

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 11 LANDLORD  
TENANT CODE AND ARTICLE 15 RENTAL READY OF THE CITY  
CODE.

WHEREAS, in 1989 the City adopted Article 11 of Chapter 4 Landlord Tenant Code outlining basic landlord and tenant requirements; and,

WHEREAS, minor amendments to this article occurred in the 1990's however, there have been no other amendments since; and,

WHEREAS, 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; and,

WHEREAS, the Rental Ready 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; and,

WHEREAS, earlier this year, City staff began reviewing 2024 I-Series Codes for adoption to replace the 2018 I-Series Codes; and,

WHEREAS, 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; and,

WHEREAS, the City's Landlord Tenant Code is integral to protecting the public health, safety and general welfare of residents in rental dwellings; and,

WHEREAS, the City Council desires to amend the Landlord Tenant and Rental Ready sections to update the regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 5, Article 11 of the City Code is hereby amended as follows:

"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.**
- 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. 4.11.004007. 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. 4.11.005008. 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. 4.11.006009. 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. 4.11.007010—4.11.999. Reserved.**

**SECTION 2.** That Section 4.15.004 of the City Code is hereby amended as follows:

“Sec. 4.15.004. Business license required.

A. No person shall allow to be occupied, offer for rent, rent to another for occupancy or let for occupancy any rental dwelling unless the owner has first obtained a valid business license issued in accordance with Chapter 5 of the City Code.

- B. All those who hold a valid business license at the time this ordinance becomes effective shall be deemed to hold a valid business license within the meaning of this article.
- C. A business license shall be valid as prescribed in Chapter 5 of the City Code.
- D. In order for customers to obtain utility service to a rental dwelling or rental dwelling unit, a valid business license shall be issued by the City of Independence to the landlord for that property address. This provision shall go into effect on January 1, 2026.**
- E. If the business operates as a Limited Liability Company (LLC), said business shall file with the City of Independence a valid LLC registration in accordance with RSMo 347.048.**

SECTION 3. That Section 4.15.006 of the City Code is hereby amended as follows:

“Sec. 4.15.006. Rental dwelling unit inspection required.

- A. A valid rental unit inspection form shall be submitted to the City in the form and manner prescribed by the City for all rental units.
  - 1. The qualified rental housing inspector shall maintain their rental unit inspections forms, notes, etc. for all rental units inspected by them for a period of 2 years from the date of the inspection.**
  - 2. The qualified rental housing inspector shall provide to the City upon request any rental unit inspection forms, notes, etc. within a reasonable timeframe.**
- B. The qualified rental housing inspector hired by the property owner shall make an inspection of the dwelling or dwelling units for which a satisfactorily completed and executed application for a rental ready certificate is filed. In accordance with Section 4.11.002 of the Independence City Code, the landlord shall give reasonable notice before entering and allowing inspection of the leased premises.
- C. Any rental dwelling unit that has been inspected for any reason may submit that inspection report provided the inspection is no older than 12 months.
- D. During the initial implementation, the rental dwelling unit inspection shall be valid for up two years from the date the City issues the business license for the rental dwelling unit(s). After the initial implementation, the rental dwelling unit inspection shall be valid for two years from the date the City issues the business license **or upon a change of tenant** for the rental dwelling unit(s), **whichever occurs later. In no case shall a rental dwelling unit exceed 4 years between inspections.**”

SECTION 4. That Section 4.15.007 of the City Code is hereby amended as follows and shall be effective May 1, 2025:

“Sec. 4.15.007. Rental dwelling inspection program.

- A. Prior to the issuance of a business license for a rental dwelling or any renewal thereof, the qualified rental housing inspector shall provide to the City a passed rental unit inspection form of the premises to determine compliance with this article. The rental unit inspection form shall include:

1. ~~No exposed electrical wires, as specified in Section 4.01.02.A. of the City Code;~~ 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, switches, outlets and components shall have a cover per the manufacturer's direction, or as directed by the currently adopted National Electrical Code.
2. ~~All smoke detectors are to be in proper working order, as specified in Section 4.01.028.D. of the City Code;~~ 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. All stairs and handrails shall be secure and function, as specified in ~~Section 4.01.025.H. of the City Code~~ the City's adopted International Property Maintenance Code;
4. Property address street number shall be visible as required in ~~Section 4.01.012.B. of the City Code~~ the City's adopted International Property Maintenance Code;
5. ~~All units shall have working sanitary drainage system as required in Section 4.01.018.A. and B. of the City Code.~~ 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. All kitchen sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water and shall be otherwise operable as intended.
7. ~~6.~~ At least one carbon monoxide detector shall be installed in all residential rental units with fuel burning appliances (as defined in the ~~International Residential Code~~ current adopted building code) and/or an attached garage;
8. ~~7.~~ A safe, continuous, and unobstructed means of egress shall be provided from the interior of a structure to a public way; as specified in ~~Section 4.01.025 of the City Code~~ the City's adopted International Property Maintenance Code;
9. ~~8.~~ Ground fault circuit-~~interceptors~~ interrupters 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, and any other applicable locations as specified in ~~Section 4.01.022.A. of the City Code~~ the City's adopted International Property Maintenance Code and/or the current adopted version of the National Electrical Code; and
10. ~~9.~~ 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 as specified in Section 4.01.020 and 4.01.030 of the City Code. 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. 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. 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. 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. 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. 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; and**
- 16. 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.**

B. Inspection of rental dwelling units for a rental ready certificate shall be accomplished as follows:

1. All rental dwelling units shall be inspected by a Qualified Rental Housing Inspector every two years **or upon a change of tenant, whichever occurs later. In no case shall a rental dwelling unit exceed 4 years between inspections.**
2. Any premise with more than four units on a single property which share common walls and/or common floors/ceilings shall have ~~ten~~ **fifty (50)** percent of the total number of rental units on the property inspected. **The same units that were inspected as part of the previous inspection period shall not be inspected as part of the current inspection period.**

SECTION 5. That all other parts and provisions of the City Code not in conflict herewith shall remain in full force and effect unless previously or subsequently amended or repealed.

SECTION 6. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.



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Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

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City Clerk

APPROVED AS TO FORM AND LEGALITY:

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City Counselor

REVIEWED BY:

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City Manager

**NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.**