



Agenda

Special Committee on Housing Policy

Dan Fowler, Chair
Brandon Ellington, Vice Chair
Kevin O'Neill
Parks-Shaw Ryana
Quinton Lucas

Wednesday, October 20, 2021

4:00 PM

26th Floor, Council Chamber

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

HELD IN COMMITTEE

[210055](#)

Shields, Robinson, Parks-Shaw, Lucas and Bough

Amending Article XIX, "Healthy Rental Homes" by repealing Section 34-848.1, "Prohibitions" and replacing it with a new section of like name and subject matter containing a new subsection (g), for the purpose of preventing the failure to rent or lease a rental unit based in whole or in part on prior evictions or other actions for failure to pay rent that occurred between February 1, 2020 and August 31, 2021.

Attachments: [fact sheet](#)

ADDITIONAL BUSINESS

1. Housing and Community Development Department will have a presentation on the draft 2022-2026 – 5 Year Consolidated Plan/2022 Annual Action Plan for the Department of Housing and Urban Development (HUD)
2. There may be a general discussion regarding current Special Committee on Housing Policy issues.

3. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

4. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.



File #: 210055

ORDINANCE NO. 210055

Amending Article XIX, "Healthy Rental Homes" by repealing Section 34-848.1, "Prohibitions" and replacing it with a new section of like name and subject matter containing a new subsection (g), for the purpose of preventing the failure to rent or lease a rental unit based in whole or in part on prior evictions or other actions for failure to pay rent that occurred between February 1, 2020 and August 31, 2021.

WHEREAS, the health care emergency created by the COVID-19 virus has created a general economic emergency resulting in loss of jobs and wages, and

WHEREAS, this economic crisis has resulted in a high number of evictions or other loss of housing due to the inability to pay rent; and

WHEREAS, discrimination against persons having a prior eviction or accumulation of unpaid rent can make it impossible for persons to secure other housing, interrupting schooling and employment, exacerbating the homeless crisis in the City, increasing the burden on the City's resources, and delaying the economic recovery of the City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Article XIX, "Healthy Rental Homes" is hereby amended by repealing Section 34-848.1, "Prohibitions" and replacing it with a new section of like name and subject matter containing a new subsection (g), for the purpose of preventing the failure to rent or lease a rental unit based in whole or in part on prior evictions or other actions for failure to pay rent that occurred between February 1, 2020 and August 31, 2021, said section to read as follows:

Section 34-848.1 Prohibitions.

(a) No owner shall commit any act of housing discrimination, as described in section 38-105 of this code.

(b) For all residential leases and rental agreements first entered into after the effective date of this ordinance, no owner shall require a security deposit or any deposit of money or property, however denominated, which is furnished by a tenant to a property owner to secure the performance of any part of the rental agreement, including damages to a unit, that exceeds the amount of two months' rent charged to the tenant for that residential unit. Such payment shall only be charged once.

(c) An owner shall not enter the tenant's premises unless:

- (1) the tenant gives written consent; or
- (2) during reasonable hours, after giving notice to the tenant not less than 24 hours in advance and attempting to coordinate with the tenant to schedule a mutually acceptable time. Such notice shall specify the date and time of intended entry, the identity of the person or persons to enter, and the reason therefore.

The owner shall enter the premises only in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors; except that the owner may enter the dwelling unit without notice to the tenant in case of an extreme hazard involving the potential loss of life, property damage, ongoing criminal activity or in the case of tenant abandonment as determined by state law. The owner shall not abuse the right of access or use it to harass the tenant.

(d) No owner shall refuse to accept and acknowledge receipt of a tenant's lawful rent payment.

(d) No owner shall harass a tenant, as defined in section 50-159.

(e) No owner shall violate Chapters 441, 534 or 535 RSMo.

(3) (1) No owner shall fail or refuse to rent or lease any rental unit to any person based in whole or in part upon any of the following events that occurred due to lack of payment of rents owed during the period of February 1, 2020 and August 31, 2021:

- a prior eviction;
- the filing of a lawsuit;
- the filing of an eviction action; or
- a judgment entered.

(2) It shall be prima facie proof of the violation of this section if such facts exist and if such facts are inquired into by owners prior to a refusal to rent or lease a dwelling unit.

(3) For the purposes of subsection 34.848.1(g) only, each day of such refusal violating 34.848.1(g) shall be a separate violation punishable by a fine of \$1,000.00 per day.

..end

Approved as to form and legality:

Joseph A. Guarino
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

Ordinance 210055

Ordinance Number

Brief Title

Refusal to Rent--Covid Evictions--
Healthy Rental Homes

Approval Deadline

Reason

To amend 34-481.1 to add new prohibition of refusal to rent based on Covid-19 non-payment actions

Details

Positions / Responsibilities

Reason for Legislation
Amending Article XIX, "Healthy Rental Homes" by repealing Section 34-848.1, "Prohibitions" and replacing it with a new section of like name and subject matter containing a new subsection (g), for the purpose of preventing the failure to rent or lease a rental unit based in whole or in part on prior evictions or other actions for failure to pay rent that occurred between February 1, 2020 and August 31, 2021.

Sponsor	Councilwoman Shields and Councilwoman Robinson
Programs, Departments, or Groups Affected	Health
Applicants / Proponents	Applicant City Department Other
Opponents	Groups or Individuals Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
	By X For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass

Discussion
(Including relationship to other Council actions)
Covid-19 has created a general economic emergency resulting in loss of jobs and wages and has resulted in a high number of evictions or other loss of housing due to the inability to pay rent. Discrimination against persons having a prior eviction or accumulation of unpaid rent during this pandemic can make it impossible for persons to secure other housing, interrupting schooling and employment, exacerbating the homeless crisis in the City, increasing the burden on the City's resources, and delaying the economic recovery of the City.

This ordinance adds a new prohibition, Section 34-848.1(g), to the Healthy Rental Homes and prohibits owners from failing to rent or lease rental units based on prior evictions, the filing of lawsuits, eviction actions or judgments for lack of payment of rents owed during the period of February 1, 2020 through August 31, 2021.

Each day of a violation (refusal to rent based in whole or in part on the above) shall be a separate violation and punishable by a fine of \$1,000.

Is it good for the children? Yes.

Details

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Policy / Program Impact

Policy or Program Change	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Operational Impact Assessment	

Finances

Cost & Revenue	
	<i>Increase/Decrease in Revenue Expected Annually</i>
Fund Sources	

(Use this space for further discussion, if necessary)

Applicable Dates

Fact Sheet Prepared by:

Joseph A. Guarino
Assistant City Attorney

Reviewed by: