

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

25-004 **2R** An ordinance amending Chapter 5, Article 11 Landlord Tenant Code, and Article 15 Rental Ready of the City Code. **2R**

Recommendations:

Staff recommends approval.

Background:

In 1989 the City adopted Article 11 of Chapter 4 Landlord Tenant Code outlining basic landlord and tenant requirements. Minor amendments occurred in the 1990s however, there have been no other amendments since.

In September 2016, the City Council adopted a new program called “Rental Ready” which established an interior rental dwelling unit inspection program, which began on June 1, 2017. This program applies to all rental dwelling units in the city and requires all rental properties to be licensed and pass a basic health and safety inspection every two years. In 2017, there were two (2) amendments changing several of the inspection items; however, these changes left the total number of inspection items at nine (9).

Earlier this year, City staff began reviewing 2024 I-Series Codes for adoption to replace the 2018 I-Series Codes. As part of this review, staff reviewed the rental ready inspection items for congruity with these codes as well as researched best practices on rental inspections from other communities across the United States. The City’s Landlord Tenant Code is integral to protecting the public health, safety and general welfare of residents in rental dwellings, so this was also reviewed and updated.

The proposed changes are outlined below:

Rental Ready – Chapter 4, Article 15 Changes.

1. **Sec. 4.15.004 – Utility Service.** This amendment would add the requirement that a landlord of a rental dwelling is required to have a valid business license before utility service would be provided to that rental dwelling. This is proposed to be effective January 1, 2026 to allow staff to reconfigure CityWorks.
2. **Sec. 4.15.004 – LLC Registration.** In addition, if the landlord operates as a Limited Liability Corporation (LLC), said business will be required to file with the City a valid LLC registration in accordance with RSMo 347.048 prior to a customer seeking utility service to a rental dwelling. This LLC registration lists the name and street address of at least one natural person who has management control and responsibility for the property owned, leased or rented by the LLC.

3. **Sec. 4.15.006 – Inspectors Maintain Inspection Records.** This amendment requires the Rental Ready inspectors to maintain the inspection records for 4 years and requires the inspector to provide those records to the City as requested.
4. **Sec. 4.15.006 – Inspection Timing.** This amendment specifies that the inspection occurs at 2 years or upon change of tenant, whichever occurs later. In no case shall a rental dwelling unit exceed 4 years between inspections.
5. **Sec. 4.15.007 – Rental Dwelling Inspections Items.**
 1. **Electrical:** clarifies the current requirement as it only focuses exposed wires. The proposed requirement requires a properly maintained electrical system, which shall be in a safe working condition and capable of performing its intended function. Electrical panels, switches, outlets and components shall have a cover per the manufacturer’s direction, or as directed by the currently adopted National Electrical Code.
 2. **Smoke Detectors:** clarifies the current requirements to state that each rental dwelling unit shall have an operable smoke detection system and alarm. Smoke detectors shall be installed in locations mentioned in the adopted building code, or as close as possible given the conditions in the unit.
 3. **Handrails:** updates the Code referenced in the requirement and adds the requirement that stairs are secure and function as intended.
 4. **Street Address:** updates the Code referenced in the requirement.
 5. **Sanitary Sewer:** updates the requirements to state 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.
 6. **Plumbing:** this is a new requirement that requires all kitchen sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water and shall be otherwise operable.
 7. **Carbon Monoxide Detector:** updates the Code referenced in the requirement.
 8. **Means of Egress:** updates the Code referenced in the requirement.
 9. **Ground Fault Circuit Interrupters:** updates the applicable locations and the Code referenced in the requirement.
 10. **Water Heater:** this replaces the general furnace and water heater requirement. Adds the specific requirements that 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 as intended. Proper exhaust systems must be attached, sealed to prevent leaks, and fully operational.
 11. **Heating System:** this replaces the general furnace and water heater requirement. Adds the specific requirements that each rental housing unit shall have heating facilities in good working order that can safely maintain a room temperature as intended in all habitable rooms, bathrooms, and toilet rooms. 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.

12. Cooling System: this is a new requirement that states if provided by the lessor, the cooling system shall be in good working order that can safely maintain a temperature as intended in all bedrooms.
13. Appliances: this is a new requirement that states if provided by the lessor, all mechanical appliances, 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.
14. Exterior Roofs, Windows and Doors: this is a new requirement that states roofs, roof flashing, windows, and exterior doors must be adequate to prevent dampness or deterioration in the walls or interior portions of the rental housing unit. No visible evidence of active water leaks attributed to the roof, windows and exterior doors shall be present on the interior of the unit.
15. Interior Holes in Ceilings, Walls and Floors: this is a new requirement that states all holes and/or missing drywall in interior walls and ceilings that exposes any components of the dwelling's electrical, plumbing or mechanical systems, as well as all holes in the subfloors, shall be sealed as necessary.
16. Window Fall Protection: this is a new requirement that requires all rental dwelling units where the bottom of the clear opening 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.
6. **Sec. 4.15.007.B.1. – Inspection Timing.** This amendment specifies that the inspection occurs at 2 years or upon change of tenant, whichever occurs later. In no case shall a rental dwelling unit exceed 4 years between inspections.
7. **Sec. 4.15.007.B.2. – Number of Units Inspected in Apartments.** This amendment increases the number of units in an apartment to be inspected from 10% to 50%. In addition, it specifies that the same units cannot be inspected on consecutive inspection periods.

Landlord Tenant Code – Chapter 4, Article 11 Changes

1. **Sec. 4.11.001.A:** updates the code reference to reflect the latest adopted version of the International Property Maintenance Code.
2. **Sec. 4.11.001.D:** removes the requirement for the landlord to provide a copy of the landlord tenant guide. In lieu, the City's website will include resources for both landlords and tenants.
3. **Sec. 4.11.003:** deleted the Deficient Property regulations and replaced with Deficient Landlord regulations. A deficient landlord is one who has three (3) or more formal, valid complaints in a 12-month period. Any deficient landlord must have all rental units inspected monthly for a minimum of six (6) consecutive months. To be removed as a deficient landlord, the landlord must have six (6) consecutive months of no violations found or addressed the issue. Further, any dwelling unit(s) under the control of a

deficient landlord cannot be occupied by a new tenant until the unit has been inspected by the City and determined to be in compliance with the City's latest adopted version of the International Property Maintenance Code.

4. **Sec. 4.11.004 – Complaints:** this is a new section that outlines the complaint process when a landlord tenant complaint is received. This amendment divides the complaint into non-critical and critical categories, outlines the process for each type of situation, and tracks if the owner fails to correct the cited issue.
5. **Sec. 4.11.005 – Complaint Retaliation Prohibited:** this is a new section that prohibits retaliation by the landlord and outlines what retaliation consists of.
6. **Sec. 4.11.006 – False Complaints:** this is a new section that adds a penalty if a tenant makes three (3) or more false complaints in a 12-month period.

The Rental Ready program and landlord tenant codes both support the public health, safety, and general welfare of the residents living in rental dwellings. Staff believes the proposed amendments will better serve our community and assist with maintaining decent and safe rental housing.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Ordinance - Landlord Tenant and Rental Ready Amendment
2. Chapter 4 Article 11 Landlord Tenant Code draft
3. Chapter 4 Article 15 Rental Ready draft