. If there were less violations, was the improvement significant enough to warrant this additional requirement. For example, if you are going to deter 5 owners from violation the zoning laws it does not appear worth it to punish the other owners to add yet one more thing they need to do. However, if 500 owners will be prevented from violation the zoning laws then I think it would be warranted. What is the proposed impact of having this disclosure on file? How will the success of implementation of this disclosure be tracked and reviewed? If it doesn't prove to meet it's purpose to hit the goals expected is there a plan in place to revoke it? How often will it be reviewed? Rental Property Owner or Manager

The over-occupancy in the rentals is a regular nuisance with noise, trash on the streets, vehicles parked in the street where it is posted no parking 24 hrs, and excess drivers through the residential neighborhood is a hazard to children and others. This has been a long term problem, with many reports by neighbors on zoning violations on occupancy but with little result. A required occupancy disclosure forms puts in writing what the limits are for the renters and the landlords, and cities that have used this have reduced problems and complaints. As a neighborhood resident, I strongly support the requirement.

As a homeowner in the Benton-Stephens neighborhood, I feel that the idea of an occupancy form would help alleviate the serious problem of overcrowding of rental properties. While many of the landlords in our area are following the rules and keeping their properties up, others are obviously unconcerned with how many people are living in their units as long as they are paid the required rent. I recently reviewed a zoning permit for a new development near my home and found that the floor plans included a fifth upstairs "study" room that was identical in all aspects to the other four bedrooms except for its name. This was an obvious attempt by the developers to over rent the property. I was pleased when Tim Teddy told them to change it, but all the developers did was to remove the door and closet. These are features that can be easily replaced at a later time. While this form would (marginally) add to the duties of landlords, it certainly doesn't seem like too much to ask that they all attempt to follow the city-mandated occupancy rules. Too many landlords think they should be able to rent a property and then do nothing for the rest of the year except collect rent. That attitude needs to change, and this occupancy form would be a good first step at making it clear that the city expects landlords to enforce the city's occupancy rules. With all the new student housing developments in Columbia, the only rational for crowding students is to maximize rents--at the expense of those living around the development. Kathy E. Doisy 1404 Richardson Street

I believe over-occupancy of rental properties is an ongoing problem in Columbia and a genuine nuisance condition currently endured with little recourse by the neighbors of rentals all around the city. Measures to reduce over-occupancy are needed and it makes sense that some of the burden of enforcement should fall on the owners of rental properties and their

Comments received via the City website form regarding occupancy disclosures

tenants. It is they who benefit from over-occupancy - the tenants by splitting out the cost of their rent and the owners by the fact it makes their properties more marketable. e.g. "This apartment is way too expensive for four kids, but not if you squeeze in eight!". Requiring that a form be filled in is NOT even close to being an unreasonable burden. I'm all for it and the responsible landlords I know would not mind it.

A quick Google of "occupancy disclosure form" reveals that most places requiring occupancy disclosure forms require them of renters AND owner-occupied housing upon sale. Seems discriminatory to target only rental property. What about the parents who buy houses for their children and children's friends? The parents are not required to get a rental inspection. It will just generate a lot of paperwork and nothing else. What about checking who gets mail at the residence? It's not a perfect way, but it's better than requiring people to fill out forms. Rental Property Owner or Manager

Come on, tenants could care less about any required occupancy disclosure if they can reduce their effective rent by bringing in additional people. Tenants often plan over occupancy when they sign the lease. One person rents a one-bedroom apt, then invites her boyfriend/girlfriend to move in...as planned from the start. If the landlord finds out and insists the boyfriend/girlfriend move out, the tenant says, "he/she is just visiting." There are numerous and endless variations on this theme...cousins, aunts, mothers, sisters, etc. There is basically no legal way to get the extra person(s) out. Certainly student tenants will completely blow off anything the city requires. They are only in town for a few years, there will be no penalty to pay, if caught, they will always say, "Wow, I didn't know." There has to be a penalty for not submitting such a form. What's it going to be? They get kicked out of their apartment? They have to pay a fine (when the police department can't even collect parking tickets)? Get real. Forget about tenant required forms. Totally unworkable. Rental Property Owner or Manager

This is an unnecessary and onerous chore. I am against it. Rental Property Owner or Manager

I really like the idea of the tenants being required by the city to sign a form that I send in. I like having phone and email for each tenant on this form even though I ask for it already. The first example you have is informative and has a better tone than does the 2nd one. Rental Property Owner or Manager

This would be unnecessary. The manager/landlord already has information regarding the tenants living in their properties. I do believe that the number of people allowed to live in a property should be based on the number of bedrooms/bathrooms. With rent rates what they are

Comments received via the City website form regarding occupancy disclosures

today, it is necessary for more individuals to live together to make "ends meet." There would be no difference if a family had 4 children living in a 3, 4, or 5 bedroom house, that would be 6 people living in a house. I do feel that safety is a issue where more occupants are concerned. There should not be an unlimited amount of people living under one roof. Maybe the occupancy requirement should be correlated to the number of bedrooms/bathrooms. Another note.....the elite people of our community should not be allowed to call the police and have them respond to a home demanding the occupants names and relation to the home owner. This happened this week! Since when does the police department get involved in covenant and restriction and zoning issues because a nosey neighbor is curious about who his neighbors are. As a Realtor, I was contacted by a police officer who saw my sign in the yard of a home. He told me that I should give every prospective Buyer his name and number so that he can discuss neighborhood regulations with prospective Buyer before they made any offers on the home for sale. Needless to say, I did not do what was asked, the home sold, and the police officer showed up at the home demanding to know the names of the tenants and their relation to the owner and each other. I have lived in Columbia all my life, and I was totally embarrassed when the home owner called me to complain. In closing, I feel that this is a occupancy issue that should be addressed. With the rental community growing larger, rental rates going up, the economy tougher, and job situation, we need an adjustment to these regulations.

No problem. I'll incorporate it with my lease. i would like to know how to avoid being held responsible from noise violations of a tenant. Seems unfair to a landlord as we can't control the student/tenant
Rental Property Owner or Manager

Perhaps you could work within the Crime Free Addendum devoped by the staff and utilized by most of the property owners and landlords within the city. Perhaps develop a Crime Free & Occupancy Declaration Addendum requiring the tenant to acknowledge that violation of such would and could terminate their lease if not handled within the specified time.
Rental Property Owner or Manager

The same KOMU article indicates a separate form is needed for occupancy disclosure, however, in my experience, all tenants are required to sign the lease, and that information is available on the lease itself. Therefore, an additional form seems redundant. Again, this is just my opinion based on the KOMU article as I did not even attempt to locate this information on the GoColumbiaMo website as locating the previous issue took more than the allotted time. Thank you for the opportunity to express my input from the convenience of my rental property. Tenant

As a landlord I am not in favor of the occupancy disclosure. I would assume that it targets units that are housing more than the allowable number of residents. This will be more red tape for all landlords to go through when renting property. Having a document signed by each tenant and

Comments received via the City website form regarding occupancy disclosures

especially if it requires notarization will be a pain. All rentals involve a lease agreement between the parties. These leases already spell out exactly who can live there along with how many children, pets, etc. So the tenant already knows that no one else besides those stated on the lease can live there. I, as a landlord do not want more people living in the unit than it was designed for so it behooves me to police this for my own sake. What good will the occupancy disclosures do? Will it stop unscrupulous landlords and tenants from exceeding the limits? I don't see how. When you get a complaint about the possibility of too many people in a unit you will pull out these disclosures and what? It will still be difficult to know if there are extra "visitors" there or if a girlfriend or boyfriend has moved in at a later date. I agree that there may be some over occupancy going on but this will not stop it. Please don't ask all of the law abiding landlords in this town to jump through this new "hoop" to stop the few dishonest landlords. Thank You, Mike Tompkins Rental Property Owner or Manager

Having the form on site would be difficult in that if it is a house (no rental office), where would something like this be kept where there is no staff person and then there are privacy risks. If you proceed have it with the owner or property manager...the form can actually be accounted for. Most leases have limits on how many people can occupy the dwelling...if the landlord has this provision in the lease, perhaps they can be exempt from this requirement. Notarized is a horrible idea, makes it very difficult to do with no real gain. Rental Property Owner or Manager

I do not understand why this would be necessary and do not agree that this should be something that the city forces. Rental Property Owner or Manager

This has to be a violation of some Federal law. Do you really want the ACLU sniffing around? Is this the best solution you can dream up to chase away all these Mexicans? Besides all that, the City has enough work to do, why create more work which solves problems which do not exist? Rental Property Owner or Manager

Mayor McDavid made a motion directing the U.S.S. Columbia Commission Committee to report to Council in six months regarding its governance. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Hoppe made a motion directing the Columbia Vision Commission to provide more detail to Council regarding the need and role of an Intercultural Council. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Anthony thought the Council needed to take an affirmative action with regard to the Planning and Zoning Commission to change the ordinance to remove the liaisons. Ms. Amin stated the liaison requirement was not in the establishing legislation of the Planning and Zoning Commission. It was in the establishing legislation of the Bicycle/Pedestrian Commission and the other commission which had a liaison.

Mayor McDavid commented that he believed staff had done an excellent job of reviewing these commissions as they were very important to the City, and it was important to have vibrant, energized commissions full of committed people.

REP139-12 State Legislation: Override Governor's Veto of HB 1329.

Mayor McDavid made a motion directing staff to prepare a letter for the Mayor's signature to Columbia's legislative delegation recommending a veto override of HB 1329. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP140-12 Efforts to Enforce Over-Occupancy – Occupancy Disclosures.

Ms. Anthony commented that she thought the occupancy disclosure form, although somewhat burdensome for the landlord, was an excellent tool for the Office of Neighborhood Services to have when conducting inspections because having the names of the occupants was easier than trying to determine who lived at the residence. She felt it was a relatively small inconvenience for a large gain. She stated she wished they had been provided a form tonight. She did not believe it needed to be as complex as Iowa and suggested it be as simple as possible while allowing them to achieve what they needed to achieve.

Ms. Anthony made a motion directing staff to bring forward an occupancy form for Council review. The motion was seconded by Mayor McDavid.

Mayor McDavid stated he was in agreement with Ms. Anthony. He wished they did not have to do this, but there were substantial abuses in the Grasslands area and a lot of citizens were substantially impacted by these abuses.

Ms. Hoppe commented that she was not sure the form needed to be notarized. She agreed they needed to develop a form that was sufficient while being the least burdensome as possible.

Mr. Kespohl stated he was in favor of an occupancy form, but thought there might be situations where a landlord was not aware of a change in occupancy. He asked what the penalty would be to the landlord and how the enforcement process would work. If it had to go to court, the process would take at least two months. Mayor McDavid noted Mr. Kespohl had brought up a good point and asked who was complicit in a situation where a tenant told a landlord and signed a disclosure form indicating that two people would be living in a residence, but six people were found living there when the property was inspected. Ms.

Anthony stated she liked the Indiana affidavit because it also put the burden on the occupants.

Mr. Schmidt suggested an ordinance be prepared indicating there would be an occupancy disclosure form and to let the Office of Neighborhood Services determine how to implement it. Mr. Noce stated that if a penalty was to be imposed, an ordinance would have to effectuate it. Mr. Schmidt understood, but thought they could leave some details to staff so adjustments could be made without coming back to Council. He agreed penalties would need to be established by ordinance.

Mr. Kespohl stated he understood the intent and the penalty, but was uncertain as to who would be responsible for enforcement. He wondered if the Circuit Court would enforce it like they did with evictions or if the Police Department would enforce it. Mr. Teddy commented that the Community Development Department would enforce it if the violation was over-occupancy or failure to produce the form. Mr. Kespohl asked how someone would be forced to move out once a violation had been identified. He wondered if the landlord would be expected to force someone to move out. Mr. Schmidt thought they could provide the landlord some tools. Mr. Kespohl noted tools would be required.

Mr. Teddy commented that there were many different ways to structure this. Staff agreed it should be simple and consist of an accurate address, up to date tenant information with signatures, the occupancy limits so the tenant signing the form were aware of the limit and a statement indicating the owner or its agent needed to produce the form on request. The forms would be designed and distributed by the City, but would reside with the landlords.

Mr. Schmidt noted the intent was that some enforcement would be done by the landlord. He explained he was a landlord and had been a tenant, and good landlords came around every few months for various maintenance issues, so they would know if six people were living in a residence when the lease only allowed for three.

Mr. Kespohl stated he understood the intent and reasons, but he wanted to know who would enforce the ordinance. Mr. Noce replied typically staff would send a report to the City Prosecutor who would file and the issue would be addressed in Municipal Court. Mr. Kespohl understood, but explained it took two months to evict tenants through the court process if they violated a lease, and asked if the landlord would then be in violation for those two months and whether the landlord would be fined. Mr. Noce replied it depended on how it was structured in the ordinance.

Ms. Anthony felt there was a clear delineation in the Indiana form in that the tenants signed the form, and if there were more people living there than should be, the tenants would be in violation. She noted the burden would be on the tenant instead of the landlord. Mr. Kespohl asked about the penalty. Ms. Anthony replied they had to determine the penalty. Mr. Noce explained they might be able to include a defense to certain actions and noted there were many ways to set this up to effectuate the goal.

Mr. Teddy pointed out one of the suggestions during the public comment phase was to combine this with the crime-free housing addendum, which was voluntary, and something a landlord could use if a tenant was engaging in illegal activity.

Mayor McDavid suggested staff continue to discuss the process with Mr. Kespohl and Ms. Anthony as it evolved in the creation of a draft ordinance.

Ms. Hoppe pointed out this had an educational value because the landlords and the tenants would know the occupancy limits, and she hoped that would be beneficial.

Mr. Kespohl commented that the only recourse a landlord had to evict a tenant was to go to Circuit Court. Mayor McDavid stated if the tenant was in violation, the City could take the tenant to court. Mr. Noce agreed the City could prosecute the tenant, if allowed in the ordinance.

The motion made by Ms. Anthony and seconded by Mayor McDavid directing staff to bring forward an occupancy form for Council review was approved unanimously by voice vote.

REP141-12 Economic Impact of Historic Preservation in Columbia, MO Study.

Mayor McDavid understood this report had been provided for informational purposes.

Ms. Hoppe stated she had participated in the economic category of the strategic planning process, and the draft of this report had been shared with the group, and one of the economic objectives for the strategic plan included a historic preservation component as a result of this report. She noted she was interested in hearing from the Historic Preservation Commission with regard to anything else they felt the City could do to enhance historic preservation.

REP142-12 Spay/Neuter Voucher Program Report.

Ms. Anthony asked if the City allocated money toward the spay/neuter vouchers. Ms. Browning replied vouchers were included as part of the City's annual agreement with the Humane Society. In addition vouchers were included in the \$20,000 municipal shelter agreement. There were not contracts specifically for the vouchers. The vouchers were included in the two contracts between the Humane Society and the City.

Ms. Anthony understood the redemption of vouchers was at 70 percent. Ms. Browning stated she had discussed this issue with the new Humane Society Director, and they would now merged their spreadsheets so they could track the number of vouchers provided compared to the number of surgeries done by the Humane Society. She understood the Humane Society Director was not satisfied with the percentage or the number of days it took, so she had instructed her staff to make those with City vouchers a priority. As a result, she expected to see an improvement. Ms. Browning explained they were also proactively calling people to get surgeries scheduled in advance and providing reminders. Mr. Schmidt felt 70 percent on a voluntary basis without intervention was good. Ms. Browning stated she planned to propose an expiration date of three months on the vouchers next year since this would allow the voucher to be provided to someone else if not used. Mr. Kespohl understood the percentage had decreased from 80 percent in 2010 to 70 percent in 2012. Ms. Browning pointed out that was a year to date percentage, and the City had just issued more vouchers within the last six weeks so she believed the percentage would improve.

Ms. Anthony commented that she also wanted a response to the Maddie's Fund from the Humane Society. She understood the City had cooperated and offered its data, but they were still waiting for the Humane Society with regard to its data. Ms. Browning explained she had sent a letter indicating they would support any grant application with regard to Maddie's

Fund, but had not heard anything further in terms of what they were applying for and how the City could help. She understood the Humane Society had all of their data on the website, but she was not sure of the grant requirements, and noted she would talk to the Humane Society Director. Ms. Anthony stated she would appreciate it.

REP143-12 Questions from Charity Baptist Church and Staff Responses.

Mr. Kespohl noted the Church had several issues it wanted to discuss, and he believed most could be resolved. Mr. Glascock stated that was correct and pointed out some had already been resolved. Mr. Kespohl understood the Church wanted a driveway out to McKee if possible. Mr. Glascock stated he thought it was possible, but it was not something the City would fund. Staff would try to help them through the process though.

REP144-12 Use of Gross Receipts License Tax on Hotels and Motels (Hotel Tax) to Fund Construction of a New Airport Terminal.

Mayor McDavid commented that he had asked for this report because the hotel occupancy tax in St. Louis was seven percent and the hotel occupancy tax was 7.25 percent in Kansas City plus \$1.50 per day, which was a 9.2 percent tax. Jefferson City also had a seven percent occupancy tax. He understood Columbia could increase its rate as well, and noted he did not believe this was a venue to debate whether they should attempt to increase the rate. He thought it was dependent upon whether the City had more providers for the Airport.

Mr. Noce explained the citizens of Columbia could require an additional three percent tax, but the proliferation of special legislation did cast shadows in the background. In reading the analysis, the City could ask for the additional three percent and could use a license fee as well. This was not limited or denied by the City Charter or State Statute.

Ms. Hoppe commented that if this were pursued in the future, she thought it was important to discuss it with the Convention and Visitors Advisory Board and the Columbia Hospitality Association and to know they were convinced it was something that benefited them directly. She would not want to pursue this without communicating with and obtaining input from those groups. Ms. Anthony agreed.

REP145-12 Intra-Departmental Transfer of Funds Request.

Mayor McDavid understood this report had been provided for informational purposes.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, commented that the City's storm water system had been underfunded for so long that the storm water infrastructure was not viable. There was none downtown or on Business Loop 70, and it would essentially need to be rebuilt if they wanted a significant revitalization. In his opinion, every place was new development. He noted Mr. Schmidt had reminded them it was important to internalize the cost of projects, but the City had not forced anyone to internalize costs for years. He agreed this Council had made steps in that direction. He understood costs would increase, and he thought they should increase. He did not believe it would kill the growth of the City and thought it would be better for everyone. He noted the question was who was in the best position to pay for the

PUBLIC TRANSIT ADVISORY COMMISSION

Mr. Thomas made a motion to delay appointments to the Public Transit Advisory Commission to the July 15, 2013 Council Meeting and to readvertise the vacancies for that Commission in the meantime. He explained the Missouri Student Association had not been notified of the University of Missouri student vacancy due to staff oversight, and he wanted to provide an opportunity for them to apply for the position if they were interested.

The motion made by Mr. Thomas to delay appointments to the Public Transit Advisory Commission to the July 15, 2013 Council Meeting and to readvertise the vacancies for that Commission in the meantime was seconded by Mr. Skala and approved unanimously by voice vote.

SCHEDULED PUBLIC COMMENT**Jessica Kempf, President of the Columbia Board of Realtors – Concerns with the Over Occupancy Ordinances 13-156 and 22-184.**

Jessica Kempf stated she was the President of the Columbia Board of Realtors with offices at 2309 I-70 Drive Northwest and noted they had concerns regarding amendments to Sections 13-156 and 22-184 of the Code of Ordinances, which were passed on January 7, 2013 on the issue of over occupancy, as their legal counsel had found numerous flaws. They understood the purpose of the ordinance was to prevent over occupancy of rental housing units within the City and believed the amendments to the ordinance directly conflicted with state statutes and the realtor code of ethics, were discriminatory and infringed on the constitutional Fourth Amendment rights of tenants. If the purpose of the ordinance was to prevent the mischaracterization of zoning laws, advertisements and statements made by real estate licensees, it was unnecessary because the Missouri Real Estate Commission regulations already prohibited those types of actions, and there were state statutes and case law that created civil liabilities for such behavior. If the purpose of the ordinance was to place an affirmative duty on seller and landlord agents to investigate zoning and disclose that information to a buyer or tenant, the ordinance conflicted with Missouri law and provided consumers false expectations of how the law defined relationships between real estate licensees and their clients. Missouri statutes made it clear that an agent of a seller or landlord had no duty of investigation to any person other than the seller or landlord the agent was representing. She believed Columbia's new ordinance directly conflicted with state statutes governing real estate licensees and their code of ethics, which if violated could result in the loss of a license and a fine of up to \$15,000. They felt the ordinance was discriminatory as Section 13-156 applied to real estate licensees and did not apply to owners selling or leasing property without professional assistance. She commented that the requirement for an owner, operator or property manager to turn over all tenant information to a police officer or City inspector when investigating a code violation infringed on the privacy rights of tenants as guaranteed by the U.S. Constitution through the Fourth Amendment as the information could include social security numbers, dates of birth, credit reports, safe haven addresses, etc. They believed the ordinance was too vague and ambiguous for anyone to clearly understand the conduct required, and legal counsel for the Board of Realtors had presented a list of questions with regard to some of the provisions of the

ordinance to the City's attorney, but no clarification had been received to date. She explained the Columbia Board of Realtors was requesting the City rescind the over occupancy ordinance amendments for Sections 13-156 and 22-184 of the Code of Ordinances, and for an immediate moratorium on the ordinance while City staff investigated the legal issues involved. They looked forward to working in conjunction with City staff to provide a more reasonable resolution to the issue of over occupancy. She commented that if the ordinance was not rescinded, the Board would move forward with litigation. She listed other organizations in support of rescinding the recent amendments, and those were the Missouri National Association of Realtors, True North, the Central Missouri Development Council, the Home Builders Association and the Columbia Apartment Association. She asked those in attendance in support of rescinding the recent amendments made to stand, and approximately 70 people stood.

PUBLIC HEARINGS

None.

OLD BUSINESS

B152-13 Authorizing a neighborhood stabilization program operating agreement with the Columbia Housing Authority for the transfer of title to properties located at 106, 108 and 110 West Sexton Road; authorizing the City Manager to execute a general warranty deed to transfer title to properties located at 106, 108 and 110 West Sexton Road.

The bill was given second reading by the Clerk.

Mayor McDavid asked if there was an issue involving the Ridgeway Neighborhood Association. Mr. Matthes replied no, and explained he thought the communications discussed at the previous meeting had not been completed. As a result, staff was suggesting this be tabled until those communications were completed. Mr. Teddy commented that he understood Council wanted to allow more time for further dialogue between the Columbia Housing Authority and the Ridgeway Neighborhood Association.

Mr. Schmidt made a motion to table B152-13 to the July 15, 2013 Council Meeting. The motion was seconded by Mr. Skala.

Mr. Trapp asked if there would still be time for the application for the housing tax credits. Mr. Teddy replied yes.

The motion made by Mr. Schmidt and seconded by Mr. Skala to table B152-13 to the July 15, 2013 Council Meeting was approved unanimously by voice vote.

B159-13 Appropriating FY 2012 General Fund savings for projects identified by the City Council.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Skala understood this was contingent upon the item that required survey results. Mr. Matthes replied that was correct and explained implementation steps were yet to come. This simply amended the budget to put the funds in the appropriate accounts. Mr. Schmidt understood the Council could vote on this, and would still have the opportunity to vote on each individual item later. Mr. Matthes stated that was correct.