

RESOLUTION

R23-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI ESTABLISHING A TENANTS BILL OF RIGHTS IN THE CITY OF MAPLEWOOD, MISSOURI.

WHEREAS, tenants in Maplewood, as in many other communities, face discrimination in the rental market on the basis of race, color, national origin, religion, sex, familial status, disability, gender identity, sexual orientation, source of income, and much more, and these factors limit tenants' ability to access and keep safe and truly affordable housing; and

WHEREAS, the costs of housing place an undue burden on our City's poorest and most vulnerable tenants; and

WHEREAS, mold, lack of heat, inadequate ventilation, infestations, and lead are just some threats to tenants' health in substandard housing, often exacerbating chronic illnesses such as asthma and lung disease; and

WHEREAS, the City Council believes that every person should have safe, accessible, affordable home, and affirms, in partnership with grassroots tenant leadership and housing providers, its active commitment to tenant and housing provider rights now and in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section 1. The Council hereby establishes the Tenants Bill of Rights to read as follows:

I. RIGHT TO SAFE AND ACCESSIBLE HOUSING

1. All residential rental property units must meet minimum health and safety standards as set out in the Building Code, including but not limited to ventilation, sanitation facilities, heating facilities, fire safety, and other code-required equipment.

(City Code Chapter 12; International Property Maintenance Code (2006 ed.) Section 101.2)

2. All residential rental property units must also maintain working amenities, including but not limited to water heating facilities, heating facilities, water and sewer lines, plumbing and electrical fixtures, lighted common halls and stairways, and, if provided, cooking equipment.

(City Code Section 12-117; International Property Maintenance Code (2006 ed.) Section 101.3)

3. A person with a disability is entitled to reasonable modifications of existing premises occupied by such person in order to afford that person full enjoyment of the premises, at the expense of the person with the disability.

(Section 213.040, RSMo.; Federal Fair Housing Act)

4. A person with a disability is entitled to reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

(Section 213.040, RSMo.; Federal Fair Housing Act)

5. All covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991 must be designed and constructed in a way that:
 - (a) The public use and common use areas of the dwelling are readily accessible and usable by persons with a disability;
 - (b) All doors that allow passage into and within the building are wide enough to allow passage by persons in wheelchairs; and
 - (c) All premises within such dwellings contain the following design features:
 - (i) An accessible route into and through the dwelling;
 - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(Section 213.040, RSMo.; City Code Section 12-92; International Building Code (2015 ed.) Chapter 11)

II. FREEDOM FROM DISCRIMINATION AND RETALIATION

1. Federal law prohibits discrimination in rental of housing because of race, color, national origin, religion, sex, familial status, or disability.

(Federal Fair Housing Act)

2. No person can refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status.

(City Code Section 30-20(1))

3. No person can discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status.

(City Code Section 30-20(2))

4. No person can make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status or an intention to make any such preference, limitation or discrimination.

(City Code Section 30-20(3))

5. No person can represent to any person because of race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(City Code Section 30-20(4))

6. No person can, for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, source of income, or familial status.

(City Code Section 30-20(5))

7. No person can retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by Chapter 30 of the Maplewood Code of Ordinances or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to Chapter 30.

(City Code Section 30-28)

III. RIGHT TO FAIR COMPENSATION AND RESTORATIVE JUSTICE

1. No person can enter another person's residence by force, with weapons, through threats, by taking away property, or by breaking open doors or windows, regardless of if anyone is inside or not. A landlord cannot evict or remove someone from the premises by force or threat. Those found guilty of doing so must pay double the sum of the damages to the person whose home they entered.

(Sections 534.020 & 534.330, RSMo.)

2. If a landlord wrongfully withholds all or any portion of a security deposit, the tenant may recover twice the amount wrongfully withheld.

(Section 535.300, RSMo.)

3. If there is a condition in a property that detrimentally affects its habitability, sanitation, or security, violates a municipal housing or building code, and was not caused by the tenant, the tenant may be able to deduct repair costs from their rent. If the tenant has lived in the rental property for six consecutive months, paid all rent and charges without any lease or house rule violations, and the landlord fails to correct or provide a written statement disputing the necessity of the repair within fourteen days, the tenant may submit an itemized statement

with receipts to the landlord and repair the condition. The cost of this repair can be deducted from no more than a month's rent, but up to either three hundred dollars or half the rent, whichever is more.

(Section 441.234 RSMo.)

4. No person can remove or exclude a tenant or the tenant's personal property from the premises, as defined in section 34-350, without judicial process and court order, or cause such removal or exclusion, or by cause the removal of the doors or locks to such premises, or willfully diminish services to a tenant by interrupting or causing the interruption of essential services, including, but not limited to, electric, gas, water, or sewer service, to the premises.

(City Code Section 34-351)

5. No person, firm, partnership, corporation, or any other legal entity can collect rent from a tenant for a premises for the period that the tenant is or has been illegally evicted from the premises.

(City Code Section 34-354)

Section 2. The Council supports the creation of legislation on the federal, state and local level that is necessary to establish the following rights:

I. RIGHT TO SAFE, HEALTHY, ACCESSIBLE, AND TRULY AFFORDABLE HOUSING

1. Safe, healthy, accessible, and truly affordable housing includes mandatory disclosure from the landlord of past issues in rental units to prospective Tenants.
2. Tenants have the right to disclosure of an estimate of common space utilities charged to the tenant.
3. Tenants have the right to housing that can be heated to a habitable temperature.

II. RIGHT TO PRIVACY AND SELF-DETERMINATION

1. The right to privacy and self-determination includes protecting the personal security of tenants, including the right to notice for landlord entry. Landlords may be refused entry to rental units if they do not give proper notice.
2. Tenants have the right to respectful communication with their landlord, and these communications must be transparent, timely, and from the property owner or manager.

III. RIGHT TO JUSTICE AND ACCESS TO FAIR, EQUITABLE TREATMENT UNDER THE LAW

1. The right to justice and access to fair, equitable treatment under the law means fair treatment regardless of ability to pay.
2. Tenants have freedom from unjust and unlawful evictions, and landlords may only evict according to state law.

3. Tenants have the freedom to accessible knowledge and education of their rights as renters.
A Tenant Bill of Rights document must be available to tenants at the start of tenancy.

Passed this 8th day of August, 2023

Nikylan Knapper, Mayor

Attest:

Andrea Majoros, City Clerk

Approved this 8th day of August, 2023

Nikylan Knapper, Mayor

Attest:

Andrea Majoros, City Clerk