

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 23-20 A

AN ORDINANCE

amending Chapter 22 of the City Code to add short-term rental provisions to the City’s Rental Unit Conservation Law; 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 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. 22-181. Title.

This article shall be known and may be cited as the "Rental Unit Conservation Law of the City of Columbia, Missouri." The provisions of this article apply to short-term rental and long-term rental of dwelling units within the corporate limits of the City of Columbia, as defined herein, and shall adhere to the specific regulatory provisions for inspection and issuance of a certificate of compliance prior to the operation of a dwelling unit as either a short-term or a long-term rental.

Sec. 22-182. Article provisions deemed supplemental.

The requirements of this article and all penalties imposed herein shall be in addition to the requirements of all other applicable ordinances, ~~including chapter 13, article II, known as the general licensing ordinance of the city, and the penalties imposed by this article for violations shall be in addition to those imposed for violations of chapters 6, 9 (article II), 20, 23, 24, 25 and 29 of this Code and all other applicable ordinance provisions.~~

Sec. 22-183. Definitions.

Unless otherwise expressly stated, for the purpose of this article, the following terms shall have the meanings indicated:

Agent of the owner, designated agent. A person who is authorized to act on behalf of the owner, as herein defined, with regard to repairs and maintenance of a dwelling or rooming unit.

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Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Short-term rental. A residential dwelling unit, portion of a dwelling unit or room or space within a residential dwelling unit rented by a transient guest for a period less than thirty-one (31) days.

Short-term rental intermediary. A marketplace or network that facilitates the listing, marketing, or rental of a short-term rental on a site, also referred to as a platform.

Single rental unit. Any dwelling unit existing in a dwelling in which the operator thereof provides, for lease, up to but not to exceed one dwelling unit.

Temporary housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

Transient guest. Any person who rents and occupies a guest room in a hotel, motel, tourist court, bed and breakfast, or short-term rental for a period of less than thirty-one (31) days.

Two-family dwelling. Any dwelling or combination of related dwellings having the same owner, located in a contiguous area, and operated as a single business entity, in which the operator provides for lease two (2) dwelling units.

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

(a) The following provisions shall apply to long-term rental units:

(~~a~~-1) 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~~-2) 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.

- (e-3) It shall be unlawful for any owner, operator, agent or property manager of a rental unit to fail to immediately, upon request by a police officer or city inspector investigating a violation of this article, provide the certificate of compliance and notice of occupancy limitations signed by all lessees or sublessees 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 ten (10) business days of the date of the request.
- (b) The following provisions shall apply to short-term rental units:
- (1) It shall be unlawful to operate a short-term rental within the city without a current short-term rental certificate of compliance. The short-term rental certificate of compliance shall be displayed within the dwelling or readily available onsite.
- (2) It shall be unlawful for any owner, or designated agent, of a short-term rental to fail to immediately, upon request by a police officer or city inspector investigating a violation of this article, to provide the short-term rental certificate of compliance pertaining to the dwelling.
- (3) Short-term rental operators must annually attest to meeting the requirements of chapter 29 and this article on forms created by the director. Failure to provide an annual attestation authorizes the director to revoke the certificate of compliance.

Sec. 22-185. Dual application and inspection allowed ~~Reserved.~~

Notwithstanding anything herein to the contrary, a property owner shall be allowed to seek a certificate of compliance for both a long-term rental and a short-term rental for the same dwelling unit. Provided the application for both types of use is made at the same time, a single inspection may be performed and the property shall only be required to pay a single application and inspection fee to determine if the dwelling unit meets the requirements of this article.

Sec. 22-186. Application for certificate.

- (a) The following provisions shall apply to long-term rental units:
- (a-1) *Formal application required.* Every operator shall submit an application for a certificate of compliance to the director. If the certificate of compliance has been revoked pursuant to section 22-193 of this article or if the owner, operator or tenant has been convicted of a violation of chapter 29 of this Code, the operator is ineligible for a certificate of compliance for that dwelling for a period of three (3) years.

- (~~b-2~~) *Content and form.* The application for such certificate of compliance shall be a written statement. One application may be submitted for all property in common ownership and under a common operator. The application for the certificate of compliance shall be on forms provided by the director and shall include:
- (~~1~~) a. The street address and a general description of the premises for which the certificate is sought.
 - (~~2~~) b. The name, address and telephone number of the owner of the premises.
 - (~~3~~) c. The name, address and telephone number of the agent of the owner (operator).
- (~~e-3~~) *Consent to inspection.* The application may be accompanied by a written consent on forms provided by the director authorizing the director to enter upon and inspect the premises for which the certificate is sought at any reasonable time for the purpose of determining whether or not the premises are in compliance with chapters 6, 9 (article II), ~~20, 23, 24, 25~~ and 29 of this Code.
- (~~d-4~~) *Inspection fees.* The application shall be accompanied by the full payment of the inspection fees.
- (~~e-5~~) *Heating and ventilation systems certificates of inspection and approval.* The application shall be accompanied by a certificate of inspection and approval signed by a journeyman or master mechanical heating, ventilation, air conditioning and refrigeration mechanic licensed by the city. The certificate shall state that all fuel fired appliances in the premises for which a certificate is sought were personally inspected by the mechanic and were functioning properly and safely. The certificate shall also state the date on which the inspection was made. For renewal certificates, the inspection must have been made within ninety (90) days before the current certificate of compliance expires. For original certificates, the inspection must have been made within ninety (90) days before the application is filed. If the dwelling has a valid certificate of compliance as a short-term rental at the time of the long-term rental application, the provisions of this subsection shall be considered satisfied and no additional inspections for heating and ventilation systems shall be required.
- (b) The following provisions shall apply to short-term rental units:
- (1) Formal application required. Every owner requesting to establish a short-term rental shall submit an application for a short-term rental certificate of

compliance to the director. If the owner has been previously granted a short-term rental certificate of compliance for the dwelling and has had such certificate revoked pursuant to section 22-193 of this article, the owner shall be ineligible to obtain a short-term rental certificate of compliance for that dwelling unless such owner receives a conditional use permit to re-establish the short-term rental in accordance with the provisions of chapter 29 of this Code.

- (2) *Content and form.* The application for such a short-term rental certificate of compliance shall be in such form as determined by the director. A separate application for each dwelling unit to be designated as a short-term rental shall be submitted. The application for the short-term rental certificate of compliance shall include:
- a. The street address and zoning district in which the dwelling is located.
 - b. The name, address and telephone number of the owner of the dwelling. If the owner is a limited liability company or other business entity, the name, address and telephone number of each member of the limited liability company or officers or owners of the corporation or business entity shall be provided.
 - c. An affidavit, signed and notarized, by the owner of record of the dwelling that attests to the number of days the owner resides in the dwelling as their principal residence.
 - d. The name, address and telephone number of the designated agent of the owner, if any, for all dwellings that seek certificate issuance as a “short-term rental hosted” dwelling.
 - e. A list of all specific website or other media platforms where the dwelling will be advertised for rental. The owner may supplement this list at any time following the filing of the initial application.
- (3) *Consent to inspection.* The application shall be accompanied by a written consent on forms provided by the director authorizing the director to enter upon and inspect the premises for which the certificate is sought at any reasonable time for the purpose of determining whether or not the premises are in compliance with city code requirements.
- (4) *Inspection fees.* The application shall be accompanied by the full payment of the inspection fees as established in section 22-188 of this article.
- (5) *Heating and ventilation systems certificates of inspection and approval.* The application shall be accompanied by a certificate of inspection and approval signed by a journeyman or master mechanical heating, ventilation, air

conditioning and refrigeration mechanic licensed by the city. The certificate shall state that all fuel fired appliances in the premises for which a certificate is sought were personally inspected by the mechanic and were functioning properly and safely. The certificate shall also state the date on which the inspection was made. For renewal certificates, the inspection must have been made within ninety (90) days before the short-term rental certificate of compliance expires. For original short-term rental certificates, the inspection must have been made within ninety (90) days before the application is filed. If the dwelling has a valid certificate of compliance as a long-term rental at the time of short-term rental application, the provisions of this subsection shall be considered satisfied and no additional inspections for heating and ventilation systems shall be required.

Sec. 22-187. Procedure for issuance of certificate.

- (a) The following provisions shall apply to long-term rental units:
 - (~~a~~-1) *Inspection prerequisite.* The director shall make an inspection of the dwelling or dwellings for which a satisfactorily completed and executed application for a certificate of compliance is filed. Such inspection shall be made pursuant to consent or a search warrant issued under the provisions of section 22-189 of this article. No person shall be prosecuted for a violation of this article prior to inspection of the dwelling or dwellings for which an application for a certificate of compliance has been filed, provided that such application is satisfactorily completed and executed and is filed prior to the date when the applicant must obtain or renew the certificate of compliance.
 - (~~b~~-2) *Inspection of each unit.* An inspection shall be required for each dwelling or rooming unit sought to be licensed, provided that the director, upon written request by the applicant, may determine by random sampling of at least thirty (30) percent of the dwelling or rooming units, whether an apartment house or rooming house containing more than thirty (30) dwelling or rooming units complies with the provisions of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ and 29 of this Code, provided that those units inspected must be representative of the various types and location of units in the dwelling and further that all units for which a violation complaint has been received shall be inspected.
 - (~~c~~-3) *Issuance.* If, as a result of the inspection, the director determines that the dwelling is in compliance with the provisions of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ and 29 of this Code, ~~he~~ the director shall issue a certificate of compliance to the operator.
 - (~~d~~-4) *Violations.* If, as a result of the inspection, the director shall determine that the dwelling is in violation of any of the provisions of chapters 6, 9 (article II), ~~20, 23, 24, or 29-25~~ of this Code, the director shall notify the operator of the violations and proceed to correct such violations under the provisions of

chapters 6, 9 (article II), ~~20, 23,~~ 24, or ~~29-25~~ of this Code, whichever is applicable.

The operator of an apartment house, rooming house, two-family dwelling, or single rental unit where any such violation is found to exist shall have all rights and remedies and shall be subject to the procedures established by chapters 6, 9 (article II), ~~20, 23,~~ 24, or ~~29-25~~ of this Code, whichever is applicable.

~~(e-5)~~ *Certificate of use conditioned on compliance:*

~~(1)~~ a. *Pending appeal.* The operator of a dwelling where violations of chapters 6, 9 (article II), ~~20, 23,~~ 24, ~~25~~ or 29 of this Code are found to exist may apply to the director for a certificate of use conditioned on compliance to allow the operator to appeal from a notice of violation under the applicable procedures. Such certificate shall be issued only if:

~~a-1.~~ a-1. An appeal under the applicable ordinance has been filed; and

~~b-2.~~ b-2. Only for such time as is actually necessary to complete said appeal.

A certificate of use conditioned on compliance issued hereunder shall expire upon completion of the appeals process unless extended under the provisions of this article ~~subsection (e)(2)~~ herein.

~~(2)~~ b. *Period of compliance.* A certificate of use conditioned on compliance may be issued by the director, on application, to make available a reasonable time for existing apartment houses, rooming houses, two-family dwellings, or single rental units to come into compliance with the provisions of chapters 6, 9 (article II), ~~20, 23,~~ 24, ~~25~~ or 29 of this Code. Such certificate shall be issued only:

~~a-1.~~ a-1. On signing of a notarized agreement by the operator admitting such violations and agreeing to remove such violations within a reasonable time period agreed to by the director, or established by an appeals board on appeal ~~under subsection (e)(1)~~; and

~~b-2.~~ b-2. Only for the period as determined by the director or established by an appeals board on appeal ~~under subsection (e)(1)~~, which is reasonably required to remove such violations, which period, if established by the director, shall in no event exceed one hundred eighty (180) days. A certificate of use conditioned on compliance shall be revoked if it appears that the operator is not correcting the violations in accordance with the established compliance schedule.

A certificate of use conditioned on compliance may not be issued for a new dwelling, two-family dwelling, or single rental unit, and may not be issued for any dwelling or rooming unit which the director has declared to be an unsafe building or a structure unfit for human occupancy under the building code of the city.

(f-6) *Provisional certificate of compliance.* If the owner, operator or tenant of a dwelling has been convicted of a violation of chapter 29 of this Code, or the director has revoked the certificate of compliance for the dwelling, the owner of the dwelling may apply to the director for a provisional certificate of compliance. In addition to the requirements contained in section 22-186 of this article, the owner must also provide the director with information on the owner's compliance efforts or procedural changes which will ensure compliance with city codes. A provisional certificate of compliance shall expire one (1) year from the date of issuance. The director shall only issue a provisional certificate of compliance when the owner satisfies the director that the structure and the use of the structure is in compliance with city code. The director shall impose conditions upon which the provisional certificate of compliance is granted. At a minimum, these conditions shall include the following requirements:

- (4)-a. Owner must consent to inspection by inspectors at all reasonable times upon request by a city inspector.
- (2)-b. Immediate revocation of the provisional certificate of compliance if the code inspector finds a violation of city codes.

If there are no violations of chapter 29 of this Code, the owner may apply to the director for an extension of the provisional certificate of compliance for an additional one-year term. The director may grant no more than two (2) extensions of the provisional certificate of compliance.

(b) The following provisions shall apply to short-term rental units:

(1) *Inspection prerequisite.* The director shall make an inspection of the dwelling or dwellings for which a satisfactorily completed and executed application for a short-term rental certificate of compliance is filed. Such inspection shall be made pursuant to consent or a search warrant issued under the provisions of section 22-189 of this article. No person shall be prosecuted for a violation of this article prior to inspection of the dwelling or dwellings for which an application for a short-term rental certificate of compliance has been filed, provided that such application is satisfactorily completed and executed and is filed prior to the date when the applicant must obtain or renew the short-term rental certificate of compliance.

- (2) Issuance. If, as a result of the inspection, the director shall determine that the short-term rental dwelling is in compliance with the provisions of chapters 6, 9 (article II), 13, 24, 26 and 29 of this Code, the director shall issue a short-term rental certificate of compliance to the owner.
- (3) Eligibility for platform listing. A short-term rental dwelling that has been issued a short-term rental certificate of compliance by the director shall be issued a permit number indicating that the property is eligible for short-term rental use and listing on a short-term rental intermediary platform. The director shall maintain a list of all short-term rentals that are eligible to be listed on a short-term rental intermediary's platform. The list shall be made available to all short-term rental intermediaries, the public and/or regulatory authorities. The director shall notify the short-term rental intermediaries in the case of a suspension or revocation of a short-term rental certificate of compliance. It shall be unlawful for any property owner to list a dwelling unit on a short-term rental intermediary platform without a valid permit number issued by the director.
- (4) Violations. If, as a result of the inspection, the director shall determine that the short-term rental dwelling is in violation of any of the provisions of chapters 6, 9 (article II), 13, 24, 26 or 29 of this Code, the director shall notify the owner of the violations and proceed to correct such violations.

The owner of a short-term rental unit where any such violations are found to exist shall have all rights and remedies and shall be subject to the procedures established by chapters 6, 9 (article II), 13, 24, 26 or 29 of this Code, whichever is applicable.

- (5) Certificate of use conditioned on compliance:
- a. Pending appeal. The owner of a dwelling where violations of chapters 6, 9 (article II), 13, 24, 26 or 29 of this Code are found to exist may apply to the director for a certificate of use conditioned on compliance to allow the operator to appeal from a notice of violation under the applicable procedures. Such certificate shall be issued only if:
1. An appeal under the applicable ordinance has been filed;
 2. The director finds no immediate danger to the public exists and there is a reasonable likelihood of success by the owner in the appeal process; and
 3. Only for such time as is actually necessary to complete said appeal.

A certificate of use conditioned on compliance issued hereunder shall expire upon completion of the appeals process unless extended under the provisions of this subsection.

b. *Period of compliance.* A certificate of use conditioned on compliance may be issued by the director, on application, to make available a reasonable time for existing short-term rental units to come into compliance with the provisions of chapters 6, 9 (article II), 13, 24, 26 or 29 of this Code. Such certificate shall be issued only:

1. On signing of a notarized agreement by the owner admitting such violations and agreeing to remove such violations within a reasonable time period agreed to by the director, or established by an appeals board on appeal under this subsection; and

2. Only for the period as determined by the director or established by an appeals board on appeal under this subsection, which is reasonably required to remove such violations, which period, if established by the director, shall in no event exceed one hundred eighty (180) days. A certificate of use conditioned on compliance shall be revoked if it appears that the owner is not correcting the violations in accordance with the established compliance schedule.

A certificate of use conditioned on compliance may not be issued for a dwelling unit that has not provided evidence it was being used as a short-term rental prior to the effective date of these provisions and may not be issued for any dwelling unit which the director has declared to be an unsafe building or a structure unfit for human occupancy under the building code of the city or otherwise detrimental to the public, health, safety and welfare.

(6) *Provisional certificate of compliance.* If the owner of a dwelling being operated as a short-term rental has been convicted of a violation of chapters 22, 26, or 29 of this Code, or the director has revoked the certificate of compliance for the dwelling, the owner of the dwelling may apply to the director for a provisional certificate of compliance. In addition to the requirements contained in section 22-186 of this article, the owner must also provide the director with information on the owner's compliance efforts or procedural changes which will ensure compliance with city codes. A provisional certificate of compliance shall expire one (1) year from the date of issuance. The director shall only issue a provisional certificate of compliance when the owner satisfies the director that the structure and the use of the structure is in compliance with city code. The director shall impose conditions upon which the provisional certificate of compliance is granted. At a minimum, these conditions shall include the following requirements:

- a. Owner must consent to inspection by inspectors at all reasonable times upon request by a city inspector.
- b. Immediate revocation of the provisional certificate of compliance if the city inspector finds a violation of city codes.

If there are no further violations of chapters 22, 26 or 29 of this Code, the owner may apply to the director for an extension of the provisional certificate of compliance for an additional one-year term. The director may grant no more than two (2) extensions of the provisional certificate of compliance.

Sec. 22-188. Fees and charges.

~~(a)~~ In order to defray the costs incident to the administration of this article, the following fees shall be required to be paid for the inspection and shall be nonrefundable:

(a) The following fees shall apply to long-term rental units:

- (1) There shall be an application fee of sixty dollars (\$60.00) per building for each application for a certificate of compliance.
- (2) There shall, in addition, be an inspection fee of twenty-six dollars (\$26.00) per dwelling unit or rooming unit, as the case may be, covered by each certificate of compliance.
- (3) There shall, in addition, be a reinspection fee of forty-three dollars (\$43.00) per unit.
- (4) There shall, in addition, be a fee of thirty-four dollars (\$34.00) to be assessed when owner or owner's representative fails to meet with inspector at scheduled appointment time.

(b) The following fees shall apply to short-term rental units:

- (1) There shall be an application fee of sixty dollars (\$60.00) per dwelling unit for each application for a certificate of compliance.
- (2) There shall, in addition, be an inspection fee of twenty-six dollars (\$26.00) per dwelling unit covered by each certificate of compliance.
- (3) There shall, in addition, be a reinspection fee of forty-three dollars (\$43.00) per dwelling unit.
- (4) There shall, in addition, be a fee of thirty-four dollars (\$34.00) to be assessed when owner or owner's representative fails to meet with inspector at scheduled appointment time.

(~~b-c~~) In addition to inspection upon application or complaint, units may be inspected at the request of the owner for which an inspection service charge of fifteen dollars (\$15.00) shall be charged. The inspector shall provide the owner with a written summary of the findings of the his inspection, provided that such an inspection shall extend only to matters regulated under the provisions of these ordinances and shall not extend to the condition of items of personal property or to fixtures, the condition of which is not addressed by city codes.

(~~e-d~~) In the event that a unit for which an unexpired certificate of compliance has been issued is inspected pursuant to a complaint, the person making the complaint shall pay a fifteen dollar (\$15.00) inspection service charge if the unit is not found to be in violation of any ordinance.

(~~d-e~~) In the event fees due and payable under this section remain outstanding for a period of sixty (60) days, the account may be submitted to a collection agency for collection. All such collection costs, including but not limited to court costs and attorney fees, shall be paid by the debtor.

Sec. 22-189. Search warrant.

When application is made pursuant to this article for a certificate of compliance with respect to any house, dwelling or long-term or short-term rental unit, the municipal judge of the county circuit court shall have authority to issue search warrants for searches or inspections of such house, dwelling or unit to determine the existence of violations of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:

- (1) The city manager may make application for the issuance of a search warrant.
- (2) The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code;
 - e. Be verified by the oath or affirmation of the applicant; and

- f. Be filed in the municipal division of the county circuit court.
- (3) The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.
 - (4) The judge shall hold a nonadversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code, a search warrant shall immediately be issued to search for such violations. The warrant shall be issued in the form of an original and two (2) copies.
 - (5) The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the municipal judge.
 - (6) Search warrants issued under this section shall:
 - a. Be in writing and in the name of the issuing authority;
 - b. Be directed to any police officer or deputy in the city;
 - c. State the time and date the warrant is issued;
 - d. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - e. Be limited to a search or inspection for violations of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code;
 - f. Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought, within ten (10) days after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and
 - g. Be signed by the municipal judge, with his title of office indicated.
 - (7) A search warrant issued under this section may be executed only by a police officer or deputy of the city. The warrant shall be executed by conducting the search commanded.

- (8) A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.
- (9) After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner of the property or places searched, when he is not the same person, if known.
- (10) A search warrant shall be deemed invalid:
 - a. If it was not issued by a judge of the municipal division of the Boone County, Missouri, Circuit Court;
 - b. If it was issued without a written application having been filed and verified;
 - c. If it was issued without probable cause;
 - d. If it was not issued with respect to property or places within the city;
 - e. If it does not describe the property or places to be searched with sufficient certainty;
 - f. If it is not signed by the judge who issued it; or
 - g. If it was not executed within the time prescribed by subsection (8) of this section.

Sec. 22-190. Unlawful to refuse entry.

It shall be unlawful for any person to refuse entry or access to any long-term or short-term rental unit, dwelling or structure to any person to whom a search warrant has been issued authorizing inspection of said unit, dwelling or structure pursuant to the provisions of this article.

Sec. 22-191. Duration of certificates; renewal.

- (a) The following provisions shall apply to long-term rental units:
 - (a-1) A certificate of compliance issued pursuant to this article, except for a certificate of use conditioned on compliance or a provisional certificate of compliance, shall be effective for three (3) years from the expiration date of the current certificate at time of application or, if no certificate existed at time of application, from its date of issue, unless sooner revoked, or unless

extended by the director under the procedures established in paragraph (b-2) herein, or unless title or ownership of the property or any portion of the dwelling changes. Such certificate of compliance shall be renewable triennially upon forms supplied by the director in accordance with the procedures for obtaining a certificate of compliance set forth herein. Initial certificates shall be issued for new structures in conjunction with issuance of occupancy permits; inspection for the purposes of determining compliance with the building code shall satisfy the inspection provisions of this article.

- (b-2) The director may, ~~on~~ upon written application of the operator and payment of a forty-three dollars (\$43.00) fee per building, extend a current certificate of compliance for a period not to exceed three (3) years without further inspection, if the apartment house, rooming house, two-family dwelling, ~~or~~ single rental unit for which the certificate of compliance is issued had no violations for the past three (3) years.
- (e-3) A provisional certificate of compliance shall be effective for one (1) year from the date of issue unless sooner revoked, or unless title or ownership of the property or any portion of the dwelling changes.
- (b) The following provisions shall apply to short-term rental units:
 - (1) A short-term rental certificate of compliance issued pursuant to this article shall be effective for three (3) years from its date of issue, unless sooner revoked, or unless extended by the director under the procedures established in this article, or unless title or ownership of the dwelling changes. Such short-term rental certificate of compliance shall be renewable triennially upon forms supplied by the director in accordance with the procedures for obtaining a short-term rental certificate of compliance set forth herein. Initial short-term rental certificates shall be issued for new structures in conjunction with issuance of occupancy permits provided that application to establish the dwelling as a short-term rental was submitted in accordance with the provisions of this article; inspection for the purposes of determining compliance with the building code shall satisfy the inspection provisions of this article.
 - (2) The director may, upon written application of the owner and accompanied by a renewal payment of forty-three dollars (\$43.00), extend a current short-term rental certificate of compliance for a period not to exceed three (3) years without further inspection, provided that the dwelling for which the short-term rental certificate of compliance was issued has not been the subject of any violations of this article within the prior three (3) years.
 - (3) A provisional short-term rental certificate of compliance shall be effective for one (1) year from the date of issue unless sooner revoked, or unless title or ownership of the property or any portion of the dwelling changes.

Sec. 22-192. Transfer of ownership.

- (a) The following provisions shall apply to long-term rental units:
 - ~~(a-1)~~ Upon the transfer of record, legal title of any dwelling or portion thereof which has a certificate of compliance or a provisional certificate of compliance, the transferee shall either:
 - ~~(1)~~ a. Apply for a new certificate of compliance or a provisional certificate of compliance ~~pursuant to section 22-186~~ and pay all fees pursuant to this article section 22-188; or
 - ~~(2)~~ b. Apply to transfer an existing certificate as provided in this section ~~by complying with subsection (b) of this section.~~
 - ~~(b-2)~~ If the transfer of title occurs within eighteen (18) months of the last satisfactory city rental inspection, and if there have been no complaints regarding the property, the transferee may cause an existing certificate to be transferred for the unexpired portion of the term for which it was issued upon making written application to the community development department, on forms to be supplied by the community development department, within fifteen (15) days from the date of the transfer of title and upon payment of a ten dollar (\$10.00) transfer fee per building. The application for transfer shall contain the same information and be in the same form as required for an original application ~~by section 22-186(b)~~. A transferred certificate of compliance shall not be extended beyond the original expiration date without further inspection.
 - ~~(e-3)~~ Nothing contained in this section shall affect the validity of any sale, transfer or disposition of any interest in real property.
- (b) The following provisions shall apply to short-term rental units:
 - (1) Upon the transfer of record, legal title of any dwelling or portion thereof which has a short-term rental certificate of compliance or a provisional short-term rental certificate of compliance, the short-term rental certificate and any approved conditional use permit required pursuant to chapter 29 of this Code to operate such rental shall become null and void.
 - (2) Nothing contained in this section shall affect the validity of any sale, transfer or disposition of any interest in real property.

Sec. 22-193. Noncompliance; revocation of certificate.

Whenever the director shall determine that any unit in an apartment house, rooming house, two-family dwelling, ~~or single rental unit,~~ long-term rental, or short-term rental for which a certificate of compliance has been issued under this article is in violation of the provisions of chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code, or whenever the director shall determine that the conditions of a certificate of use conditioned on compliance are not being satisfied because violations are not being corrected in accordance with the terms and time limits set forth in the certificate of use conditioned on compliance, the director shall notify the operator or owner of same in accordance with the notice provisions set forth in chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code, as applicable. Before revoking a certificate of compliance for such violations, a hearing shall be held in accordance with the hearing procedures set forth in chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code. The operator of the apartment house, rooming house, two-family dwelling, or single rental unit, long-term rental, or owner of the short-term rental, to which the certificate of occupancy issued shall have all rights and remedies and shall be subject to the procedures established by chapters 6, 9 (article II), ~~20, 23, 24, 25~~ or 29 of this Code, whichever is applicable with regard to such violations.

(b) With regard to short-term rentals, in addition to the foregoing the director is authorized to revoke a short-term rental certificate of compliance after receiving two (2) or more substantiated complaints against a short-term rental in one (1) calendar year. The director shall notify the short-term rental intermediaries in the case of a suspension or revocation of a short-term rental certificate of compliance.

Sec. 22-194. False complaints.

(a) It shall be unlawful for any person to knowingly make a false complaint against the owner of any structure or relating to any structure subject to the inspection provisions of this article.

(b) A false complaint shall be presumed to be knowingly made where such complaint is the third or more complaint made with respect to any structure or any owner by such person, in any twelve-month period, where inspections pursuant to such complaints fail to reveal any violation of the provisions of city ordinance upon inspection by housing inspectors of the city. This presumption shall be rebuttable.

(c) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined an amount of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the city jail for not exceeding three (3) months, or by both such fine and imprisonment. Each false complaint shall constitute a separate offense.

(d) In addition to the criminal remedies herein provided for, the city counselor is hereby authorized to pursue any person who knowingly makes a false complaint, who shall be liable for the city's actual costs of inspection resulting from such complaint.

Sec. 22-195. Penalty.

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished as provided in section 1-8 of this Code. In addition thereto, the city may institute injunction, mandamus or other appropriate forms of remedy or relief. Provided, that it shall be a defense to a prosecution under this article that a person charged requested and used reasonable efforts to obtain access to a long-term rental, short-term rental, dwelling unit or rooming unit under lease to another and was refused access by the lessee or person in possession of such unit.

SECTION 2. This ordinance shall be in full force and effect from and after May 1, 2020.

PASSED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor