

# Memorandum

## Department of Planning & Development Services



**To:** Michael O. Geisel, City Administrator

**From:** Justin Wyse, Director of Planning and Development Services  
Jessica Henry, Assistant City Planner

**Date:** October 18, 2018

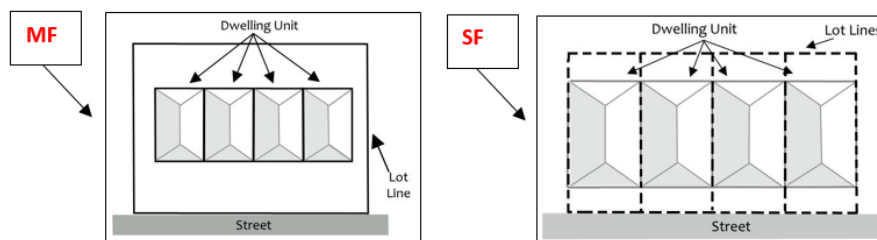
**RE:** Multi-Family Residential Occupancy Permit Analysis

The City of Chesterfield currently contracts with St. Louis County for occupancy inspections and the issuance of Occupancy Permits for commercial properties. Under this program, Occupancy Permits are required in conjunction with any new commercial construction or interior or exterior renovations that require a Building Permit. A Re-Occupancy Permit is required for all new tenants occupying a commercial space as is, with no modifications requiring a Building Permit. St. Louis County collects the required payment and conducts the occupancy inspections, while the City of Chesterfield conducts a zoning review to ensure that the use is permitted and that all development requirements have been met. Although there is a time, labor, and administrative cost involved with this process, the City of Chesterfield does not charge for this activity.

Similar to commercial properties, an Occupancy Permit is issued in conjunction with new residential construction and for any exterior or interior renovations that require a Building Permit. However, since incorporation in 1988, the City has never required a Re-Occupancy Permit for residential properties, whether the property be single-family or multi-family residential, owner-occupied or renter-occupied. For the purpose of this communication, Staff specifically reviewed processes associated with about a Re-Occupancy Permitting process limited only to Multi-Family Residential properties.

### Defining “Multi-Family” Residential

The City’s Unified Development Code defines “Dwelling, Multiple-Family” in the following manner: “A building or portion thereof designed for or occupied exclusively by two (2) or more families.” The following illustrative exhibits that are included with the UDC’s definition for each dwelling type shows that for multi-family dwellings, the units are all physically situated within a single lot, which differentiates this type of dwelling unit from a “Dwelling, Single-Family Attached”.



Based on this, many of the row houses, some condominiums, and attached villas within the City of Chesterfield are classified as single-family dwellings and therefore have been excluded from the research presented in this memo.

While the most common type of multi-family dwelling unit in the City of Chesterfield consists of rental apartments, some individually owned condominium units would also be classified as multi-family dwelling units. In discussion with St. Louis County building officials, it was determined that residential inspection programs could be refined to capture rental units only. Given that rental units have a higher occupancy turn-over rate and, unlike owned multi-family units such as a condo, tenants are not in a position to make necessary repairs themselves, this may be a logical approach.

### **Types of Multi-Family Occupancy Inspections**

St. Louis County offers three different types of Occupancy Permits and inspections within their scope of services. Information for each of these three permits, as they pertain specifically to Multi-Family developments within the City, is provided below.

1. Final Certificate of Occupancy: This permit and associated inspections are associated with new construction or exterior or interior renovations that require a Building Permit. This service is already included in the City's contract with St. Louis County and required for all qualifying construction projects within the City. This inspection is conducted under the authority and standards of the International Building Code.
  
2. Re-Occupancy Permit: This permit is associated with any change in occupancy to a specific unit, including adding a new tenant to an existing lease. The associated inspection is described by St. Louis County building officials as "starting at the car." Inspectors examine the follow items:
  - Trip Hazards from the parking lot into the building, including all common tenant areas such as hallways or laundry facilities;
  
  - The particular unit and deck are inspected to ensure that all electrical, mechanical, and building codes are met. This includes things such as mold inspections, GCFI outlets, functioning plumbing, outlets, appliances/hvac systems, provision of window screens, etc.

If the unit fails the inspection, the property owner has 90 days to make necessary repairs. If the unit passes upon re-inspection, the property owner has 120 days to allow a new tenant(s) to move in and to provide the name of the new tenant(s) to St. Louis County. This inspection is conducted under the authority and standards of the International Property Maintenance Code. The cost of this inspection is \$40, payable to St. Louis County. The Re-Occupancy Permit only provides services directly related to a new tenant moving in and does not provide services for existing tenants who wish to file a complaint.

3. **Pre-Occupancy Permit:** This permit is granted in conjunction with an inspection that is conducted every 24 months. This inspection is described as being “from property line to property line” and is a full inspection of the premises, including exterior parking areas, amenity or recreational areas, all hallways, stairwells, gutter systems, common trash areas, etc. This essentially covers all areas not included in the Re-Occupancy Permit inspection.

If the property fails the inspection, the property owner has 90 days to make necessary repairs. This inspection is conducted under the authority and standards of the International Property Maintenance Code. The cost of this inspection is based on the number of units within the development, with a minimum cost of \$100, payable to St. Louis County.

Currently required by City of Chesterfield for MF Residential Developments		
	YES	NO
<b>Final Certificate of Occupancy</b> <i>(new construction/interior or exterior renovations)</i>	✓	
<b>Re-Occupancy Permit</b> <i>(change in unit occupancy)</i>		✓
<b>Pre-Occupancy Permit</b> <i>(inspection of premises every 24 months)</i>		✓

**Potentially Impacted Properties**

Determining the exact number of multi-family rental units within the City is difficult for several reasons, including the lack of detailed Site Development Plan information for older developments and the difficulty in distinguishing between multi-family rentals vs. owned units (apartments vs. condos) within developments comprised of both. However, the following table provides a general accounting of the number of units and age of apartment complexes located within the City. Note that senior living communities are not included in this information.

The most interesting information to consider in the context of Re-Occupancy and Pre-Occupancy inspections is the average age of these housing developments, which is 36 years. When Watermark

Residential, the only apartment complex to be constructed within the City since incorporation, is excluded, the average year of construction is 1979, which translates to an average age of 39 years.

Given the lack of a Re-Occupancy / Pre-Occupancy program since the City’s incorporation in 1988, no inspections required by municipal ordinance would have occurred outside of inspections resulting from the issuance of a Building Permit or a specific resident complaint. Presumably, some rental units may go decades without an inspection, regardless of occupant turnover rates.

Name of Development	# of Units	Year Built
Chesterfield Village Apartments	286	1987
Schoettler Village Apartments	303	1978
Westbury Park	489	1987
Baxter Crossing	694	1989
Village Green	444	1973
Peachtree	156	1988
Chesterfield West (Chesterfield Place Apartments)	128	1967
Woods Mill Park	140	1971
Four Seasons	196	1968
River Valley Condominiums (Avalon Apartments)	74	1985
Forum Apartments	154	1972
Woodchase Apartments	186	1984
Watermark Residential (Under Construction)	345	2018
<b>Total Apt Units / Average Year Built</b>	<b>3,595</b>	<b>1982</b>

## **Other Considerations**

- While not required to be implemented simultaneously, the Re-Occupancy and Pre-Occupancy programs were designed and are intended to complement each other and ensure that regular, standardized, and comprehensive inspections occur as part of a comprehensive occupancy program.
- It is important to note that ADA (American with Disabilities Act) compliance is not an expected outcome of an occupancy program; rather, these programs are intended to ensure that health, life, and safety codes are met. ADA compliance is not factored into these inspections because it is assumed that the development met ADA standards at the time of construction. Individuals who wish to assert a claim under the ADA must do so by so by contacting the City’s designated ADA Coordinator, who is the Director of Public Works.
- Currently, St. Louis County has responded to periodic complaints that the City receives as a courtesy; however, these type of inspections are not explicitly included within the scope of services provided in the current contract. While this service has been provided, an inspection related to a complaint must be specifically requested by the City, and not the tenant/resident. Going forward, the City will be charged an hourly rate for these services.

## **Process for Requiring Multi-Family Re-Occupancy and/or Pre-Occupancy Inspections**

If the City Council wished to include Re-Occupancy and/or Pre-Occupancy Permits as a requirement for Multi-Family developments within the City, the following process would apply:

1. The City Council would need to adopt an ordinance requiring the new permit(s);
2. The Ordinance would need to authorize the Mayor or City Administrator to contract with St. Louis County for these additional services;
3. The existing contract between the City and St. Louis County would be amended accordingly.
4. The City’s Municipal Code would need to be reviewed and amendments may be required to authorize the administration and enforcement of the new programs. For example, the Municipal Code may need to be clarified to specifically authorize agents of the City of Chesterfield, and by extension, St. Louis County, to enter residential dwelling units to conduct inspections. Any amendments to the Municipal Code would require City Council approval.

## **Recommendation**

As multi-family units in the City continue to age, inclusion of the Re-Occupancy and Pre-Occupancy inspections provide a mechanism to help ensure that life safety items are in satisfactory condition. While this process will not directly address some of the recent complaints (e.g. mold from a water leaking from another tenant space), the process is a valuable tool in providing for some level of oversight when

tenants change. The combination of the Re and Pre-Occupancy programs allow for routine inspections of the entire property, including common areas every two years and individual tenant spaces prior to occupancy by a new tenant, can help to ensure minimum property maintenance codes are adhered to for multi-family properties. An effective occupancy program should promote safe and sanitary dwelling units that are properly cared for and maintained in accordance with the International Building Code and International Property Maintenance Code.

Staff recommends that this item be forward to the Planning and Public Works Committee for the purposes of discussion and receipt of further direction and in response to the City's Council request for this information. If the Committee is supportive of moving forward with the inclusion of the Re-Occupancy and Pre-Occupancy program, Staff will prepare the necessary ordinances and amended contract with St. Louis County.