

Rental Ready & Landlord Tenant Updates

December 9, 2024



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Overview

- Rental Ready Program
 - Background of the program
 - Proposed inspection item changes
 - Other ordinance changes
 - Website enhancements
- Landlord Tenant
 - Background
 - Proposed ordinance changes
 - Other enhancements

Rental Ready Background

- Rental Ready Program went into effect June 1, 2017
- Requires rental units to be inspected and pass a basic health/safety inspection every two (2) years.
- Landlords are required to have a valid business license and list all units on the license.
- Purpose of the Program:
 - Protect health, safety and welfare
 - Maintain attractive neighborhoods
 - Ensure interior standards are met

Current Inspection Requirements

The rental unit inspection include:

- No exposed electrical wire.
- All smoke detectors are in proper working order.
- All handrails are secure and functional.
- Property address street number shall be visible.
- All units shall have a working sanitary sewer system.
- At least one carbon monoxide detector be installed in all residential rental units.

Current Inspection Requirements (cont)

- A safe, continuous, and unobstructed means of egress shall be provided from the interior of a structure to a public way.
- Ground fault circuit-interceptors are required to be placed within six feet of any water source; including but not limited to bathrooms, garages, crawl space, unfinished basements, and kitchens.
- All furnaces, water heaters, and corresponding accessories shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

Inspection Process

- The landlord hires a qualified housing inspector from the City's approved list.
- The inspector inspects each unit for the nine (9) basic health and safety items
- If a unit fails an inspection, the landlord is required to resolve any deficiencies and have the unit reinspected.
- All units get inspected except for multi-family; only 10% get inspected
- Inspector uploads through the City portal the passing inspection.

Why are we making changes?

- First building code adoption since the Rental Ready program fully implemented
 - Current building codes – 2018 I-Series Codes – adopted December 2017
 - Proposed building codes – 2024 I-Series Codes – scheduled for December 2024
- Both codes are integral to protect the public health, safety and general welfare of the residents of Independence in rental dwellings

Proposed Rental Ready Changes

- Expanded and clarified current inspection requirements for:
 - Handrails
 - Property address
 - Smoke and carbon monoxide detectors
 - Safe and unobstructed means of egress
 - Ground fault circuit interrupters

Proposed Rental Ready Changes – Electrical

- Clarified requirements for electrical
 - Current requirement: No exposed electrical wires, as specified in Section 4.01.02.A. of the City Code
 - Proposed requirement: **Each rental dwelling unit shall have a properly maintained electrical system, which shall be in a safe working condition and capable of performing its intended function. Electrical panels shall have a cover per the manufacturer’s direction, or as directed by the currently adopted National Electrical Code.**

Proposed Rental Ready Changes – Sanitary Sewer

- Expanded and clarified requirements for sanitary sewer system
 - Current requirement: all units must be connected to a working sanitary sewer system
 - Proposed requirement: **All such plumbing fixtures shall be maintained in a sanitary and good working condition and shall be properly connected to the public sewer system or to an approved private system if the public system is not available.**
 - Proposed requirement: **All kitchen sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water and shall be otherwise operable.**

Proposed Rental Ready Changes – Water Heater

- Expanded and clarified requirements for water heater.
 - Current requirement: All furnaces, water heaters, and corresponding accessories shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function
 - Proposed requirement: **Water heating facilities shall be in good working condition, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, and shower at a minimum temperature of 110 degrees Fahrenheit. Proper exhaust systems must be attached, sealed to prevent leaks and fully operational;**

Proposed Rental Ready Changes – Furnace

- Expanded and clarified requirements for furnace.
 - Current requirement: All furnaces, water heaters, and corresponding accessories shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function
 - Proposed requirement: **Each rental housing unit shall have heating facilities in good working order that can safely maintain a minimum room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms, measured at a point three feet above the floor and two feet from exterior walls. Cooking appliances and space heaters shall not be used to provide space heating to meet the requirements of this section. Proper exhaust systems must be attached, sealed to prevent leaks and fully operational;**

Proposed Rental Ready Changes – AC

- New requirements for air conditioning units, if provided by the landlord
 - Current requirement: None
 - Proposed requirement: **If provided by the lessor, the cooling system shall be in good working order that can safely maintain a maximum temperature of 80 degrees Fahrenheit in all bedrooms, measured at a point three feet above the floor and two feet from exterior walls;**

Proposed Rental Ready Changes – Appliances

- New requirements for appliances, if provided by the landlord,
 - Current requirement: None
 - Proposed requirement: **If provided by the lessor, all mechanical appliances, operative fireplaces, solid-fuel-burning appliances and cooking appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function;**

Proposed Rental Ready Changes – Exterior

- New requirements for roofs, windows and, exterior doors
 - Current requirement: None
 - Proposed requirement: **Roofs, windows, and exterior doors must be adequate to prevent dampness or deterioration in the walls or interior portions of the rental housing unit. No evidence of mold shall be present on the interior of the unit. The roof and flashing shall be sound, tight and free of defects that admit rain;**

Proposed Rental Ready Changes – Interior

- New requirements for holes in ceilings, walls and floors
 - Current requirement: None
 - Proposed requirement: **All holes and/or missing drywall/subfloor in interior walls, ceilings and floors shall be sealed as necessary.**

Proposed Rental Ready Changes – Window Fall Protection

- New requirements for window fall protection
 - Current requirement: None
 - Proposed requirement: **All rental dwelling units where the bottom of an operable window is located less than 36 inches (914 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, shall have window fall protection installed per the City’s current adopted building code.**

Proposed Rental Ready Changes – Miscellaneous

- Amends the requirement to allow for an inspection to occur upon the change of tenant or 2 years, whichever occurs later.
- Require 50% of multi-family units to get inspected. Specify that same units cannot be inspected back-to-back
- Require the inspector to maintain inspections records for 2 years and must produce the report if requested by City.
- Requires a landlord to have a business license prior to customers obtaining utility service
 - This would be effective January 1, 2026

Other Rental Ready Changes

- Increase the fee the inspectors can charge
 - From \$50 per unit to \$100 for initial inspection – index to CPI
 - From \$30 per unit to \$60 for reinspection
- Website enhancements
 - More resources and information for both landlords and tenants

Landlord Tenant Code

- Landlord Tenant code was enacted in 1989
 - Minor updates occurred in 1990s
- Very few complaints received
- No clear process for handling complaints

Landlord Tenant Complaints Updates

- Introduces deficient landlord concept
 - This is a landlord who has 3 or more valid landlord tenant complaints in a 12-month period.
 - Deficient landlord must have all dwelling units inspected by City on periodic basis – once a month – for 6 months.
 - If violation(s) are found, the landlord is given reasonable time to cure the violation(s). Failure to cure the violation(s) result in one (1) additional month.
 - Outlines notification process for landlord and tenant
 - To be removed as deficient landlord, all dwelling unit(s) must be violation free or violation resolved for 6 consecutive months.

Landlord Tenant Complaint Process

- Non-critical health or life-safety issues
 - Notify owner, provide 7 days to address the issue
 - If the complaint is not remedied within the timeframe identified, the City will schedule an inspection an inspection of the unit.
 - If owner fails to correct cited issue(s), the City, at the discretion of the Director, may do one (1) or more of the following:
 - Allow additional time to correct the cited issue(s)
 - Initiate license suspension or revocation proceedings in accordance with Chapter 5
 - Write a ticket for municipal court

Landlord Tenant Complaint Process (cont)

- Critical health or life-safety issues
 - Notify the owner in writing of the complaint.
 - Allow the landlord to immediately correct cited violation(s). Considering the nature of the issue and the complexity of the corrective action needed, the Director may allow a longer time frame to correct.
 - If landlord fails to correct cited issue(s), the City, at the discretion of the Director, may do one (1) or more of the following:
 - Require the property to be vacated in accordance, if determined necessary;
 - Re-inspect the rental property, if necessary, to determine if the violation still exists;
 - Initiate license suspension or revocation proceedings in accordance with Chapter 5;
 - Write a ticket for municipal court.

Landlord Tenant Complaints Updates

- Prohibits retaliation by landlord
 - Eviction
 - Cause any service, facility, equipment or utility required under this ordinance to be removed, shut off or discontinued
 - Charge or demand reimbursement of any fees arising from this Article, including late fees, annual permit review fees and re-inspection fees, to a tenant
- Added penalty for making false complaints
 - Unlawful for any person to knowingly make a false complaint against an owner
 - Knowingly make three or more false complaints made with respect to any structure or landlord in any twelve-month period

Landlord Tenant Complaints Updates

- Removes the requirement to give tenant the landlord tenant guide.
- Updated code references
- Website enhancements
 - Includes portal where tenant can make online complaint
 - More tenant resources and information
 - More resources and information for landlords
- Revised paper complaint form
- Complaints can be made via the IndepNow app

Resources Needed

- During Implementation Phase, City utilized 1 staff member.
 - Served as central point of contact
- Over the years, migrated to sharing those duties
- Staff recommends adding 1 staff member
 - Central point for rental ready and landlord tenant complaints
 - Staff anticipates receiving more complaints
 - Would be involved in the inspection of those complaints

Questions...

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