

1 **BOARD BILL NO. 151**

2 **INTRODUCED BY**  
3 **ALDERWOMAN MEGAN-ELLYIA GREEN,**  
4 **ALDERMAN JEFFREY BOYD, ALDERWOMAN SHARON TYUS,**  
5 **ALDERMAN SCOTT OGILVIE, ALDERWOMAN LYDA KREWSON,**  
6 **AND ALDERWOMAN CHRISTINE INGRASSIA**

7 An Ordinance revising and amending the Public Nuisances Code of the City of St.  
8 Louis to protect victims of domestic violence or stalking by amending Sections One,  
9 Two, and Five of Ordinance 69730, approved April 18, 2014 and codified at Chapter  
10 15.42 of the Revised Code of the City of St. Louis; and containing a severability clause  
11 and an emergency clause.

12 **WHEREAS,** domestic violence is a serious crime against the individual and  
13 society which promotes a pattern of escalating violence which can culminate in severe  
14 injury and death; and

15 **WHEREAS,** the legal system has dealt ineffectively with family and household  
16 violence in the past, allowing abusers to escape effective prosecution or financial  
17 liability, and has also placed a burden on victims, who may risk being evicted for  
18 “nuisance” violations for having the courage to seek help from law enforcement  
19 authorities; and

20 **WHEREAS,** peer-reviewed research has uncovered that nuisance laws have had  
21 the unintended consequence of discouraging victims from calling the police for  
22 protection, have exacerbated the barriers that victims already face in securing housing,  
23 and have unfairly blamed the victim for criminal activity that the victim cannot control;  
and

September 30, 2016

Page 1 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1           **WHEREAS**, studies from both Washington University in St. Louis and St. Louis  
2 University have found cases of victims of domestic violence being evicted from housing  
3 as an unintended result of the nuisance property ordinance; and

4           **WHEREAS**, the City of St. Louis already has made changes to internal policies  
5 with the goal of ensuring that victims of domestic violence are not evicted from their  
6 housing; and

7           **WHEREAS**, in matters of great public interest, such as the preservation of life  
8 and safety, it is common for the City of St. Louis to codify internal policies; and

9           **WHEREAS**, the U.S. Department of Housing and Urban Development issued a  
10 ruling in September of 2016 in an effort to guide cities in amending nuisance property  
11 ordinances to ensure the housing stability of victims of domestic violence; and

12           **WHEREAS**, domestic violence is the leading cause of housing instability and  
13 homelessness for women in the United States; and

14           **WHEREAS**, women living in rental housing experience domestic violence at  
15 three times the rate of women who own their homes.

16           **WHEREAS**, this ordinance seeks to support the efforts of victims of domestic  
17 violence to avoid further abuse or loss of accessible housing by offering them protection  
18 from nuisance violations under our City’s ordinances; and

19           **WHEREAS**, pursuant to Board Rule 54, the proposed amendments to Ordinance  
20 69730 are set out in boldface in the body of this bill.

September 30, 2016

Page 2 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia

Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,

Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

2 **SECTION ONE.** Section One of Ordinance 69730, approved April 18, 2014, and  
3 codified at Section 15.42.010 of the Revised Code of the City of St. Louis, is hereby  
4 amended to read as follows:

5 Definitions.

6 For the purposes of this chapter:

7 A. "Premises" includes any parcel of property, residential or commercial and  
8 the building or structure, if any, which is situated on the property, and any portion of the  
9 public way that abuts the parcel of property when it is used in conjunction with the  
10 abutting property for the commission of illegal activity.

11 B. A "Nuisance" is a continuing act or physical condition which is made,  
12 permitted, allowed or continued by any person or legal entity, their agents or servants or  
13 any person or legal entity who aids therein which is detrimental to the safety, welfare or  
14 convenience of the inhabitants of the City or a part thereof, or any act or condition so  
15 designated by statute or ordinance.

16 C. "Owner" is the person or entity whose name is listed on the last deed  
17 recorded at the Office of the Recorder of Deeds, on the tax records at the Office of the  
18 Assessor, or person in care, custody or control of said premises.

19 **D. "Domestic Violence" means physical abuse, harassment, intimidation**  
20 **of a dependent, interference with personal liberty, or willful deprivation by a**  
21 **current or former spouse, significant other, or paramour.**

September 30, 2016

Page 3 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1           **E.       “Stalking” means first-degree or second-degree stalking as defined in**  
2 **Chapter 565 of the Revised Statutes of Missouri.**

3

4 **SECTION TWO.** Section Two of Ordinance 69730, approved April 18, 2014, and  
5 codified at Section 15.42.020 of the Revised Code of the City of St. Louis, is hereby  
6 amended to read as follows:

7           Public Nuisance.

8           A public nuisance exists when the premises are used for one or more of the  
9 following incidents within the previous 12 months:

10           A.       The illegal sale, manufacture, storing, possession, distribution or use of  
11 narcotics or other controlled substances or precursors;

12           B.       The illegal sale, manufacture, storing, possession, distribution or use of  
13 drug paraphernalia or precursors;

14           C.       Illegal sale, storing, possession, use or distribution of a firearm(s),  
15 weapons or explosive devices;

16           A public nuisance exists when the premises are used for two or more of the  
17 following incidents within the previous 12 months:

18           A.       Prostitution;

19           B.       Illegal gambling;

20           C.       The illegal sale, distribution or consumption of alcoholic beverages;

21           D.       Violation of municipal, state or federal business licensing regulations;

September 30, 2016

Page 4 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1 E. Commission of any offense which is punishable by imprisonment of  
2 ninety days or more;

3 F. Maintaining or permitting a condition or engaging in an activity which  
4 unreasonably annoys, injures, or endangers the safety, health, morals, or repose of any  
5 inhabitants of the City of St. Louis or a part thereof;

6 G. Making a false report of a violation of the law to any police officer or  
7 other officer of the law in person, or from any police alarm or call box, or over the  
8 telephone or radio, or by improper use of Emergency 911, or by any other means of  
9 communication;

10 H. Any other condition or activity that may constitute a felony, misdemeanor  
11 or ordinance violation under federal, state, or municipal law which is detrimental to the  
12 safety, welfare or convenience of the inhabitants of the City of St. Louis or a part thereof.

13 **Notwithstanding any other provisions in this Section, a public nuisance does**  
14 **not exist solely:**

15 **A. As a result of calls to law enforcement officer or agencies for**  
16 **assistance in regards to alleged domestic violence or stalking;**

17 **B. Due to incidents of domestic violence or stalking.**

18 **Nothing with respect to this Section limits or prohibits the imposition of**  
19 **penalties against a perpetrator of domestic violence or stalking.**

20

September 30, 2016

Page 5 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1 **SECTION THREE.** Section Five of Ordinance 69730, approved April 18, 2014, and  
2 codified at Section 15.42.050 of the Revised Code of the City of St. Louis, is hereby  
3 amended to read as follows:

4 Administrative Hearings.

5 A. In addition to the issuance of a summons under Section 15.42.040, the  
6 Director of Public Safety may initiate an Administrative Hearing in order to abate a  
7 public nuisance as defined in Sections 15.42.010 and 15.42.020 of this chapter.

8 B. When an owner of rental residential or commercial property has failed to  
9 abate the nuisance within 30 days of the notice or an owner occupant has failed to  
10 immediately abate the nuisance upon receipt of the notice, the Director of Public Safety  
11 or his designee may issue a hearing notice to the owner of the subject premises. The  
12 hearing notice shall be in writing and either sent by first class United States mail or  
13 served in person, not less than twenty (20) days prior to the date of such hearing. A copy  
14 of the hearing notice shall also be posted in a prominent place on the premises. **A**  
15 **hearing notice shall not be issued when the calls to law enforcement are solely for**  
16 **assistance in regards to alleged domestic violence or stalking.**

17 C. An attorney who appears on behalf of any owner must file a written  
18 appearance with the Director of the Department of Public Safety.

19 D. The case for the City shall be presented by the City Counselor.

20 E. The Administrative Hearing Officer may grant continuances only upon a  
21 finding of good cause.

22 F. All testimony shall be given under oath or affirmation.

September 30, 2016

Page 6 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1           G.       The Administrative Hearing Officer may issue subpoenas to secure the  
2 attendance and testimony of relevant witnesses and the production of relevant documents.

3           H.       RSMo 536.070 shall control the rules of evidence, objections, witnesses,  
4 judicial notice, affidavits as evidence, and the transcript requirements of the  
5 administrative hearing.

6           I.       No violation may be established except upon proof by a preponderance of  
7 the evidence; provided, however, that a violation notice, or a copy thereof, issued and  
8 signed in accordance with Section 15.42.030 of this chapter shall be prima facie evidence  
9 of the correctness of the facts specified therein.

10          J.       Upon conclusion of a hearing, the Administrative Hearing Officer shall  
11 issue Findings of Fact, Conclusions of Law and Order of the Hearing Officer ("order")  
12 setting forth the facts and law which support his/her nuisance determination.

13          K.       In the event that a nuisance is found to exist, the Administrative Hearing  
14 Officer shall require that the owner implement reasonable measures designed to prevent  
15 the recurrence of the nuisance activity. Those measures may include but, are not limited  
16 to, making security improvements to the premises, hiring of licensed and insured security  
17 personnel, appointment of a receiver, the initiation and execution of eviction proceedings  
18 against tenants who engage in the nuisance behavior, or the closing and boarding of the  
19 premises for a period not to exceed one year.

20          L.       The order shall inform the respondent of his or her right to seek judicial  
21 review of the Hearing Officer's final determination, as provided in RSMo 536.100 to  
22 536.140.

September 30, 2016

Page 7 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia

1 M. The record of all hearings before an Administrative Hearing Officer shall  
2 include: (i) a record of the testimony presented at the hearing, which may be made by  
3 tape recording, digital recording or other appropriate means; (ii) all exhibits submitted as  
4 evidence at the hearing; and (iii) a copy of the order.

5  
6 **SECTION FOUR.** Severability Clause. The provisions of this ordinance shall be  
7 severable. In the event that any provision of this ordinance is found by a court of  
8 competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance  
9 are valid unless the court finds the valid provisions of this ordinance are so essentially  
10 and inseparably connected with, and so dependent upon, the void provision that it cannot  
11 be presumed that the Board of Aldermen would have enacted the valid provisions without  
12 the void ones or unless the Court finds that the valid provisions, standing alone, are  
13 incomplete and incapable of being executed in accordance with the legislative intent.

14  
15 **SECTION FIVE.** Emergency Clause. This being an ordinance for the preservation of  
16 public peace, health and safety, it is hereby declared to be an emergency measure within  
17 the meanings of Sections 19 and 20 of article IV of the Charter of the City of St. Louis  
18 and therefore shall become effective immediately upon its passage and approval by the  
19 Mayor.

September 30, 2016

Page 8 of 8

Board Bill No. 151

Sponsored by Alderwoman Megan-Ellyia  
Green, Alderman Jeffrey Boyd, Alderwoman Sharon Tyus, Alderman Scott Ogilvie,  
Alderwoman Lyda Krewson, and Alderwoman Christine Ingrassia