

AMENDED Housing Commission Meeting Agenda

Wednesday, June 26, 2019 – 4:00 PM

Executive Conference Room, 125 E. Avenue B, Hutchinson, Kansas

1. CALL MEETING TO ORDER

_____ A. Davenport (3/5)	_____ S. Cooley (3/5)	_____ N. DeBerry (3/5)
_____ A. Finlay (4/5)	_____ L. Gleason (C) (5/5)	_____ A. Patterson (2/5)
_____ R. Patton (VC) (5/5)	_____ L. Soltow (4/5)	_____ K. Lanham (3/5)

Ex-Officio Members:

_____ D. Rich (5/5)	_____ J. Thomson (2/5)
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2. APPROVAL OF MINUTES – May 22, 2019

3. ANNOUNCEMENTS

4. WRITTEN REPORTS

- a. Housing Report
YTD Report

5. ORAL REPORTS

- a. Healthy Neighborhoods Initiative (*Stewart, Gleason, Finlay*)
- b. Hutchinson Land Bank Update (*Seitnater*)

6. OLD BUSINESS

- a. 2019 Brush Up Hutch Program Amendment
attached
- b. RRIP Proposed Amendments
attached

7. OPEN COMMENTS

8. OTHER

- a. Upcoming Discussion:
 - i) RRIP Recommendation for City Council Work Session, August 13th @ 8 am
- b. The next Housing Commission meeting is scheduled for Wednesday, July 24, 2019; 4:00 PM.

9. ADJOURN



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HOUSING COMMISSION MINUTES
MEETING OF: WEDNESDAY, MAY 22, 2019
MEETING LOCATION: EXECUTIVE CONFERENCE ROOM
125 EAST AVENUE B

1. ROLL CALL

The Housing Commission meeting was called to order at 4:00 p.m. with the following members present: Lisa Gleason, Ryan Patton, Kelly Anne Lanham, Tony Finlay, Nathan DeBerry, Jeff Thomson, and Dan Rich. Angie Davenport, Scott Cooley, Lucas Soltow, and Aubrey Patterson were absent. Julia Westfahl, SCKEDD; Adam Stewart, Neighborhood Development Coordinator; and Steve Dechant, City Councilmember were in attendance. Staff present were Rebekah Keasling, Director of Public Information; Ryan Hvitlok, Director of Planning and Development; Amy Allison, Senior Planner; and Charlene Mosier, Planning Technician.

2. APPROVAL OF MINUTES

The minutes of the April 24, 2019 meeting were approved on a motion by Lanham, seconded by DeBerry, passed unanimously.

3. ANNOUNCEMENTS

a. Gleason Introduced Ryan Hvitlok, Director of Planning and Development, who moved from Fergus Falls, Minnesota.

4. WRITTEN REPORTS

a. **Housing Report – YTD Report**

The Housing Report was included in the agenda packet. Allison said there has been an increase in Brush Up Hutch applications since the creation of an online form.

5. ORAL REPORTS

a. **Healthy Neighborhoods Initiative**

Stewart said SW Bricktown will have a meeting June 1 to discuss the Woodie Seat Freeway and CDBG application. College Grove met May 19 for Donuts on the Driveway and discussed the option of organizing a Halloween event. Farmington Park had volunteers re-stain the gazebo and held an event in their park with 50 people attending. Ballots to vote on a name for the Allen neighborhood were mailed out. The movie series at the Library will start in June. Faris interviews will be completed next week and the first neighborhood meeting will be held May 30 at St. Teresa Parish Hall. The Yard of the Month program is being launched for the neighborhoods. National Night Out is August 6.

b. **Hutchinson Land Bank Update**

Hvitlok reported the bid for the vacant lot in the 500 Block of East Avenue A was turned down because it was less than 50% of the appraised value and has been owned by the Land Bank for less than one year. The Land Bank may also wish to obtain another property next to this one for possible infill development.

c. **Aging in Place Committee**

Gleason gave an update on the Aging in Place Committee. After Mr. Winchester gave his presentation, the subcommittee met to discuss aging in place and promoting housing that allows elderly to remain independent. The committee would like to contact other communities to see

what they are doing, as well as reach out to the Housing Authority, Interfaith Housing Services and New Beginnings. Also discussed was the idea of promoting an event to bring information to seniors on this topic.

d. **Housing Assessment Tool – HIAC Presentation June 19, 2019**

Allison said the HAT is a requirement for CDBG grant applications. Information that was provided in the agenda packet will be presented to the HIAC, representatives from various State organizations, on June 19. Comments may be submitted to Allison. The presentation will be in Newton.

6. OLD BUSINESS

a. **Brush Up Hutch Proposal Update**

The proposed amendments to the Brush Up Hutch program were included in the agenda packet. An RFP will need to be completed to give all paint providers an opportunity to respond. The biggest changes would be the contractor would provide consultation services on paint colors and equipment as part of the process. The applicants will not need to come up with the funds to purchase the paint as it will be a credit system. The applicants will have 30 days to complete painting with an extension option up to 60 days for inclement weather conditions. The program will now be open to all residential properties whether rentals or owner occupied. Thomson said if rentals will now be eligible for Brush Up Hutch funding, he would not coordinate volunteers for painting projects that are income producing for the owner. Housing Commissioners agreed that landlords must agree to freeze their rental rates for three years to be eligible.

7. OPEN COMMENTS

a. None.

8. OTHER

a. Upcoming Discussion:

- i. RRIP Recommendation – Hvitlok said a study session with City Council will be held July 24 to determine how to proceed with the Rental Registration and Inspection Program. If City Council would like to proceed, a letter to notify landlords of the outcome will be sent and allow comments.

b. The next regularly scheduled Housing Commission meeting is Wednesday, June 26, 2019, at 4:00 p.m.

9. ADJOURNMENT – The meeting adjourned at 4:35 p.m.

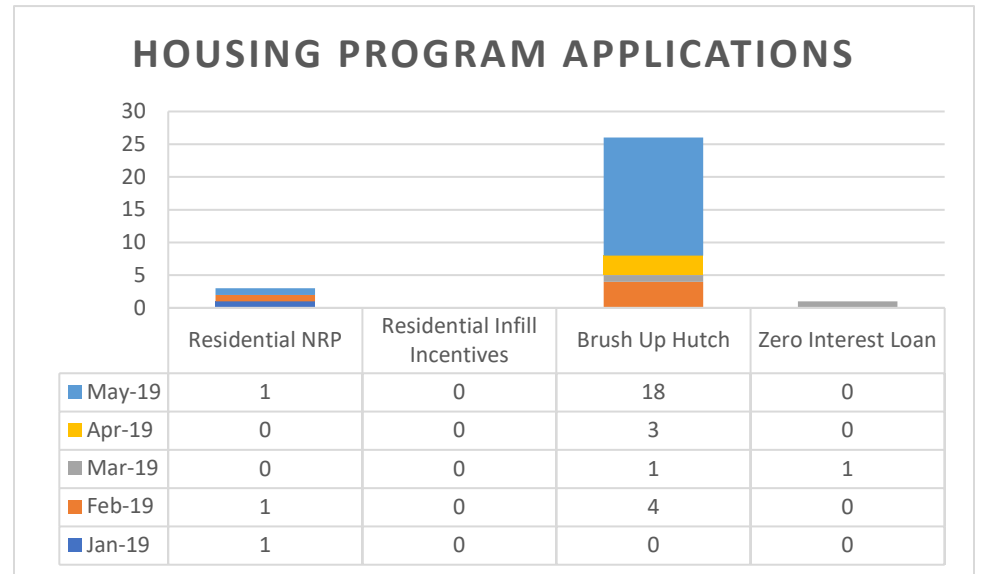
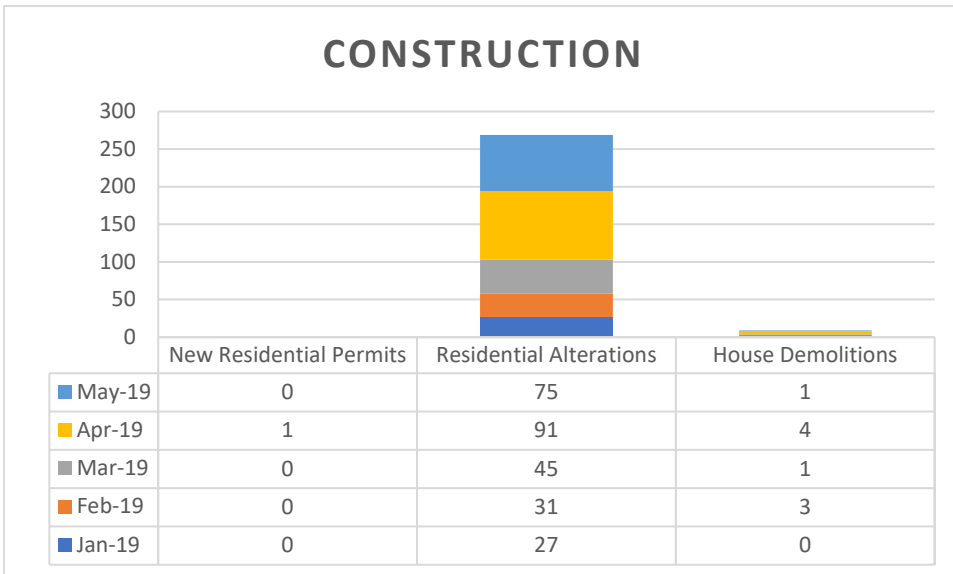
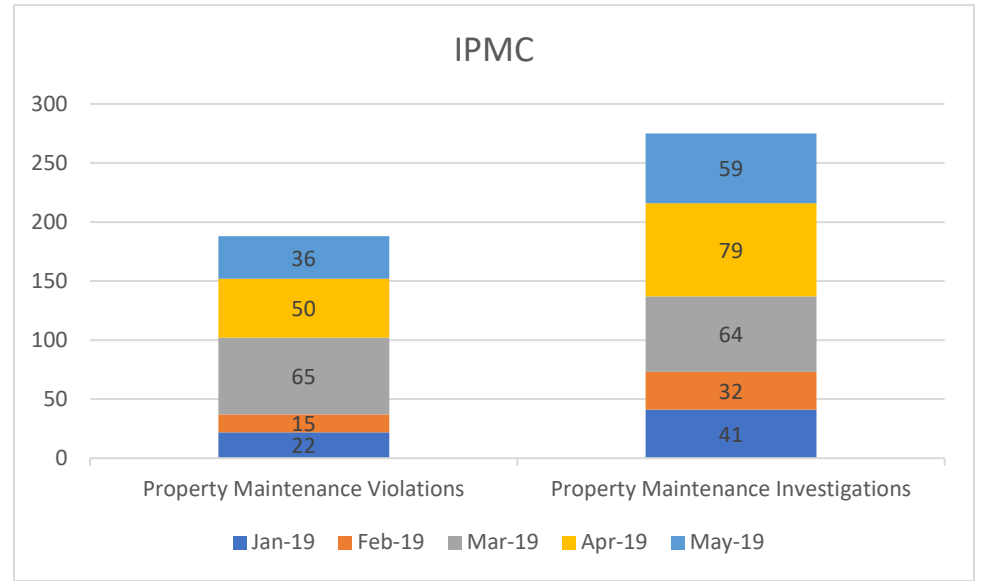
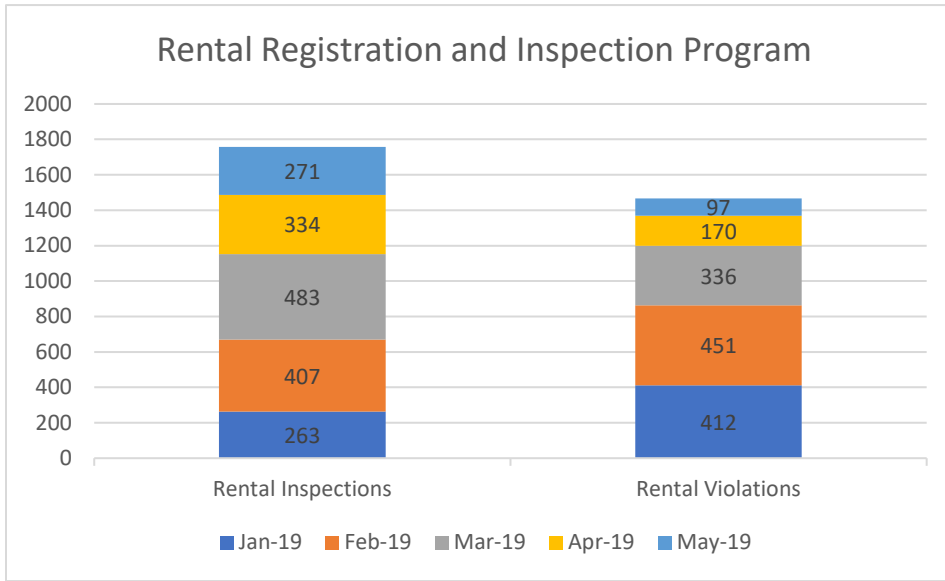
Respectfully Submitted,
Charlene Mosier, Planning Technician

Approved this _____ day of _____, 2019.

Secretary

HOUSING DASHBOARD

PREPARED: June 19, 2019





Housing Commission Staff Report

MEETING DATE: 06/26/2019

June 19, 2018

TO: Hutchinson Housing Commission

FROM: Amy Allison, AICP, Senior Planner

THROUGH: Ryan Hvitlæk, AICP, Director of Planning & Development

SUBJECT: **Brush Up Hutch – Policy Amendment**

STAFF RECOMMENDATION:

Staff recommends approval of the following recommendations.

MOTION:

Motion to (approve / amend and approve / deny) the recommendation to City Council to include investor owned properties with one structure per parcel as eligible to receive funds from the Brush Up Hutch! Paint Program.

BACKGROUND:

The Brush Up Hutch Paint Program was established in June 2011 with the objective of assisting low-income homeowners with the cost of painting the exterior of their homes. Since that time, 100+ houses have been painted across the community. Annually, Staff examines the Brush Up Hutch! Paint Program performance for ways to improve the program. Recommendations are included in the analysis section.

ANALYSIS:

Policy

1. During the 2018 review of the program, a suggestion was made and discussed about opening the program for investor-owned or rental properties. As part of the neighborhood work, it was recognized that improving deteriorated rental housing was just as important to the process as improving owner-occupied. Other programs have been implemented with the inclusion of rental eligibility and those improvements have been impactful to the overall health of the neighborhood.

To be eligible, staff recommends following the same eligibility requirements as owner-occupied units. The structure in question must be valued below \$50,000, as assessed by the County Appraiser's Office, or rental units can income qualify based on the income of the tenant household. Staff has also included a limit to the number of structures per parcel that can receive a reimbursement. Staff proposes one structure per tax parcel.

If monetary assistance is provided to rental properties, staff suggests that those properties must continue to be made affordable to the public for a period of time. Staff's recommendation would be to require a freeze of rent at its current rate for 2 years. This will not only allow for the property to be improved but also keep the unit available to those populations most in need.

The recommended changes have been provided in Exhibit A.

Staff recommends including investor-owned properties as eligible for the program.

NEXT STEPS:

Following the Housing Commission's positive recommendation of these changes, the following steps will be taken:

1. City Staff will forward the Policy change to the City Council for approval.

EXHIBITS:

Exhibit A – Proposed Brush Up Hutch Paint Program Policy

HOUSING COMMISSION
CITY OF HUTCHINSON, KANSAS
125 E AVENUE B / PO BOX 1657
HUTCHINSON KS 67504

620-694-2639

BRUSH UP! HUTCH PAINT PROGRAM

Purpose.

In order to improve the visual appeal of our community and alleviate some of the expenses of maintaining the appearance of homes, the Housing Commission maintains the Brush Up! Hutch Paint program. The Brush Up! Hutch Paint program provides an incentive to cost-burdened property owners to assist them with the cost of painting their house and accessory buildings.

Timing.

Applicants can apply for a Brush Up! Hutch Paint program reimbursement grant from March 1st to August 31st. Planning staff will either approve or deny an application for the program, and may enlist the assistance of the Housing Commission. Upon receiving an approval certificate, applicants shall have 90 days to paint their home and any approved accessory structures. Once a home is painted and inspected by staff, property owners are reimbursed for the cost of paint in accordance with the provisions below. Applicants may request an extension of time beyond the initial 90 days and staff may approve one extension not to exceed 60 days.

Program Provisions.

1. Brush Up! Hutch Paint reimbursement grants are available for homeowner-and renter occupied, residential properties only. These include properties under Land Contract. Eligible rental properties are limited to parcels which have one building per taxing parcel, with reimbursement based on the number of principal structures, not housing units. All properties must be located within the City Limits. Awardees must submit a Brush Up! Hutch Paint program application and supporting documentation in order to be eligible for the program.
2. Awards shall be granted on a revolving basis, dependent upon the amount of funds remaining in the Brush Up! Hutch Paint program account.
3. The maximum paint reimbursement is \$ \$500. For larger homes or those with considerable paint needs, the applicant may request funding up to \$700, if pre-approval is granted by the Housing Commission.
4. Reimbursement is ONLY for paint purchases.
5. Reimbursement is only for materials purchased after approval of the Brush Up! Hutch Paint program application. No reimbursement will be made for paint purchased prior to the approval date.
6. Applications will be reviewed and approved from March 1st through August 31st of the year as long as funding is available.
7. Prior to reimbursement, property owners must place four-inch-tall house numbers that are visible from the street on their house.
8. For homes requiring Lead Safe Work Practices using trained volunteer labor, an additional stipend for the cost of safety equipment may be granted in an amount not to exceed \$150 per house.
9. Staff may approve applications for non-profit supervised projects submitted after August 31st.
10. Projects utilizing volunteer assistance will be approved on a case-by-case basis by Interfaith Housing Services, Inc. Rental properties will not be eligible for assistance.
11. Rental properties who utilize the Brush Up Hutch paint program will be required to freeze monthly rents at the current rental rate for 2 years. Landlords must sign an affidavit agreeing to these terms prior to program approval.

Program Criteria.

1. Planning and development staff will visually inspect and take photos of all Brush Up! Hutch Paint program grant application properties.
2. Grants shall be based on meeting all of the following attributes:
 - a. Paint on the house is peeling or fading.
 - b. Homeowners or tenants must meet the income restrictions of the program (maximum 120% of area median income).
 - c. Alternatively to 2b., the house is valued below \$50,000 by Reno County Appraiser.
3. The Housing Commission reserves the right to reject consideration of any or all applications.

Reimbursement.

1. Grant awards shall consist of a reimbursement of paint and pre-authorized expenses only following submission of receipts and inspection of the work.

DRAFT

Article XI. Residential Rental Registration and Inspection

Sec. 21-1101. Purpose.

A residential rental registration and inspection program is hereby established in order to:

a. Correct and prevent housing conditions that adversely impact life, health, safety and general welfare of tenants and the surrounding area.

b. Protect the quality, character, and stability of residential areas.

c. Preserve the value of land and buildings and the local tax base.

d. Collect and maintain an active list of residential rental properties.

~~d. Reduce complaint-based inspections.~~

~~e. Protect the public from increased criminal activity, which tends to occur in residential areas that are unstable, blighted or substandard.~~

(Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1102. Title and Definitions

a. Title. This article shall be known as the “Rental Registration and Inspection Program” of the City and may be cited as such.

b. Definitions. The following words and phrases shall, for the purposes of this article, have the meaning ascribed to them herein, unless the context clearly requires otherwise.

1. “Building Official” means the City of Hutchinson Building Official or designee.

2. “Director of Planning and Development” means the Director of the Planning and Development Department for the City of Hutchinson or designee.

3. "Dwelling Unit" means one room or a suite of two or more rooms designed for or used for living and sleeping purposes. Each of said units shall have a restroom and kitchen.
4. "Inspections Department" means the Inspections Department of the City of Hutchinson, Kansas.
5. "Landlord" means the Owner of property that is offered for Rent, as defined by this article.
6. "Lawful Occupant" shall mean a tenant that is lawfully authorized to Occupy a Residential Rental Unit, as defined herein.
7. "Let" means to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for no consideration.
8. "Occupancy" or "Occupy" means residing or sleeping at a Dwelling Unit the majority of a person's time.
9. "Owner" means the individual or individual(s), natural or corporate, in possession of lawful title to real property. As used in this Article, Owner may also include Resident Agent.
10. "Premises" shall mean a lot, or contiguous lots under common ownership, together with all buildings, structures and appurtenances existing thereon.
11. "Re-inspection" means any subsequent inspection conducted for the purpose of verifying that any violations reported during any inspection have been remediated.
12. "Rent" means to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for consideration, pursuant to a written, oral or implied agreement.
13. "Resident Agent" means any person or business entity located or residing within Reno County, Kansas, who has been authorized to carry out transactions, as required under this Article, on behalf of the Owner.

14. "Residential Rental Unit" means any Premises having one or more Dwelling Units that are Rented to one or more Tenants.

15. "Tenant" means any person who Occupies a Dwelling Unit, other than the Owner or any person residing with the Owner.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2015-31; Adop. 7/21/2015; Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1103. Residential rental registration required.

a. Registration required. On or after April 1, 2016, no owner of property located within the City Limits of the City of Hutchinson shall rent to a tenant any dwelling unit or portion thereof, as defined by this Article, without registering said unit with the Director of Planning and Development.

1. Failure to register a residential rental unit within a given calendar year by the rental registration deadline for that year shall result in a \$20 administration fee per month for each month that a unit is used as a rental and goes unregistered. Units not registered by June 30 of each year, 2016 shall be in violation of this ordinance and the provisions of Hutchinson City Code Section 21-1104 shall apply.

b. In the case of multiple owners of any residential rental unit subject to this article, it shall be sufficient for any one of the owners to register said unit.

c. Beginning January 1, 2017, residential rental units shall be registered annually, on or before January 31st of each year.

d. Landlords who reside more than 100 miles from the City of Hutchinson shall be required to identify a resident agent, including their name, address, and phone number, who resides within Reno County and who will be held responsible for ensuring compliance with registration and other provisions of Article XI.

e. The annual registration fee shall be based upon the type of residential rental unit per the approved fee schedule~~according to the following schedule:~~

~~Rental Registration Fee Schedule~~

~~Single Family Dwelling Unit — \$20 per unit~~

~~Other Dwelling Unit — \$20 per unit~~

~~Duplex/Triplex \$20 per unit~~

~~Apartments — \$15 per unit~~

f. Rental registration shall be accomplished via forms provided by the Director of Planning and Development.

g. The Director of Planning and Development shall provide confirmation of registration to all registrants.

h. Exemptions. The following types of units are exempt from this article and do not require registration:

1. Hotels and motels.

2. Any residential unit that is occupied by the owner, provided that units that are not occupied by the owner but are located within the same building or complex, shall be registered.

3. The following transient / congregate care uses, provided said uses have obtained the appropriate approvals and licenses, as defined by the International Building Code, including:

a) Bed and breakfasts

b) Campgrounds

c) Group homes or Adult care homes

d) Assisted living facilities

e) Extended care, Dependent living or Nursing care facilities

f) Extended stay lodging

g) Dormitories, if owned by an educational institution licensed by the State of Kansas

h) Parsonages, if located on the same premises as the place of religious assembly

4. Properties on Land Contract.

5. Properties where the unit is offered by "Let" and no rental agreement is in place.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2015-31; Adop. 7/21/2015; Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1104. Unregistered units.

It is unlawful for any person to rent to another, offer for rent or allow to be occupied any rental dwelling unit without first registering said unit as required in Sec. 21-1103. Violation of this section is a Class C misdemeanor, punishable as provided in **Hutchinson City Code Sections 24-901 and 24-902**. Each rental of an unregistered dwelling unit shall be deemed a separate offense.

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2015-31; Adop. 7/21/2015; Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1105. Rental inspection program.

~~a. The exterior of all residential rental units registered in accordance with this Article shall be inspected by the Building Official. All rental units registered in accordance with this Article are required to be inspected by the Building Official when a change in occupancy of the residential rental properties occurs.~~

~~b. The interior of residential rental units registered under this Article shall be inspected upon consent of the lawful occupant of the residential rental unit or upon consent of the landlord, should a unit be vacant.~~

~~b. Property owners or an authorized agent shall contact the City to schedule inspections between periods of occupancy.~~

cc. Residential rental units shall be inspected for compliance with the International Property Maintenance Code, as amended by the City of Hutchinson, and shall include any and all common areas.

~~d. The Building Official shall notify landlords of all residential rental units scheduled for inspection during a given calendar year. Notification shall be made by first class mail, email or text, dependent upon the notification method selected by the landlord or resident agent. Tenants will also be notified and given the option to sign a consent form authorizing an interior inspection of the unit.~~

~~ed. For new construction, the Certificate of Occupancy shall count as the initial inspection, and a deferral from inspection shall be granted for a period of up to six years from the date of Certificate of Occupancy. Annual rental unit registration is still required during any deferral period.~~

~~e. The Building Official or designee shall make or cause to be made inspections to determine the condition of all structures and premises governed by this article. The Official may enter any structure or premises at any reasonable time for the purpose of performing his duties under this article, when given permission by the owner, occupant, operator or person in charge of the structure or premises. In the event the owner, operator, occupant or person in charge shall refuse access to any structure or premises, the Building Official may make application to the judge of the municipal court for an administrative search warrant.~~

~~f. Inspections may be initiated by the Building Official if additional causes for inspection are found under the following circumstances:~~

~~a. Where there is extensive deterioration of a building or dwelling; or~~

~~b. When, on the basis of a complaint or personal observation, the Building Official reasonably suspects that a building or dwelling has Code violations.~~

~~g. Failure to notify the Building Official of a change in occupancy is a violation of the code and will be referred to court.~~

(Ord. 2016-11; Adop. 6/21/2016; Ord. 2016-3; Adop. 3/01/2016; Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1106. Rental inspection results and re-inspection.

a. Residential rental units that pass ~~exterior~~ inspection ~~only~~ shall receive a “certificate of rental compliance: ~~exterior~~” from the Building Official. ~~Residential rental units that pass both interior and exterior inspections shall receive a “certificate of rental compliance: exterior and interior” from the Building Official.~~ Notices shall be delivered by first class mail or email.

b. Residential rental units that have deficiencies that, in the enforcement official’s judgement, would not seriously endanger the health or safety of the occupants, a signed affidavit stating that the owner will correct deficiencies within a specified time and thus bring the

structure into compliance with the provisions of this article. The prospective occupant may occupy the dwelling unit while repairs are being made with a signed agreement prior to occupying the property allowing any needed reinspection(s). At such time and within the period covered by the affidavit, if the dwelling complies with all provisions of this article, a residential rental inspection certificate be will issued as provided above.

c. Residential rental units that where not inspected between occupants but were reported to the Building Official by the property owner or agent shall be eligible to receive a non-inspected certificate from the Building Official. Eligibility is determined at the discretion of the Building Official, but the property owner or agent must notify the Building Official forty-eight (48) hours prior to the unit being vacant. Owners are required to inform residents that the property was not inspected, and the tenant may request a complete inspection within 15 days of the lease move in date.

b. Residential rental units that do not pass inspection shall receive a “notice of rental non-compliance” from the Building Official; said notice will detail noted deficiencies. Notices shall be delivered by first class mail.

1. The landlord shall have up to 30 days to correct noted deficiencies.

2. Re-inspection will occur on or before the compliance deadline.

3. No fee will be charged for the initial re-inspection. If the residential rental unit passes inspection on the first re-inspection, a “certificate of rental compliance”, as provided for in this section, shall be issued.

4. If the noted deficiencies are not corrected at the time of the first re- inspection, the Building Official will work with the landlord to achieve compliance within a reasonable timeframe. If compliance is not obtained within a reasonable timeframe, normal enforcement procedures will be followed as provided in the adopted building codes of the City of Hutchinson.

5. The Building Official may charge a re-inspection fee of ~~\$100~~25 per inspection for those residential rental units requiring multiple re-inspections after the initial re-inspection.

6. Normal enforcement procedures of the Inspections Department shall be invoked for those residential rental units that are deemed uninhabitable upon initial or subsequent inspection.

7. If a rental inspection has occurred within six months of a rental becoming vacant, no inspection will be required.

c. Results of residential rental unit inspections shall be made available to the public pursuant to the Kansas Open Records Act.

(Ord. 2016-11; Adop 6/21/2016; Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1107 Prosecution of violation

In case any owner is found to be violating any provision of this ordinance by the enforcement official, he may issue a general ordinance summons for appearance in municipal court to answer for the Code violation. In addition, he may request the City attorney to institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply:

1. To enjoin the occupation of the rental unit not in compliance with the provisions of this article; and
2. To enforce the penalty provision of this article.

Sec. 21-1108 Penalties

1. Any owner found to be violating any provision of this article shall be punished by a fine of not less than \$50.00, but no more than \$1000.00 or by imprisonment of not more than 90 days or by both such fine and imprisonment.

2. Additional penalties may be applied by the Building Official. Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without the necessity of further notice.

3. Whenever the penalty is to be a fine or a fine and imprisonment, the fine shall reflect the approved fine schedule.

In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of violating the same minimum standards at the same location.

Sec. 21-1107. Incentives.

~~Residential rental units that are found to have five or fewer deficiencies upon inspection shall be eligible to be placed on a six-year inspection cycle once noted deficiencies are corrected, provided the following requirements are met:~~

~~a. Annual registration and payment of the \$25 registration fee shall be required;~~

~~b. Units shall be inspected upon change of ownership; and~~

~~c. Units shall be inspected sooner than the six-year cycle, should a tenant complaint be received.~~

Sec. 21-1109 Landlord/tenant guide.

Owners and agents of rented or leased dwelling units shall deliver to their tenants within sixty (60) days after the effective date of this ordinance and upon each subsequent change of occupancy thereafter, a Kansas Landlord -Tenant Law pamphlet or direction to a copy of the Kansas Landlord-Tenant Law provided by the State of Kansas. For each guide delivered, the owner or agent shall obtain a receipt from each such tenant. Such receipts shall be available for inspection and copying by the enforcement official upon request at any reasonable time.

b. Nothing in this article or its enforcement shall be construed in any way to affect landlord-tenant relations nor shall relieve the tenant of any implied contractual obligations with the landlord. Further, should the enforcement official order the maintenance or repair of an element of a structure, the property owner shall not remove said element unless the enforcement official has first determined that the removal of said element would not increase the rate of deterioration of said structure.

c. If the City is notified by a tenant of violations existing in a residential rental unit, the City shall inspect the premises after the tenant has signed consent to enter. If the tenant has been served an eviction notification by the County Sheriff's Department, the City will not inspect the unit until the property owner or agent has notified the City of the units vacancy.

Sec. 21-1110 Utility Company Notification

For any month when there is a change of user of water or utility service within the City, the Utilities Department or other utility provider shall notify the Building Official of the changes, indicating the address and apartment number of unit number in whose name the service is connected or billed.

~~(Ord. 2016-11, Adop. 6/21/2016; Ord. 2015-11, Adop. 4/07/2015)~~

~~Sec. 21-1108. Program Termination~~

~~The residential rental registration and inspection program shall terminate on December 31, 2019 unless specific authorization by the Governing Body of the City of Hutchinson is made to continue the provisions thereof.~~

~~(Ord. 2016-11, Adop. 6/21/2016; Ord. 2015-11; Adop. 4/07/2015)~~

DRAFT



RENTAL REGISTRATION AND INSPECTION PROGRAM POLICY

Purpose.

The Rental Registration and Inspection Program was established to correct and prevent housing conditions that adversely impact life, health, safety and general welfare of tenants and the City of Hutchinson. The program was designed to protect the quality, character and stability of residential areas while preserving the value of properties. The program also collects and maintains an active list of residential rental properties.

Rental Registration.

A registration of all residential rental units will be administered by the Hutchinson Planning & Development Department annually. Registration notices will be sent to property owners or designee at least two months prior to the registration deadline. Registration notices will include the property owner information on record, a list of residential rental units owned by the property owner and the registration fee, per registration fee schedule, for each unit. If the owner of record does not reside within 100 miles of the City, a resident agent's name and contact information will be required. Completed registration forms, including updated information, and payment of all registration fees are due by January 31st of every year. Upon completion of registration, property owners will receive confirmation of registration via a Certificate of Rental Registration.

Registration Fee Schedule:

Single Family Dwelling Unit:	\$20 per unit
Other Dwelling Unit:	\$20 per unit
Duplex/Triplex:	\$20 per unit
Apartments:	\$15 per unit

Residential units that meet the following exemptions will not have to comply with the Rental Registration requirements:

- Hotels and Motels
- Owner occupied units
- Transient/ congregate care uses such as bed and breakfasts, campgrounds, group homes or adult care homes, assisted living facilities, extended care facilities, dependent living facilities, nursing care facilities, extended stay lodging, educational institution dormitories, and parsonages if located on the same premises as a religious assembly
- Land contracts
- Properties where the unit is offered for "LET" and no rental agreement is in place

Rental Inspection.

Property owners must notify the Building Official of a change of occupancy for any unit that is registered within City Limits. Upon notification, the Building Official or designee will schedule an inspection for the unit before the unit is occupied. If the Building Official is unable to schedule an inspection prior to the unit becoming occupied and the property owner or designee has given a minimum of 48 hours notice, a non-inspected certificate can be issued at the discretion of the Building Official. Non-inspected certificates notify the tenant that the property had not been inspected prior to occupation and if the tenant wished, they could request an inspection within 15 days of the move-in date.

Once an inspection has been completed, the Building Official will either issue a Certificate of Rental Compliance, notify the landlord of any violations that need to be corrected or enter into an agreement with the Landlord to allow the tenant to occupy the structure. To approve such agreement, the Building Official must determine that any of the code violations found will not endanger the health or safety of the occupant. If approved, the Landlord must sign an affidavit stating that they will fix the noted minor deficiencies by the stated date. Once the deficiencies have been remediated, a Certificate of Rental Compliance will be issued. If the landlord does not comply, the City will proceed per current code violation policy. The tenant must be notified of the temporary agreement and a list of violations provided to them.

No fees will be charged for the initial re-inspection. The Building Official may charge a \$100 inspection fee for every re-inspection after the initial re-inspection.

Inspections will be based on the International Property Maintenance Code as adopted by the City of Hutchinson. Results of inspections will be available as public record.

Penalties and Fine Schedule.

Failure to register a rental by January 31st will result in a \$20 administration fee per unit for each month a unit goes unregistered. If registration is not completed by June 30th of each year, every unit not registered will be in violation of Sec. 21-1103 of City Ordinance, and the property owner will be referred to court. Whenever the penalty is to be a fine for failure to register, the following fees will be applied:

- First Violation: \$50.00
- Second Violation: \$100.00
- Third Violation: \$200.00
- Fourth Violation: \$300.00
- Fifth and any subsequent violations: \$500.00

Failure to report a change in occupant to the City will result in a violation of City Ordinance. The City will refer all cases to court. Whenever a penalty is to be a fine or a fine and imprisonment, the following fees will be applied:

- First Violation: \$50.00
- Second Violation: \$200.00
- Third Violation: \$300.00
- Fourth Violation: \$400.00
- Fifth and any subsequent violations: \$1,000.00

Failure to correct any violation(s) found during an inspection will follow the typical code enforcement process. If further non-compliance continues, the violation(s) will be referred to court. Whenever a penalty is to be a fine or fine and imprisonment, the following fees will be applied:

- First Violation: \$50.00
- Second Violation: \$200.00
- Third Violation: \$300.00
- Fourth Violation: \$400.00
- Fifth and any subsequent violations: \$1,000.00

Additional Requirements.

Owners and agents of registered rentals are required to deliver a copy or notify the tenant of a location to find a copy of the Kansas Landlord Tenant Law pamphlet, as provided by the State of Kansas. The owner must obtain a written confirmation from the tenant that notification was given.

If the City receives a complaint from the tenant, the tenant must sign a consent form to enter the property prior to any interior inspections occurring. If the tenant has been served an eviction notification by the Reno County Sheriff's Department then the City will not inspect the property until the landlord notifies the city that the unit is vacant. If the landlord fails to notify the City that the unit is vacant, the city will pursue the above penalties.

Program Measures.

The Director of Planning & Development and the Building Official will make public the results of rental registration and rental inspections. A monthly report will be provided to the Hutchinson Housing Commission including, but not limited to, the number of units registered, the number of units inspected, the number of violations found, the number of units that passed or preliminarily passed inspections.

In addition, an annual report will be provided to the Housing Commission and City Council with the following measures:

- Total number of units registered and the total fees collected
- Total number of units inspected
- Total number of violations found
- Total number of violations found per code section
- Total number of violations resolved by the landlord
- Total number of cases referred to Municipal Court
- Total number of complaints to the City from a tenant