

**Summary**

**Board Bill Number 22**

**Sponsored by: Alderwoman Christine Ingrassia**

**May 7, 2021**

This Board Bill creates a temporary halt in residential evictions in the City of St. Louis in order to prevent the further spread of COVID-19, containing a severability clause, and an emergency clause.

**BOARD BILL NUMBER 22 INTRODUCED BY: ALDERWOMAN CHRISTINE  
INGRASSIA/ALDERWOMAN ANNIE RICE/ALDERMAN JOHN COLLINS-  
MUHAMMAD**

1 An ordinance providing for a temporary halt in residential evictions in the City of St. Louis in  
2 order to prevent the further spread of COVID-19 in the City, containing a severability clause,  
3 and an emergency clause.

4 **WHEREAS**, the St. Louis Pandemic Task Force reported a 7 day average with a 7 percent  
5 positivity rate in COVID-19 cases, with zero days meeting the goal of 5 percent positivity rate or  
6 lower as of April 30, 2021; and

7 **WHEREAS**, according to Missouri’s COVID-19 dashboard only 21.8 percent of City of St.  
8 Louis residents had completed vaccinations as of April 2021; and

9 **WHEREAS**, the City of St. Louis has not received the latest allocation of federal relief funds  
10 under the American Rescue Plan and, therefore, has not been able to provide additional rental  
11 assistance to those in need; and

12 **WHEREAS**, The City of St. Louis places a priority on mitigating the spread of COVID-19  
13 within congregate or shared living settings; and

14 **WHEREAS**, The City of St. Louis continues to implement measures to mitigate the further  
15 spread of COVID-19 throughout the community; and

16 **WHEREAS**, The City of St. Louis intends to follow the federal law to help mitigate the spread  
17 of COVID-19 and supports the relief efforts of the federal government; and

18 **WHEREAS**, nothing in Administrative Order 44 issued by the 22nd Judicial Circuit Court, St.  
19 Louis City Circuit Court, precludes the mandates of this ordinance; and

1 **WHEREAS**, landlord tenant law is traditionally a matter of state and local regulations, although  
2 the federal government has also regulated in this area; and

3 **WHEREAS**, the federal government has stated that local governments may impose additional  
4 requirements that provide greater public-health protection and are more restrictive than the  
5 requirements that it has issued.

6 **BE IT ORDAINED IN THE CITY OF ST. LOUIS AS FOLLOWS:**

7 SECTION 1. DEFINITIONS.

8 For purposes of this ordinance, the following words shall have the meaning given herein:

9 “*Available government assistance*” means any governmental rental or housing payment benefits  
10 available to the individual or any household member.

11 “*Available housing*” means any available, unoccupied residential property, or other space for  
12 occupancy in any seasonal or temporary housing, that would not violate federal, state, or  
13 local occupancy standards and that would not result in an overall increase of housing cost to such  
14 individual.

15 “*Covered person*” shall mean any current tenant, lessee, or resident of a residential property who  
16 provides to their landlord, the owner of the residential property, or other person with a legal right  
17 to pursue eviction or a possessory action, a declaration under penalty of perjury indicating that:

18 (1) The individual has used best efforts to obtain all available government assistance  
19 for rent or housing; and

20 (2) The individual is unable to pay the full rent or make a full housing payment due to  
21 substantial loss of household income, loss of compensable hours of work or  
22 wages, a lay-off, or extraordinary out-of-pocket medical expenses; and

1 (3) The individual is using best efforts to make timely partial payments that are as  
2 close to the full payment as the individual's circumstances may permit, taking into  
3 account other nondiscretionary expenses; and

4 (4) Eviction would likely render the individual homeless or force the individual to  
5 move into and live in close quarters in a new congregate or shared living setting  
6 because the individual has no other available housing options.

7 “*Evict*” and “*Eviction*” means any action by a landlord, owner of a residential property, or other  
8 person with a legal right to pursue eviction or possessory action, to remove or cause the removal  
9 of a covered person from a residential property.

10 SECTION 2. No landlord, owner of a residential property, or other person with an otherwise  
11 legal right to pursue eviction or possessory action shall evict or cause to be evicted any covered  
12 person from currently residing in any residential property in the City of St. Louis.

13 SECTION 3. No landlord, owner of a residential property, or other person with a legal right to  
14 pursue eviction or possessory action shall evict, cause to be evicted, or seek to evict any covered  
15 person on behalf of whom the landlord, owner of a residential property, or other person with a  
16 legal right to pursue eviction or possessory action has received rental assistance payments for the  
17 period of time covered by such rental assistance payments.

18 SECTION 4. To qualify for the protections of this ordinance, a tenant, lessee, or resident of a  
19 residential property must provide a completed and signed copy of a declaration with the elements  
20 listed in the definition of “Covered person” to their landlord, owner of the residential property  
21 where they live, or other person who has a right to have them evicted or removed from where  
22 they live. All such declarations must be signed, must include a statement that the tenant, lessee,  
23 or resident of a residential property understands that they could be liable for perjury for any false

1 or misleading statements or omissions in the declaration, and must be submitted to the  
2 individual's landlord, owner of a residential property, or other person with a legal right to pursue  
3 eviction or possessory action as soon as practicable upon enactment of this ordinance for  
4 outstanding rental payments and within ten days of when rent becomes due and payable  
5 thereafter. Nothing in this ordinance shall be construed as precluding a landlord from  
6 challenging the truthfulness of a tenant's, lessee's, or resident's declaration in court as allowed  
7 by law.

8 SECTION 5. Nothing in this ordinance shall be construed as relieving any individual of the  
9 obligation to pay rent, to make mortgage payments, or to comply with any other obligation that  
10 an individual may have under tenancy or mortgage nor shall this ordinance be construed as  
11 regulating the amount of rent to be charged for privately-owned, single-family, or multiple-unit  
12 residential or commercial rental property.

13 SECTION 6. This ordinance does not apply to foreclosures initiated by the United States  
14 government.

15 SECTION 7. Evictions that were completed prior to the effective date of this ordinance are not  
16 subject to the provisions of this ordinance.

17 SECTION 8. Nothing in this ordinance precludes evictions based on a tenant, lessee, or resident:  
18 (1) engaging in criminal activity while on the premises, except that covered persons  
19 may not be evicted on the sole basis that they are alleged to have committed the  
20 crime of trespass where the underlying activity is a covered person remaining in a  
21 residential property for nonpayment of rent; or

- 1 (2) threatening the health or safety of other residents; however, this section does not  
2 permit evictions of tenants, lessees, or residents solely on the basis of suspected or  
3 confirmed COVID-19 exposure or diagnosis; or
- 4 (3) having caused, to a reasonable degree of certainty, extensive damage to the  
5 lessors' property (i.e., the cost to repair the damage exceeds twelve months rent);  
6 or
- 7 (4) violating any applicable building code, health ordinance, or similar regulation  
8 relating to health and safety; or
- 9 (5) violating any other contractual obligation, other than the timely payment of rent or  
10 similar housing-related payment, including non-payment or late payment of fees,  
11 penalties, or interest. Notwithstanding any other provision herein, this ordinance  
12 shall not be construed to excuse remedies for any late payment of rent, fees or  
13 interest except for covered persons and only to the extent set forth herein.

14 SECTION 9. It is the intent of this ordinance to implement fully and effectively in the City of  
15 St. Louis, the United States Center for Disease Control and Prevention's ("CDC") *Order Under*  
16 *Section 361 of The Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal*  
17 *Regulations 70.2 - Temporary Halt In Residential Evictions To Prevent The Further Spread Of*  
18 *Covid-19*, March 28, 2021 and all subsequent modifications thereto, and for the City of St. Louis  
19 to enforce such Order through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271;  
20 and 42 CFR 70.18.

21 SECTION 10. If the CDC's *Order Under Section 361 of The Public Health Service Act (42*  
22 *U.S.C. 264) and 42 Code of Federal Regulations 70.2 - Temporary Halt In Residential Evictions*  
23 *To Prevent The Further Spread Of Covid-19*, March 28, 2021 or any subsequent modifications

1 thereto is found to be unlawful and unenforceable, the provisions of this ordinance shall remain  
2 enforceable by the City of St. Louis pursuant to its status as a charter city and its power to  
3 regulate health, welfare and safety within its boundaries.

4 SECTION 11. Any person who violates the provisions of this ordinance shall be subject to a fine  
5 of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or a  
6 term of imprisonment not more than ninety (90) days or both a fine and term of imprisonment.

7 SECTION 12. Notwithstanding any provision set forth in the ordinance, this ordinance shall not  
8 be construed to inhibit a landlord, owner of a residential property, or other person with a legal  
9 right to pursue eviction or possessory action from any lawful discretion it may currently have in  
10 the choice of tenants and funding sources.

11 SECTION 13. This ordinance will sunset on September 30, 2021 unless otherwise extended by  
12 the Board of Aldermen.

13 SECTION 14. Severability.

14 The provisions of this are severable. If any part of this ordinance, or the application of this  
15 ordinance to any person or circumstance, is held invalid, the remainder of this ordinance,  
16 including the application of such part or provisions to other persons or circumstances, shall not  
17 be affected by such holding and shall continue to have force and effect.

18 SECTION 15. Emergency clause.

19 This being an ordinance for the preservation of public peace, health and safety, it is hereby  
20 declared to be an emergency measure within the meanings of Sections 19 and 20 of Article IV of  
21 the Charter of the City of St. Louis and therefore shall become effective immediately upon its  
22 passage and approval by the Mayor.