

## **ARTICLE XI. RESIDENTIAL RENTAL PROPERTY**

### **DIVISION 1. RENTAL UNIT CERTIFICATION**

#### **Sec. 7-500. Definitions.**

*Applicant* means a person applying for a rental unit certificate.

*Application* means an application for a rental unit certificate.

*City inspector* means an inspector (as defined by this section) employed by the city or working under a contract with the city.

*Director* means the director of planning and community development or his or her designee.

*Inspector* means a person charged by the director with conducting an inspection required by this article.

*Rental unit certificate* means a certificate issued pursuant to this article certifying compliance with this article.

*Residential dwelling unit* means any residential property, whether occupied or unoccupied, which is offered or used for residential occupancy by persons other than the owners, immediate family members of the owners, or others under the care of the owners, for continuous durations exceeding 30 days and in exchange for financial consideration.

*Third-party inspectors* means an inspector who is not a city inspector who has been certified by the director to complete inspections required by this article.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23)

#### **Sec. 7-501. Rental unit certificates; duration.**

- (a) *Generally; duration.* Any person may obtain a rental unit certificate from the director by filing an application for such rental unit certificate, passing required inspections, and complying with all other requirements stated in this article. Such rental unit certificate shall remain valid for five years unless otherwise terminated by the director.
- (b) *Required—New occupancies.* Residential dwelling units may be rented or leased to a tenant who has not had continuous lawful occupancy of the residential dwelling unit for at least 60 days only if a valid rental unit certificate has been issued for the residential dwelling unit.
- (c) *Required—Existing occupancies.* Residential dwelling units that are occupied must have a valid rental inspection and the owner must maintain a current business license for the rental of the unit.
- (d) *Temporary rental unit certificate.* The director may issue temporary rental unit certificates which, in his or her discretion, are necessary to provide time to review applications and conduct inspections. A temporary rental unit certificate may contain conditions applicable to the residential dwelling unit for which the certificate is issued and may be terminated upon the issuance or denial of a rental unit certificate or at any other time when a rental unit certificate could be terminated.

- 
- (e) *Termination.* The director may terminate a rental unit certificate if, after the issuance of such certificate, a violation of this chapter is identified on the residential dwelling unit for which the rental unit certificate is issued. A rental unit certificate may not be terminated until final adjudication of a violation or the expiration of appeals processes for an administratively-issued violation unless the violation constitutes an immediate risk to occupants of a residential dwelling unit for which a certificate has been issued.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23)

### **Sec. 7-502. Application; fees.**

- (a) *Application form.* The director may require applicants for rental unit certificates to submit forms and information as may be reasonably necessary to conduct an inspection.
- (b) *Applicants.* Applications shall be filed by owners of the residential dwelling units for which rental unit certificates are sought or by any other person authorized by such owners, provided such application includes only residential dwelling units sharing common ownership.
- (c) *Business license.* To submit an application, an applicant must submit a copy of its business license authorizing an apartment house business for all residential dwelling units listed on an application.
- (d) *Fees.* Applicants for a rental unit certificate shall submit an application and processing fee for each residential dwelling unit listed on the application at the time an application is submitted. The fee shall be no more than \$5.00 for each residential dwelling unit listed on the application. The applicant shall also submit an inspection fee in the amount of \$50.00 for each inspection. The fees will not be refunded upon denial or withdrawal of an application.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23)

### **Sec. 7-503. Inspections.**

- (a) *Inspection methods.* Unless a residential dwelling unit is exempt from the inspection requirements of this article, then prior to the issuance of a rental unit certificate, a residential dwelling unit must pass an inspection conducted by a city inspector.
- (b) *Inspection exceptions.* Residential dwelling units meeting the following requirements are exempt from the inspection requirements stated in this article, but must still obtain a rental unit certificate when required by this article:
- (1) Residential dwelling units that are inspected at least one time every five years by an authorized state or federal agency, provided the applicant can provide proof of such inspection.
  - (2) Residential dwelling units that are managed by a nonprofit, charitable organization which are subject to affordable housing land use restrictions and are routinely inspected by the Missouri Housing Development Commission, must show proof of inspection or one will be performed by the city.
  - (3) All residential dwelling units less than ten years of age.
- (c) *Inspection areas and criteria-mandatory compliance.* The following areas and criteria shall be inspected for compliance with the International Property Maintenance Code as adopted by this chapter before a residential dwelling unit may be deemed to have passed an inspection and be eligible for a rental unit certificate:
- (1) Exterior inspection criteria.
    - a. Stairways, decks, and porches.

- 
- b. Foundation and overhang extensions.
  - c. Exterior walls and foundation walls.
  - d. Roofs.
- (2) Interior inspection criteria.
- a. Structural members.
  - b. Stairs.
  - c. Water heater facilities.
  - d. Electrical system: Properly installed, in working order (including receptacles), and without hazards.
  - e. Heating system installation.
  - f. Mechanical equipment and appliances.
- (d) *Inspection areas and criteria-pending compliance.* The following areas and criteria shall be inspected for compliance with the International Property Maintenance Code as adopted by this chapter and shall be brought into compliance with the International Property Maintenance Code within 30 days following inspection:
- (1) Exterior inspection criteria.
- a. Balconies, handrails, and guards.
  - b. Decorative features and premises identification.
  - c. Protective treatment and siding.
  - d. Drainage.
  - e. Exterior doors, basement hatchways, windows, skylights, and door frames.
  - f. Chimneys and towers.
  - g. Accessory structures, including but not limited to detached garages, fences, and retaining walls.
- (2) Interior inspection criteria.
- a. Interior surfaces: Sanitary/clean windows, doors, ceilings, floors, walls; lack of peeling or chipping paint.
  - b. Basement, walking surfaces, handrails, and guards.
  - c. Windows: Properly glazed, operable, and insect screens in place.
  - d. Building security: Doors/windows/hatchways are operable and lockable.
  - e. Plumbing: Fixtures are properly installed, connected, and in working order; general maintenance drains operate properly, are unobstructed, and secure from leaks and defects.
  - f. General sanitary condition: Properly maintained; waste properly disposed of.
  - g. Egress: unobstructed.
  - h. Safety systems: Smoke and carbon monoxide detectors properly placed and operational.
  - i. Pest control: Extermination of insects, vermin, and other infestations has properly occurred.

- 
- (e) *Non-compliance; consent required.* In the event any criteria inspected under this section is found to be noncompliant with the requirements of this article, the owner must grant advanced written consent, and obtain the tenant's advanced written consent, for entry by a city inspector for the purpose of conducting a reinspection of the residential dwelling unit. Refusal to provide such consent may be a basis for denying the issuance of a rental unit certificate.
  - (f) *Multiple residential dwelling units.* When multiple residential dwelling units are listed on an application and all are at the same location, only the following quantities of inspections will be required:
    - (1) *Three or fewer units.* When three or fewer residential dwelling units are listed on an application at the same location, each one must be inspected;
    - (2) *Four to nine units.* When more than three, but fewer than ten, residential dwelling units are listed on an application at the same location, the inspector must select three of the residential dwelling units to be inspected;
    - (3) *Ten or more units.* When ten or more residential dwelling units are listed on an application at the same location, the inspector must select the lesser of either three or 20% of the residential dwelling units listed on the application to be inspected.
  - (g) *Additional inspections.* In the event the inspector identifies multiple violations or non-compliant conditions, he or she may inspect all residential dwelling units appearing on an application.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23; G.O. 3081, § 1, 2-5-24)

#### **Sec. 7-504. Rental unit certificate issuance and denial; appeals.**

- (a) *Rental unit certificate issuance; denial.* If an applicant submits a completed application and all required information, and if a residential dwelling unit satisfies the inspection requirements of this article, a rental unit certificate shall be issued for that residential dwelling unit. If a residential dwelling unit does not meet the requirements for the issuance of a rental unit certificate, a notice of denial and a copy of any inspection report that resulted in the denial must be provided to the applicant.
- (b) *Appeals.* Appeals of any denial of a rental unit certificate (including denials for a failed inspection) may be made in accordance with the procedures set forth in Article XIII, Division 1 of Chapter 2. The hearing officer for appeals shall be the director of planning and community development or his or her designee.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23)

#### **Sec. 7-505. City inspections; reinspections.**

- (a) *Inspections authorized.* A city inspector may conduct an inspection of any residential dwelling unit before a tenant moves into the residential dwelling unit or with the consent of a tenant of the residential dwelling unit.
- (b) *Facilitation of access.* The applicant for a rental unit certificate shall provide access to the residential dwelling units for inspection.
- (c) *Inspection report.* An inspection report shall be prepared identifying the criteria with which the inspected residential dwelling unit has both complied and failed to comply.
- (d) *Inspection not a warranty.* No inspection or rental unit certificate shall be deemed a warranty or guarantee that any residential dwelling unit is fully compliant with applicable building, property maintenance, or other code requirements. Completed inspections merely verify likely compliance or non-compliance with elements inspected at the time the inspection was performed.

- 
- (e) *Reinspection.* Following denial of a rental unit certificate as a result of non-compliance during an inspection conducted by a city inspector, the applicant may request a reinspection, which shall be completed at no charge. Upon receipt of a second denial, the applicant must submit a new application and the required fees before a rental unit certificate may be issued.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23)

### **Sec. 7-506. Search warrant.**

The municipal judge shall have the authority to issue search warrants pursuant to the provisions set forth in Article X of Chapter 2 in order to complete inspections in accordance with this article.

(G.O. 2905, 3-25-19; G.O. 3056, 1-23-23)

### **Sec. 7-507. Violations.**

- (a) *Property maintenance violations.* An administrative citation or municipal summons may be issued for violations of building or property maintenance codes identified during an inspection.
- (b) *Failure to obtain rental unit certificate.* A citation may be issued to any property owner or other person renting or leasing a residential dwelling unit without a rental unit certificate.
- (c) *Failure to obtain business license.* A citation may be issued to any property owner or other person renting or leasing a residential dwelling unit without a business license.
- (d) Failure to schedule an inspection within 20 days of submitting documents necessary to come into compliance with this Code, after notice of violation and an additional ten days to schedule the inspection.
- (e) *Penalties.* Penalties for violations of this article shall be in amounts established by Section 7-6; administrative citation penalties may be issued in accordance with Section 7-324.

(G.O. 3056, 1-23-23)

Note(s)—Please contact the City Clerk's Office to obtain copies of the tables referred to in this chapter.

### **Sec. 7-508. Certified private inspections.**

- (a) *Permitted.* Applicants may have inspections required by this article performed by certified private inspectors, provided such inspections and processes comply with the following criteria and standards applicable to inspection by city inspectors.
- (b) *Inspected residential dwelling units.* Applicants shall identify, on their applications, the intent to have a certified private inspector complete the inspection.
- (c) *Inspection reports.* Upon completion of an inspection the applicant must submit a signed Residential Rental Inspection Checklist Form identifying all criteria with which the inspected residential dwelling unit has both complied and/or failed to comply.
- (d) *Reinspection.* Reinspection by a certified private inspector shall be governed by the terms of the agreement between the applicant and the private inspector completing the inspection. Reinspection to occur within two weeks of the date of the initial inspection.
- (e) *Private inspector audits.* Audits of private inspector's compliance with this article may be conducted by the director, or director's designee, in accordance with the following:

- 
- (1) Upon filing an application stating the intent to have a certified private inspector perform the inspection, the applicant must provide a valid consent to enter the residential dwelling unit for the purpose of conducting an audit.
  - (2) The director shall define up to five districts, with every area of the city being included in a district and conduct random audits of not more than 20 percent of inspections completed by private inspectors in each district. Audits to be conducted quarterly.
- (f) *Private inspector certification; revocation; appeals.* Private inspectors shall be certified to conduct inspections only if they pass InterNACHI "Property Maintenance & Housing Code Inspector Course" and agree to comply with this article and other reasonable requirements established by the director. A private inspector's inspection report may not be accepted at any time during which the private inspector has failed to maintain his or her certification. Upon determining a private inspector has not complied with this article the director may revoke the private inspector's certification. Appeals of any denial or revocation of certification may be made in accordance with the procedures set forth in Article XIII, Division 1 of Chapter 2. The hearing officer for appeals shall be the chief building official or an individual who is similarly qualified to hear an appeal of compliance with building regulations.

(Gen. Ord. No. 3065, § 1, 5-15-23)