

**AGENDA**  
**MAPLEWOOD CITY COUNCIL –WORK SESSION**  
**TUESDAY, JUNE 11, 2024 @ 6:00 PM**  
**CITY COUNCIL CHAMBERS**  
**7601 MANCHESTER ROAD, MAPLEWOOD, MO 63143**  
**OR VIA TELECONFERENCE**

Zoom link: <https://us02web.zoom.us/j/89588450567?pwd=VFo1QkYxS0FHM2x6ZXhsNEY5c0Vmdz09>  
Passcode: 730195  
Dial in: (305) 224-1968  
Webinar ID: 895 8845 0567

1. Call to Order
2. Roll Call
3. Motion to Excuse Councilmember
4. Rental Registry Proposal
5. Sewer Lateral Program Modification Proposal
6. Adjournment



To: City Manager Amber Withycombe

From: Ward 3 Councilmember Nick Homa

Cc: Director of Public Works Anthony Traxler

Date: September 06, 2024

Re: Request for Work Session – Maplewood Rental Registry

A searchable rental registry can empower tenants and tenant advocates with more transparent property records, including code violations, eviction rates, and housing voucher acceptance. A registry also supports the city's ability to assess its rental housing landscape and meet the needs of residents who rent their housing. Registration of rental housing properties can easily take place alongside the already required annual inspection. A small fee attached to registration can generate money for the city to use to support affordable and accessible rental housing.

Section 12-23 of the municipal code deals with building inspections. An addition to this section of the code would allow the city to supplement its existing annual inspection process while also providing a valuable tool for existing Maplewood residents as well as prospective residents who may wish to move into Maplewood's existing safe and diverse rental housing. Below is a draft of the proposed rental housing registration ordinance.

Pending additional review or work needed by city staff, please cause this item to be added to a September 24, 2024 or October 8, 2024 City Council Work Session.

#### Rental Housing Registry Notes

- A basic rental registry might only include simple property information, such as address and owner/manager info. The ordinance proposed below includes additional elements, making the registration slightly more complex but with a much higher value for users.
- The proposed ordinance includes a detailed description of what the registry should include. However, city staff would need to create both a property registration form and the online registry interface. Further support discovering simple means for digitizing and maintaining this process could be helpful.
- One key issue is whether to charge a fee for registration. Registration fees are common because they can help cover any costs for maintaining the registry database. Another use is to create a small revenue for the city to support affordable and accessible rental housing (see ordinance).

- The proposed ordinance includes information regarding subsidized units, such as buildings that are HUD or LIHTC, as well as information regarding housing voucher participation. This information can be difficult to find elsewhere and could be immensely helpful for both the city and low-income renters.

**Proposed ordinance addition to [Section 12-23.e](#)**

(11) The city shall maintain a publicly searchable rental housing registry database for the purposes of supporting the health and well-being of residents, maintaining a transparent and accountable rental environment, empowering a socioeconomically diverse tenant population, and encouraging fair, safe, and equitable practices among property owners and managers.

A. Definitions:

- a. *Naturally occurring affordable housing (NOAH) status* means any property recognized and recorded by the city as having at least 20% of market rate units priced at or below the affordable housing unit maximum rent as defined in [Section 56-724](#).
- b. *Market rate unit* means any unit priced at the discretion of the property owner or manager based on the unit's value on the open market
- c. *Subsidized unit* means any unit receiving local, state, or federal subsidy that dictates the price of the unit based on income level or low-income status (not to include units receiving support from the city based on a property's NOAH status as defined in this section)

B. All residential rental properties shall be registered annually by the owner or agent at the time of application for annual inspection, including the submission of all required and/or applicable registration information and fees.

C. The registration fee shall be \$20 per property plus an additional \$5 per unit, not to exceed \$100 total per property. Properties qualifying for NOAH status shall be exempt from all fees.

D. Registration fees collected by the city shall be maintained in an Affordable Rental Housing Fund operated by and at the discretion of the city for the purposes of supporting:

- a. required maintenance needs at properties qualifying for NOAH status and whose owner or manager agrees to continue NOAH status for a duration of no less than three years after receiving such support;
- b. relocation costs for tenants of any units in a building declared to be a public nuisance by the city (see [Section 12-32](#));
- c. accessibility-related repairs for any wheelchair-accessible unit that is subsidized or currently housing a participant of the Housing Choice Voucher program

E. All residential rental properties shall submit the following information at the time of annual registration:

- a. Name of the property (if applicable) and street address of the property
  - b. Full name and contact information of property owner and manager
  - c. Emergency contact information for urgent property issues or concerns
  - d. Total number of units
  - e. Total number of wheelchair-accessible units
  - f. Whether the property qualifies for NOAH status
  - g. Total number of evictions at the property for the last 5 years
  - h. Total number of code violation citations at the property for the last 5 years
  - i. Total number of security deposit or property damage lawsuits involving the property for the last 5 years
  - j. For properties with 1 to 4 units
    - i. For each unit: number of bedrooms and whether the unit is market rate or subsidized
    - ii. Whether the property currently participates in the Housing Choice Voucher (HCV) program and for how many years total the property has actively participated in the HCV program
  - k. For properties with 5 or more units:
    - i. Total number of market rate units
    - ii. Total number of market rate units per bedroom number (studio, 1 bedroom, 2 bedroom, 3 bedroom, 4 bedroom, or more than 4 bedrooms)
    - iii. Total number of subsidized units
    - iv. Total number of subsidized units per bedroom number (studio, 1 bedroom, 2 bedroom, 3 bedroom, 4 bedroom, or more than 4 bedrooms)
    - v. Whether the property currently participates in the Housing Choice Voucher (HCV) program and for how many years total the property has actively participated in the HCV program
    - vi. Number of total units currently participating in the HCV program
- F. Any properties failing to comply with the annual rental registration shall be fined \$50 per day of non-compliance; fines shall be collected into the Affordable Rental Housing Fund; properties qualifying for NOAH status shall be exempt from fines for late registration but failure to participate in annual registration could result in rescinding of NOAH status and any related exemptions at the discretion of the city.
- G. The rental housing registry database shall be maintained and updated regularly by the city and be publicly searchable online in a fashion that allows users to easily find properties based on any of the categories of collected property information as described in this section.

## Existing section of the municipal building code regarding annual property inspections

### Section 12-23. Inspections.

#### *(e) Annual inspection of multifamily dwellings and residential rental property.*

1. No person shall operate a multiple-family dwelling or residential rental property, unless a current certificate of compliance is issued for the specifically named multiple-family dwelling or residential rental property.
2. Every certificate of compliance for a multiple-family dwelling or residential rental property shall be issued for a period of one year unless revoked for good cause.
3. No certificate of compliance shall be issued unless the owner or agent agrees in the application to such inspections, pursuant to this section, as may be required to determine whether the multiple-family dwelling or residential property in connection with the certificate of compliance is sought is in compliance with the provisions of this chapter, and also provides the city with a current list of tenants and occupants.
4. No certificate of compliance shall be issued unless the owner or agent has first made application for inspection, and the completed application form is accompanied by the payment of an inspection fee, and the applicant agrees to require all new tenants to obtain an occupancy permit before taking occupancy.
5. No certificate of compliance shall be issued unless the applicant designates an agent who shall either reside or have a place of business in the city or in the county as authorized to accept service of notice of violation of the provisions of this article and for service or process pursuant to this article.
6. The application for annual inspection shall be made no more than 60 days and no less than 30 days prior to the expiration of the current certificate of compliance.
7. Whenever, upon inspection of the multiple-family dwelling or residential real property, it is found that conditions or practices exist which are in violation of the provisions of this chapter or any applicable rules and regulations pursuant thereto, the owner or agent shall be served with a notice of such violation in the manner provided in [section 12-26](#).
8. At the end of the time allowed for correction of any violation cited, there shall be a reinspection of the multiple-family dwelling or residential rental property to determine that, if such conditions have not been corrected within a reasonable time, there will be prosecution of such violation as provided in sections [12-31](#) through [12-34](#).
9. Every owner or agent shall have a current and valid certificate of compliance before they sell, transfer, lease or otherwise dispose of any multiple-family dwelling or residential rental property and shall have advised the new owner or agent that annual inspections are required and that an occupancy permit is required of each new occupant before taking occupancy. The name and address of the new owner or agent succeeding to the ownership or control of such multiple-family dwelling or residential rental property shall be given to the city by written notice.
10. The owner or agent of a multiple-family dwelling or residential rental property shall notify all occupants of inspections to be made, shall be present for inspections, and have means to gain entry to each dwelling unit and/or make arrangements with occupants to be present for inspections.

11.>> ADD NEW RENTAL REGISTRY SECTION HERE >>

# Memorandum



**To:** Nick Homa, Ward 3 Councilmember  
**CC:** Mayor and City Council  
**From:** Amber Withycombe, City Manager  
Anthony Traxler, Assistant City Manager/Public Works Director  
Audrey Culbersen, Social Services Coordinator  
**Date:** October 3, 2024  
**Re:** **Analysis of Proposed Rental Registry Ordinance**

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Thank you for your memo regarding the proposed rental registry ordinance. We appreciate your initiative in addressing rental housing transparency and accessibility in Maplewood, which is an objective that we all share.

After reviewing the proposal, we have some concerns and observations to share:

1. Legal ramifications: Based on our understanding of state and federal law, we believe some aspects of the proposed ordinance may face legal challenges:

- a) **Fining landlords for non-compliance:** The legality of imposing daily fines for non-registration is questionable. Missouri courts have previously ruled against excessive fines in similar contexts.
- b) **Establishing and managing an Affordable Rental Housing Fund:** The creation and administration of such a fund using registration fees and fines may exceed our municipal authority under Missouri law. Missouri courts have consistently upheld the importance of due process in local ordinances. Any system of fines and penalties, as proposed in the registry, would need to include a clear and fair appeals process to withstand legal scrutiny.
- c) **Fair Housing Act compliance:** This federal law is rigorously enforced and any local ordinance that could be seen as potentially discriminatory, even unintentionally, could face significant legal challenges. The focus on subsidized units and voucher acceptance in the registry could be particularly sensitive in this regard.
- d) **Data accuracy and liability:** If the City publishes potentially damaging information about properties (such as eviction rates), we could face liability issues if that information is inaccurate or not updated in a timely manner.

To be clear, these initial findings are based on our understanding of the law and have not yet been reviewed by the City Attorney.

2. Capacity and infrastructure: The City currently lacks the staff capacity and digital infrastructure to implement and maintain the proposed registry as described. The extensive data collection, verification, and public database management would require significant staff and financial resources that are not currently available.

3. Administrative challenges: Aspects of the proposed registry would be very challenging to build, manage, and administer. The level of detail required would be difficult to accurately collect and verify. Moreover, some of the requested information, such as eviction history and security deposit lawsuits, are civil matters between landlords and tenants over which the city has no oversight or ready access to records. Verifying the accuracy of this type of information, when provided by landlords, would be beyond our capability.

4. Cost concerns: We are concerned that the costs associated with landlords remaining in compliance with the registry would likely be passed along to renters, potentially making housing less affordable.

5. Feasible alternatives: While we do not feel we can implement the full proposal, we believe we have the capacity to:

- a) Add a rental property registration component to the city's annual inspection process that collects information not currently captured through the inspection application, such as a good faith estimate of monthly rent. An example is the rental property registry codified by [St. Louis City](#) in [ordinance 71835](#).
- b) Maintain and make available a list of NOAH rental properties in the city (eligibility for NOAH status is currently reviewed monthly by the Public Works Director for occupancy permit inspection fee waivers)
- c) Maintain and make available a list of properties that have been in violation of City ordinances within the last 12 months
- d) Use the annual inspection process to educate landlords about best practices and available resources, meeting some goals of the proposal without requiring new regulations
- e) Use the current inspection fee structure to cover any minor additional costs associated with these recommendations

While we value the intent behind the proposed ordinance, we believe it presents significant legal, administrative, and practical challenges. We recommend that Council focus on more targeted measures that can be implemented within our current capacity and legal framework.

We look forward to exploring alternative approaches that could achieve similar goals without the associated risks and burdens.

# Memorandum



**To:** Mayor and City Council  
**From:** Anthony Traxler, Assistant City Manager/Director of Public Works  
**Date:** October 3, 2024  
**Re:** **Proposed Modifications to Sewer Lateral Program**

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For over a decade, the City's Sewer Lateral Fund has borrowed from the General Fund and Capital Improvement Fund to cover lateral repairs. Despite a voter-approved increase in 2014 from \$28 to \$50 per residential unit (the maximum allowed by the State of Missouri), the fund faces a current three-year shortfall of approximately \$141,657 (\$47,219 annually). This shortfall excludes city staff labor and equipment costs for excavations.

The Sewer Lateral Fund generates approximately \$115,000 annually from \$50 tax assessments on residential units (1-6 family). However, demand for repairs has increased significantly, with sewer lateral repairs rising from 37 in 2014 to 65 in 2023. This increase is largely attributed to realtors now including sewer lateral inspections as part of home sales, leading to more frequent identification of necessary repairs. Repair costs range from \$2,500 to \$10,000 per incident.

To balance the Sewer Lateral Fund without continued borrowing, staff recommends implementing an offset payment system. We propose a resident contribution of \$750 per repair. This approach aligns with neighboring municipalities' practices while avoiding potential financial hardship from repair cost caps. For example, Rock Hill requires residents to pay \$275 per repair, while Brentwood caps city payments at \$3,500, with residents covering any remaining costs.

The proposed \$750 offset payment is projected to adequately fund the program in the near term, eliminating the need for inter-fund borrowing. Staff will collect data related to the proposed program modification and inform the Council of any changes that may be necessary to adequately fund the program in the future.

If you have any questions or concerns, please contact me at 314-646-3635. I will be available at the October 8 work session to address any inquiries from the Council. If approved, the item can be placed on the October 22, 2024, City Council agenda.