



Missouri and Cape Girardeau Association Put NAR Land Use Initiative Services to Work

About a year and a half ago, the City Council of Cape Girardeau, a university town in south eastern Missouri with a \$7 million annual rental market, wanted to implement a rental inspection program. “It would have been truly horrible legislation,” grimaces David Soto, President of the 292-member Cape Girardeau County Board of REALTORS®. “Fortunately, the public got hold of a draft, and in the face of general objection, it was put on a back burner for a while.”

"But a few months ago, the issue re-surfaced in a completely re-written draft version. With only a few weeks before the vote, the Cape Girardeau County REALTORS® received a copy of the proposed ordinance, and a number of red flags alerted Soto to the fact that they needed better input to the process, to put it mildly. One such 'flag' was that the draft would require tenants to allow access to city-assigned inspectors."

He sent the draft to Erin Hervey, the Missouri Association of REALTORS® (MAR) Director, Local Board and NAR Liason. “I had commissioned Robinson & Cole reviews through the National Association of REALTORS® Land Use Initiative services before, and knew the process would be timely and effective. With only a few phone calls and emails, the ball was rolling,” she explains.

NAR offers this comprehensive review service by the law firm of Robinson & Cole, LLP, to help local and state associations in their public policy advocacy of land use issues. Check out the resources available on the [REALTOR® Party Initiative web page](#).

Soto and Hervey soon received a 12-page document review from Robinson & Cole, detailing what was objectionable about the proposed ordinance, and why. Among other problems, as Soto had suspected, it conflicted with the 4th Amendment of the U.S. Constitution; it was also non-compliant with due process; and the vagueness of certain language promised difficulty in interpretation – which could affect homeowners, as well as landlords and tenants. Soto presented the findings to the City Council, which in turn presented him with a barely amended version. “The clock was ticking, and we sent this version back to Robinson & Cole going in to Labor Day weekend,” says Hervey, “they tackled it and returned another thorough review in no time.”

This time, when Soto approached the City Council with the results of the Robinson & Cole review, a friendly Council member convinced his colleagues to postpone the vote, and in a very rare move, the Council asked the local REALTOR® board to red line the proposed ordinance using its preferred language. The board hired a local attorney to help with the revision process, in



accordance with the Robinson & Cole review. Along the way, Soto combated several unfavorable articles in the local paper with letters to the editor, explaining that by commissioning a thorough and unbiased legal review of the proposed ordinance, the REALTORS[®] were advocating for everyone's best interests – including those of tenants and homeowners.

At a meeting in early October, the Council adopted most of the changes the REALTORS[®] had made to the ordinance. “We were glad to see our revisions accepted, even though it is still not perfect,” notes Soto. “We have certainly shown the public that the REALTORS[®] were not acting selfishly, but protecting the whole community, and looking out for all of our neighbors’ best interests. And at least the legislation will now be in compliance with the U.S. Constitution!” As Hervey adds, “This is a good example of the power of REALTORS[®] in local communities, acting for those who don’t have a voice.” She also points out that the state association will be looking for Soto’s application for reimbursement of local legal fees, which will be paid by the MAR Issues Mobilization Fund.

To learn more about Cape Girardeau’s use of the Robinson & Cole review services, contact Erin Hervey, Director, Local Board and NAR Liason, Missouri Association of REALTORS[®], 573-445-8400 x111 / 800-403-0101 x111 /erin@morealtor.com