



Legislation Text

File #: 210055, **Version:** 1

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.

Approved as to form and legality:

Joseph A. Guarino
Assistant City Attorney