

ARTICLE 11. LANDLORD AND TENANT CODE

Sec. 4.11.001. Acts of landlord prohibited.

- A. It shall be unlawful for any landlord to lease or otherwise permit or allow the occupation of any dwelling unit which does not comply with the requirements of ~~Sections 4.01.011 through 4.01.031 of the Independence City Code~~ **the latest adopted version of the International Property Maintenance Code.**
- B. It shall be unlawful for any landlord to remove or exclude a tenant or a tenant's personal property from the premises without judicial process and court order.
- C. It shall be unlawful for any landlord to willfully diminish services to a tenant by interrupting or causing the interruption of essential services, including, but not limited to electric, gas, water, sewer, to the tenant or to the premises with the intent thereby to evict a tenant or cause a tenant to vacate said premises without judicial process and court order.
- D. ~~It shall be unlawful for any landlord to lease or otherwise permit or allow the occupation of any dwelling unit without providing the lessee or tenant a copy of the Independence Landlord/Tenant Guide, and obtaining the lessee or tenant's signature as proof of receipt. Any landlord who fails to show such proof of receipt to the Code Official, when requested to do so when the landlord's property is the subject of a code enforcement action by the Code Official, shall be subject to a \$100.00 fine in Municipal Court.~~

Sec. 4.11.002. Acts of tenant prohibited.

- A. It shall be unlawful for any person, in a written application to become a tenant, to willfully misrepresent material information to the landlord with the intent to deceive the landlord and thereby acquire possession of a dwelling unit.
- B. It shall be unlawful for any tenant to willfully break, destroy, deface or injure premises, or any part thereof, leased from a landlord.
- C. It shall be unlawful for any tenant to willfully refuse to permit or allow the landlord to enter and inspect the leased premises for the purpose of making repairs, upon reasonable notice, or without advance notice if an emergency condition exists, absent a written lease which provides otherwise.
- D. It shall be unlawful for a tenant to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereof, or to fail to take reasonable steps to prevent any other person on the premises from doing so; or to take additional occupants, sublease, rent or turn over said premises to any persons without the landlord's knowledge and consent.

Sec. 4.11.003. Deficient property.

- A. ~~A dwelling unit may be designated as a deficient property by the Code Official when a landlord fails to correct violations identified in a formal enforcement action.~~
- B. ~~A dwelling unit shall be designated as a deficient property when the dwelling unit is the subject of three, separate, formal enforcement actions by the Code Official within a single year.~~
- C. ~~For the purposes of this article, formal enforcement action shall mean the steps taken by the Code Official or the official's duly authorized designee, to cause property to be maintained in accordance with the requirements of this article, initiation of which requires written notification from the Code Official to the landlord. Such notification shall identify each violation and include a date certain for correction of each violation.~~

~~D. At the time of the determination, the Code Official shall furnish notice of such determination to the landlord and the dwelling unit's tenant(s). A deficient property shall be subject to periodic interior and exterior inspections by the Code Official for a three-year period, that the property has been determined deficient. A deficient property may not be occupied by a new tenant until the unit has been inspected by the Code Official and determined to be in compliance with the City Code.~~

Sec. 4.11.003. Deficient landlord.

- A. Deficient landlord. A landlord shall be designated as a deficient landlord when a dwelling unit(s) under the landlord's control is the subject of three, separate, formal complaint actions by the City within a rolling twelve (12) months.
- B. For the purposes of this article, formal action shall mean the steps taken by the City after receiving a valid complaint.
- C. Periodic inspections for deficient landlords. When a landlord is determined to be deficient, the City shall furnish notice of such determination to the landlord and all tenant(s) in the dwelling unit(s) under the landlord's control.
1. All dwelling unit(s) under the control of a deficient landlord shall be subject to periodic interior and exterior inspections by the City for a six (6) month period.
 - a. The City's periodic inspections identified above shall occur on a monthly basis.
 - b. All dwelling unit(s) shall be inspected with the City's latest adopted version of the International Property Maintenance Code.
 - c. If violation(s) are found in any dwelling unit(s) during the City's periodic inspection, the landlord shall be given reasonable time to cure the violation(s). Failure to cure the violation(s) identified during the City's periodic inspection shall result in all dwelling unit(s) under the landlord's control to remain subject to the City's periodic inspections for one (1) additional month.
 - d. To be removed from the City's periodic inspections, all dwelling units under the landlord's control shall have no violations or the landlord resolved the violation(s) outlined in subparagraph b above for six (6) consecutive months.
 2. Any dwelling unit(s) under the control of a deficient landlord shall not 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.
 3. Request to inspect the deficient landlord's dwelling unit(s) shall be made by the City within a reasonable period of time, no less than 10 calendar days in advance of the inspection.
 4. The deficient landlord shall not prohibit, bar or obstruct entry by the City upon the premise or any structure therein of any dwelling unit(s) under the control of the deficient landlord.

Sec. 4.11.004. Complaints.

- A. Non-critical health or life-safety issues. A tenant shall first notify the landlord in writing requesting to have these issue(s) corrected and give the landlord a reasonable opportunity to make the needed repairs. If the issue(s) are not remedied, the tenant can submit a complaint to the City on the form and/or method provided by the City. The City shall:
1. Notify the owner in writing of the complaint.
 2. Provide the owner seven (7) calendar days to address the complaint.
 3. If the complaint is not remedied within the timeframe identified in the notification letter, the City shall schedule an inspection an inspection of the unit.

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4. 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:
 - a. Allow additional time to correct the cited issue(s)
 - b. Initiate license suspension or revocation proceedings in accordance with the procedures outlined in Chapter 5;
 - c. Initiate ordinance violation proceedings through municipal court consistent with this Chapter.
 - B. Critical health or life-safety issues. A tenant shall first notify the landlord of the issue(s). The tenant can submit a complaint to the City on the form and/or method provided by the City. The City shall:
 1. Notify the owner in writing of the complaint.
 2. Allow the landlord to immediately correct cited violation(s) and eliminate the critical health or life-safety violation(s). Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Director may allow a longer time frame for the owner to correct these violation(s).
 3. 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:
 - a. Require the property to be vacated in accordance with the City's latest adopted version of the International Property Maintenance Code, if determined necessary by the Director.
 - b. Re-inspect the rental property, if the Director deems it necessary, to determine if the violation still exists.
 - c. Initiate license suspension or revocation proceedings in accordance with the procedures outlined in Chapter 5.
 - d. Initiate ordinance violation proceedings through municipal court consistent with this Chapter.

Sec. 4.11.005. Complaint Retaliation Prohibited

- A. No person shall file an action for eviction or fail to renew a lease or alter the terms of a lease because the occupant has reported a violation of this ordinance or a related provision of the city code to the City.
- B. No person shall cause any service, facility, equipment or utility required under this ordinance to be removed, shut off or discontinued in retaliation for a complaint.
- C. No person shall 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. The passing of fees from an owner to a tenant shall be considered retaliation.

Sec. 4.11.006. False complaints.

- A. It shall be unlawful for any person to knowingly make a false complaint against the owner of any structure or relating to any structure subject to the inspection provisions of this article.
- B. A false complaint shall be presumed to be knowingly made where such complaint is the third or more complaint made with respect to any structure or any owner by such person, in any twelve-month period, where inspections pursuant to such complaints fail to reveal any violation of the provisions of city ordinance upon inspection by housing inspectors of the city. This presumption shall be rebuttable.
- C. Any person violating the provisions of this section shall be subject to the Penalty provision of this article. Each false complaint shall constitute a separate offense.

Sec. 4.11.004 007. Remedy and penalty not exclusive.

All remedies and penalties provided in this article shall be in addition to all other provisions of this Code, and not in lieu or exclusive thereof; provided, however, that no action may be taken against any person in violation of that person's rights as guaranteed by the Fifth Amendment to the United States Constitution.

Sec. 4.11.005 008. Authority to issue citations.

~~Either the Director of Health, or the Code Official, or his or her authorized representative, The City~~ is authorized to issue complaints and serve citations on persons charged with a violation of this article.

Sec. 4.11.006 009. Penalty.

Any person, firm or corporation who shall violate a provision of this article shall, upon conviction thereof, be subject to a fine of not less than \$150.00 for the first conviction, a fine of not less than \$300.00 for the second conviction, and a fine of not less than \$500.00 for the third and subsequent convictions or to imprisonment not exceeding a period of six months, or both such fine and imprisonment. In addition to or in-lieu-of such fines, such person may be required to complete a training course regarding property maintenance, and may be required to provide community service.

Secs. 4.11.007 010—4.11.999. Reserved.