

Housing Commission Meeting Agenda

Wednesday, September 25, 2019 – 4:00 PM
Council Chambers Conference Room, 125 E. Avenue B, Hutchinson, Kansas

1. CALL MEETING TO ORDER

_____ A. Davenport (6/8)	_____ VACANT	_____ N. DeBerry (4/8)
_____ VACANT	_____ L. Gleason (C) (8/8)	_____ A. Patterson (5/8)
_____ R. Patton (VC) (8/8)	_____ L. Soltow (6/8)	_____ K. Lanham (6/8)

Ex-Officio Members:

_____ D. Rich (8/8)	_____ J. Thomson (4/8)
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2. APPROVAL OF MINUTES – July 24, 2019 and August 19, 2019

3. ANNOUNCEMENTS

4. WRITTEN REPORTS

- a. Housing Report
YTD Report

5. ORAL REPORTS

- a. Healthy Neighborhoods Initiative (*Stewart, Gleason*)
- b. Hutchinson Land Bank Update (*Hvitlæk*)
- c. Aging-in-Place Committee (*Gleason*)

6. DISCUSSION OF BRUSH UP! HUTCH SOLE SOURCE RFP

7. DISCUSSION OF RENTAL REGISTRATION AND INSPECTION POLICY (*Hvitlæk*)

- a. Staff Presentation of Proposed Ordinance
- b. Housing Commission Discussion
- c. Public Comment

8. OLD BUSINESS

9. OPEN COMMENTS

10. OTHER

- a. The next Housing Commission meeting is scheduled for Wednesday, October 23, 2019 at 4:00 PM.

11. ADJOURN



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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, Angie Davenport, Kelly Anne Lanham, Aubrey Patterson, Jeff Thomson and Dan Rich. Julia Westfahl, SCKEDD; Diane Crabtree, Interfaith Housing Services; Steve Dechant and David Inskip, City Councilmembers, were in attendance. Lucas Soltow and Nathan DeBerry were absent. Staff present were Ryan Hvitlæk, Director of Planning and Development; Jim Seitnater; Downtown and Housing Coordinator; John Vetter, Code Enforcement; and Charlene Mosier, Planning Technician.

2. APPROVAL OF MINUTES

The minutes of the June 26, 2019 meeting were approved as amended on a motion by Patton, seconded by Lanham, passed unanimously.

3. ANNOUNCEMENTS

a. None.

4. WRITTEN REPORTS

a. **Housing Report**

The YTD Housing Report was included in the agenda packet.

5. ORAL REPORTS

a. **Healthy Neighborhoods Initiative**

Stewart said SW Bricktown had a party in the park to celebrate the improvements made to the park with the help of public and private partnerships, as well as the approval of the Master Park plan by the City of Hutchinson. Tina Wells will be offering free yoga classes in the park.

College Grove residents assisted with Landing on the Lawn that was held by the Cosmosphere to celebrate fifty years since landing on the moon. A Donuts on the Driveway is planned for this Saturday. The neighborhood is looking for volunteers to coordinate a porch music festival known as porchfest. This would be the first to be held in Kansas.

Farmington Park Neighborhood has made improvements to the park gazebo. Hutch Rec and Vance Voth will be meeting to discuss a long term plan for Farmington Park improvements.

Creekside Neighborhood has sponsored movies shown at the library; however, the attendance has been low. A proclamation for this neighborhood will be given at the City Council meeting on August 6. A resident in the Creekside Neighborhood is designing a logo for the street sign toppers and residents will be voting soon. The Planning Department is applying for a CDBG grant for the Creekside Neighborhood.

The Faris Neighborhood will be meeting to finalize boundaries. Three neighborhoods will be having National Night Out Parties.

Gleason said she met with Jason Baldetti, Tony Finlay and Aubrey Patterson to coordinate the various entities and their assistance with neighborhood efforts so as not to duplicate services and have multiple staff persons at each event.

b. **Hutchinson Land Bank Update**

Hvitøk said the Land Bank is putting together a work plan to be completed by the end of the year and then present the plan to City Council. Projects may include promoting Land Bank properties with some type of round robin event along with social media and utilizing architectural students to come up with different types of home styles that could be constructed on the available lots.

6. OLD BUSINESS

a. **2019 Brush Up Hutch Program Amendment**

Hvitløk said Staff has updated Brush Up Hutch brochures as the program now allows for investor owned properties to apply. One landlord has turned in applications. To date, there have been 36 applications submitted this year. Staff will be working on the single source provider RFP before the end of the year, to be in place for the 2020 year.

b. **RRIP – Code Enforcement Committee Update**

Hvitløk said the subcommittee met to review the RRIP program and determine what we want to see happen with it in the future. The City Council gave direction to amend or sunset the program. The subcommittee will meet in August and there will be a work session with the City Council on August 13. The subcommittee will review what is important and what we want to continue and what we no longer want.

c. **CDBG Grant Update**

Seitnater said Staff will be meeting with SCKEDD to review the HAT. A skype meeting with Topeka on how past grants have gone will be important and receiving pre-applications to make certain there is adequate interest before the grant approval. We have a different staff team and organized neighborhoods this grant round. The last grant had some funds returned as the housing in the specified neighborhood did not fit the actual grant scope. There is a possibility rentals and demolitions can be included in the grant for the Creekside Neighborhood.

7. OPEN COMMENTS

a. None

8. OTHER

a. Director's Updates

Hvitløk said the 2020 Budget will include a slight mill increase. The Planning Commission approved the 2020 CIP as they believe it meets the intent of the 2017-2037 Comprehensive Plan.

The CIP includes improvements to SW Bricktown Park, a walking trail in Farmington Park and restroom repairs at Elmdale.

Aging in Place Committee – Gleason said the committee has met a couple of times. Aging in place means being able to age in the same community, not necessarily in your original home.

Homeless Veteran’s Project – Hvitløk said this project is about what we can do to help homeless veterans. Westfahl said this project includes the Kansas area and not only Hutchinson. If veterans do not have a physical address, they will not qualify to receive assistance or services. There is a need for partners to assist in finding homes for veterans. One option may be a tiny village located outside the city limits of South Hutchinson. Another option is to acquire homes and rehab them for veterans. Seitnater said looking at properties that are on the demo list to see if they can be rehabilitated may be an option. There are possible grants from Home Depot and Lowes and the Salvation Army also works with veterans. Hvitløk spoke with Human Resources about the Mid Kansas Community Action Program to help homeless individuals find jobs. The Human Relations committee will be working with them. It was noted there are 100 homeless students in the Hutchinson school system.

Vacant Positions – Hvitløk said there are two vacancies on the Housing Commission. Interested persons can apply online and information will be on Facebook.

- b. The next regularly scheduled Housing Commission meeting is Wednesday, August 28, 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

1. ROLL CALL

The Housing Commission meeting was called to order at 3:00 p.m. with the following members present: Lisa Gleason, Lucas Soltow, Angie Davenport, Aubrey Patterson, and Dan Rich. Ryan Patton and Kelly Anne Lanham arrived at 4:00 p.m. Steve Dechant, City Councilmember, and Adam Stewart, Neighborhood Coordinator were in attendance. Nathan DeBerry and Jeff Thomson were absent. Staff present were Ryan Hvitløk, Director of Planning and Development; Jim Seitnater, Downtown and Housing Coordinator; and Charlene Mosier, Planning Technician.

2. APPROVAL OF MINUTES

The minutes of the July 24, 2019 meeting were not approved as a quorum was not present at that time.

3. ANNOUNCEMENTS

a. None.

4. WRITTEN REPORTS

a. **Housing Report**

Hvitlok reviewed the YTD Housing Report that was included in the agenda packet. The goal is to have all rentals inspected by year end. There have been three new residential construction permits issued this year. There were no housing program applications in July.

5. ORAL REPORTS

a. **Healthy Neighborhoods Initiative**

Stewart said approximately 700 persons participated in the August 6 SW Bricktown, Farmington Park and Creekside neighborhood block parties. Food was served until the storm came. Residents in the Faris neighborhood are planning a cleanup on September 28 and Salvation Army will allow the use of their west parking lot for a dumpster site. Creekside will be voting on the logo for sign toppers. A neighborhood resident has come up with the designs. They will also discuss a neighborhood project. Faris residents had a meeting with Tony Finlay, Hutch Rec, Justin Combs, City Parks Director and the Salvation Army Major about possible plans for a park on the Salvation Army property.

College Grove will have their Donuts in the Driveway on Saturday, August 24. In addition, a guest from the Cosmosphere will give a presentation on astronomy.

b. **Hutchinson Land Bank Update**

Hvitløk said the Land Bank continues to work on their strategic plan. One item to explore will be the possibility of acquiring lots with homes on them in addition to vacant lots. At their next meeting, they will consider an application from an out of state applicant to purchase lots on Avenue C between Maple and Elm.

6. DISCUSSION OF RENTAL REGISTRATION AND INSPECTION POLICY

Hvitløk said the committee has been working the past few weeks to revise the Residential Rental Registration and Inspection Program to a Residential Rental Licensing and Inspection Program. A draft of the proposed licensing program was included in the agenda packet. The group also reviewed other programs in Kansas. Changing from registration to licensing gives the city a way to revoke licenses, which would be handled by the building official. The language about internal inspections would be removed. An inspector cannot go inside a home without consent. Landlords that request interior inspection of property would be incentivized by lower license fees and listed as a best practice rental on the City website or given a sign or insignia to place on their unit. There was a question about program cost. The program fees typically break even with implementation. Fees would remain the same at \$20 for single family and duplexes and \$15 for apartments on an annual basis. Information about where rental units are located is helpful to public safety officials such as the fire department.

Rich asked about Lawrence and other towns that have internal inspections. Hvitløk said they have had their program for years and it is voluntary and expected there as part of the culture. It is not incentivized.

Soltow said most towns do not have the amount of land contracts Hutchinson has and this program does not address this issue. He said the new licensing proposal is do-able, as was the previous one, but his opinion is that it will not change rentals or housing very much. He said poverty, many people with no credit and a number of landlords that should not be in the business are things this program cannot address. Soltow would rather see the \$100,000 collected spent in some other way.

Dechant said staff can develop an incentive package that could make a difference in the culture. At some point tenants may pass up the rentals that do not have a certificate. State legislation would need to be more involved with land contracts to see changes. Having an escrow agent for a land contract is best practice.

Davenport said other professions have to pay a fee to be licensed and landlords should also have to pay a license fee for their business or risk damaging their reputation.

Patterson said some slumlords will sell out and that will affect the landlord base for those that step up and meet the standards. Being a landlord is a privilege and not a right.

Davenport asked what happens if a license is revoked and renters are in the property. Hvitløk said a policy would need to be developed for that. It would be like revoking a contractor license and would be reviewed by a Board of Trades, a group that represents all the trades plus some members at-large.

The Residential Rental and Inspection Program ends this year and we need to complete our proposal soon to get notices to landlords. A joint study session will be held with the City Council to see if they would like to move forward with this.

Soltow believes the incentive is too weak for landlords to comply with licensing. There should be a greater reward for landlords that have units that are all older and need a lot of maintenance and they truly improve them than ones that manage new complexes that should be in excellent condition.

Gleason said she would like to move forward with the licensing program.

Dechant said he hopes the Housing Commission will be unified in support of a rental licensing program if they present the program to the City Council.

Motion by Patterson, seconded by Davenport to meet with the City Council for a work session on a Residential Rental Licensing and Inspection Program, passed unanimously.

Staff will schedule a study session with the City Council on Sept 10 at a time to be determined.

7. OLD BUSINESS

a. **CDBG Grant Update**

Hvitløk said Staff is completing the 2020 CDBG Grant application with the Kansas Department of Commerce for the Creekside Neighborhood area which is the area between West 5th Avenue and West 8th Avenue and Main St. to Adams St. Pre-applications have been turned in by owners and renters. The application is due to the State on August 29. We should hear the outcome in January, 2020. The grant would be for \$250,000 to rehabilitate ten homes at approximately \$25,000 each.

8. OPEN COMMENTS

- a. Staff is applying for a grant from the Community Foundation for tactical urbanism/placemaking for pilot projects in Midtown, Farmington Park, State Fair and Hyde Park.
- b. Davenport asked if applicants can apply for the zero interest loan to make repairs for earthquake damage. The consensus was it would not qualify for just damage from quakes unless it was included with other qualifying projects.

9. OTHER

- a. Lanham said a house on the northeast corner of Plum St and Avenue A is being remodeled and looks very nice with the improvements. This house appears to be a flip house. Stewart said another home being flipped is at Plum St and 7th Avenue.
- b. Rich complimented Hvitløk on tackling the RRIP program at this point in the process and handling the project well.

10. ADJOURNMENT – The meeting adjourned at 4:10 p.m.

- a. The next regularly scheduled Housing Commission meeting is Wednesday, September 25 at 4:00 p.m.

HOUSING COMMISSION MINUTES
Meeting of: Wednesday, August 19, 2019

Respectfully Submitted,
Charlene Mosier, Planning Technician

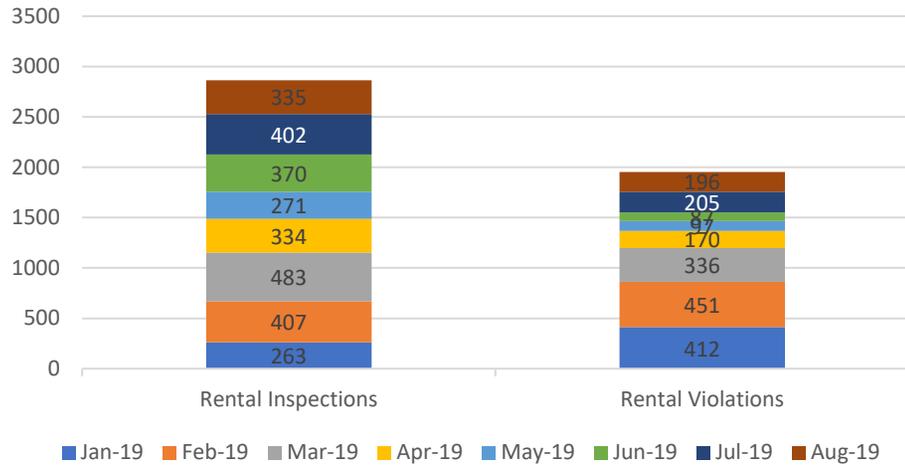
Approved this _____ day of _____, 2019.

Secretary

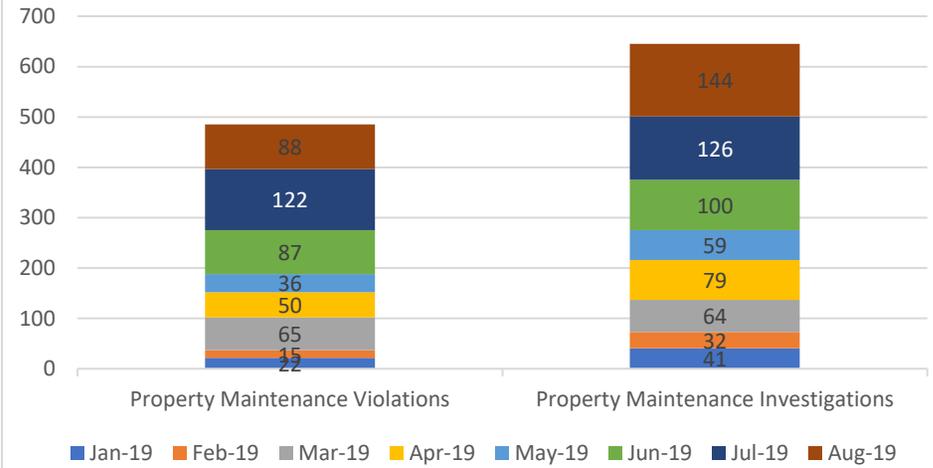
HOUSING DASHBOARD

PREPARED: September 17, 2019

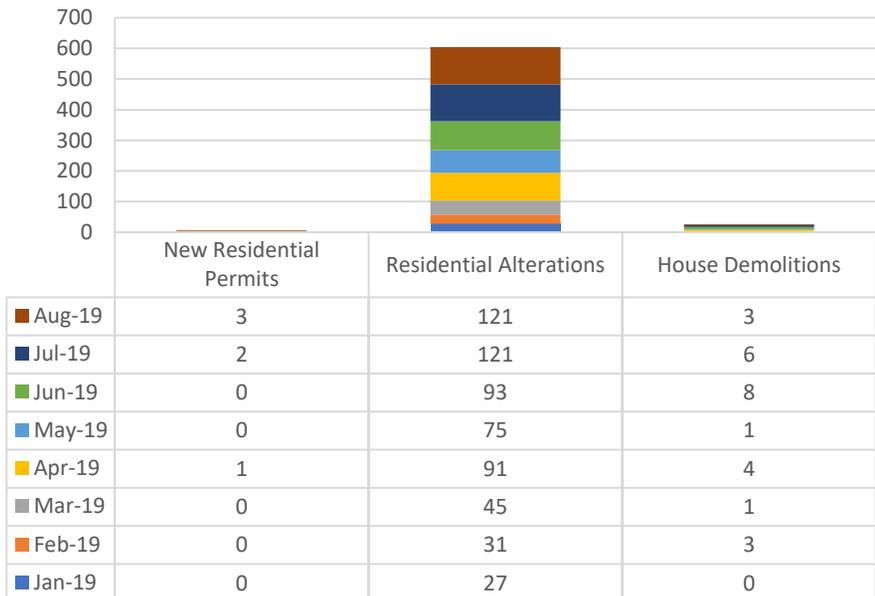
Rental Registration and Inspection Program



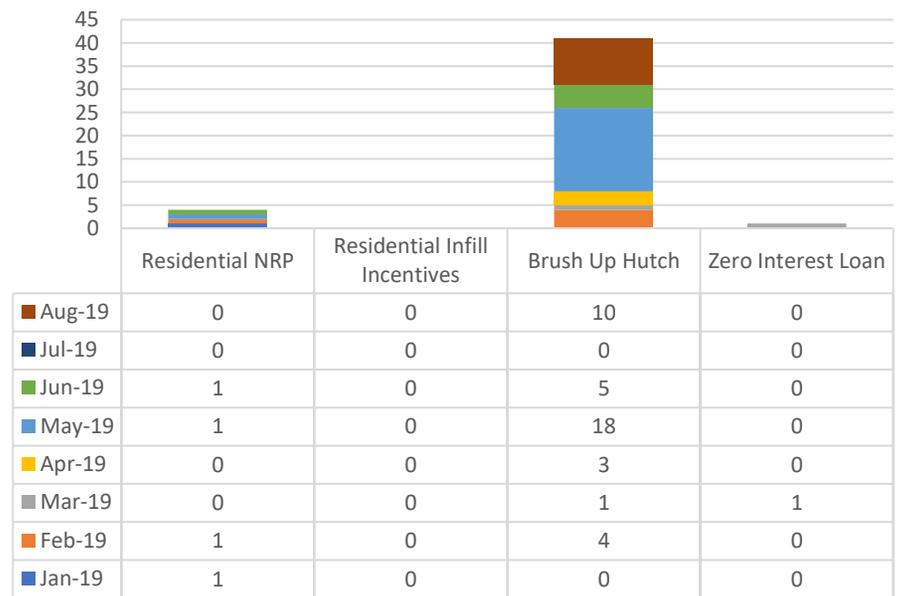
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CONSTRUCTION



HOUSING PROGRAM APPLICATIONS



Proposed Brush Up Hutch! RFP Requirements:

Proposals must include the following:

- \$500 allotment per house for paint and approved supplies
- Paint reimbursed through the program will be only those types and rates approved by contract. Please provide the type, a short description of the quality and the price point per gallon.
- Approved supplies will include: paint brushes, tarps, A maximum of \$100 of the \$500 can be used for supplies.
- No cost of labor can be reimbursed from this program
- Approved applicants will have 30 days to paint the home
- Persons who are eligible for the program must provide Approval Letter from the City of Hutchinson prior to purchasing paint and/or supplies
- A pre-consultation will be provided to all eligible participants prior to the purchase of the paint. Pre-consultations will include a description of the paint eligible, a review of the existing house and recommendations provided as to how to successfully paint said structure and a review of all color palettes.
- Upon approval of contract, the successful contractor will work with City Staff to identify potential color palettes for applicants to review. At this time, eligible color choice may be limited.
- Provide what type of reimbursement system, such as a City account within the organization paid monthly or a reimbursement on a case-by-case basis.
- If the applicant does not complete their project within the 30 days, said company will charge the applicant for the cost of paint and supplies.
- Any policies or proposals in addition to those listed above.

Proposals must also meet all general requirements per Hutchinson Purchasing Policy.



Housing Commission Staff Report

Meeting Date: September 25, 2019

DATE: September 16, 2019

TO: Hutchinson Housing Commission

FROM: Ryan Hvitløk, AICP
Director of Planning & Development

THROUGH: John Deardoff
City Manager

SUBJECT: Rental Licensing and Inspection Program

REQUEST:

Request to amend Article XI. Residential Rental Licensing and Inspection of Chapter 21 of The Code of the City of Hutchinson, Kansas.

Staff Recommendation:

Staff recommends approval of the proposed amendments to Article XI of Chapter 21 of the *Hutchinson City Code* establishing a rental licensing program and voluntary interior inspection program.

Motion:

Motion to recommend (approval / modification and approval / denial) to the City Council an amendment to Article XI, Chapter 21 of the *Hutchinson City Code* pertaining to the establishment of a rental licensing program and a voluntary incentive-based interior inspection program.

BACKGROUND:

The City Council and the Housing Commission held a joint study session of the proposed ordinance on September 10, 2019. Staff provided a report to the joint group and provided a walkthrough of the ordinance. The City Council had several questions including how to fund the program, how to ensure that the Inspections Department is not monopolized with inspections of “best-practice” units, concern regarding displacement of tenants if a license is revoked and removing sunset language to show the City’s commitment to the program. While the Housing Commission was generally in support of the proposal, a few concerns regarding effectiveness of the incentives and licensing. The consensus of the Commission was of support for continuing a rental program. City Council directed the Housing Commission to take up the topic at their September 25 meeting and to return the proposal to the Council in final ordinance draft form on October 1. Staff has revised the proposed text based on comments from the City Council and Housing Commission.

The proposed ordinance requires all rental units in the City to be licensed. The proposed ordinance also tries to incentivize interior inspections by tenants or landlords by denoting those units as “best-practice units”. These units are eligible for additional recognition and reduced licensing fees.

ANALYSIS:

Staff revised the ordinance based on comments from the City Council and Housing Commission. The following changes have been made to the text since the joint study session:

- Section 21-1106 a.: Clarify that the inspection program is an interior inspection program. Exterior inspections and complaint based interior inspections will still continue.
- Section 21-1107 a.: The reduced license fee will continue for the length of time the unit is a best practice unit. This is a change from the previous revision that allowed for a reduced fee for only the first year of being named.
- Section 21-1107 c.: The best practice designation is good for a period of three years from initial inspection, with additional three-year periods if a new interior inspection is completed and the unit remains in good license standing. The intent of this edit is to free landlords from having to request an inspection yearly to stay in best-practice status. The longer inspection schedule will allow inspections staff to focus on units that need more attention, a concern with limited staffing.
- Section 21-1108: Remove the section pertaining to program termination. The overarching comment from both City Council and Housing Commission is that if the City is going to enact a rental program that it must continue with the program for the long-term.

NEXT STEPS:

If the Housing Commission recommends approval of this request to the City Council, it will be considered on October 1, 2019 for further Council review.

EXHIBITS:

A – Proposed Amendment to Article XI, Chapter 21 of the Hutchinson City Code

- a. No such use shall be expanded, changed, enlarged or altered in a way which increases the magnitude or alters the character of its nonconformity;
- b. such use is discontinued for 12 consecutive months;
- c. Such use or any adjunct thereof does not become a public nuisance;
- d. If any such structure or use is destroyed or damaged to such an extent that the cost of repairing or reconstructing the same is more than 50 percent of the market value of the structure before the damage occurred, such structure or use shall not be reconstructed except in full compliance with the provisions of this Code; provided, that costs computed for the purpose of applying this subsection shall not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- e. Any applicant to whom a variance is granted shall be given written notice over the signature of enforcement officer that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this section.

SECTION 12. Penalties

- a. Any person violating any provision of this Code shall upon conviction thereof be fined not more than \$100. Each day such violation continues shall be considered a separate offense.
- b. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or abate any violation.
(Ord. 2009-36, Adop. 12/15/2009; Ord. 2000-28, Adop. 10/03/2000; Ord. 2000-22, Adop. 8/15/2000; Ord. 7324, Adop. 1/15/1991; Ord. 7314, Adop. 9/25/1990)

Article XI. Residential Rental ~~Registration-Licensing~~ and

Inspection Sec. 21-1101. Purpose.

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

- a. Recognize that the offering for rental of dwelling units is a business, and the condition of a dwelling unit has a direct impact on the physical and mental health as well as the social well-being of tenants occupying dwellings.
- b. Protect the quality, character, and stability of residential areas.

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a.c. 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.~~

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~~e.d.~~ Preserve the value of land and buildings and the local tax base.

~~e.e.~~ Reduce complaint-based inspections.

~~e.f.~~ Protect the public from increased criminal activity, which tends to occur in residential areas that are unstable ~~due to~~, blighted or substandard ~~dwelling~~s.
(Ord. 2015-11, Adop. 4/07/2015)

Sec. 21-1102. Title and Definitions

a. **Title.** This article shall be known as the “Rental ~~Registration-Licensing~~ 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~~-licensing required.

a. ~~Licensing Registration~~ required. On or after ~~April 1, 2016~~ ^{January 1, 2020}, 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 licensing~~ said unit with the Director of Planning and Development.

1. Failure to ~~register license~~ a residential rental unit within a given calendar year by the rental ~~registration-licensing~~ 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/unlicensed~~. Units not ~~registered/licensed~~ by ~~June 30, 2016~~ ^{May 31st} of ~~each year~~ shall be in violation of this ordinance and the provisions of Hutchinson City Code Section 21-1105~~4~~ shall apply.

b. One license shall be issued for each building with rental dwelling units and shall cover all such dwellings in the building under the same ownership.

c. 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 license~~ said unit.

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b.d. A license issued under this article is nontransferable. A new license shall be required for each change of ownership of a rental dwelling.

e.e. Beginning January 1, ~~2017~~²⁰²⁰, residential rental units shall be registered licensed annually, on or before ~~January~~^{May} 31st of each year.

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

e.g. All owners obtaining a rental license under this Article shall pay an annual Rental License Fee. The license fee shall be due at the time of application or renewal and shall not be prorated or refunded upon revocation of a rental license. The annual ~~registration license~~ fee shall be based upon the type of residential rental unit according to the following schedule:

Rental ~~Registration-License~~ 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.h. Rental ~~registration-licensing~~ shall be accomplished via forms provided by the Director of Planning and Development.

i. The Director of Planning and Development shall provide confirmation of ~~registration-licensing~~ to all ~~registrants&licensees~~.

j. The Rental License shall be maintained by the Licensee on the Premises, if possible, or at the Licensee's principal place of business, and shall be made available, upon request, to any Tenant of the Dwelling Unit or to Building Official or Director of Planning and Development.

g.k. A listing of Rental Licenses shall be provided on the City of Hutchinson's website and available to the public.

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

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~~licensed.
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:

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- 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. Violations of Rental License.

a. If the Building Official determines that a building or dwelling unit that is licensed under this Article is in violation of Chapter 21 of the City Code, they shall mail a notice to the licensee and any resident agent on file. The notice shall specify the violation(s) of Chapter 21 and include the time period to correct the violation(s).

b. The Building Official shall have the authority to place a rental license on probation. The intent of a probation action is to provide the licensee an agreed upon, reasonable time to correct any condition(s) that cause(s) a violation of Chapter 21 of the City Code. Probation may include conditions of reasonable reporting requirements, reasonable time frame to correct the violation(s), or other reasonable conditions necessary to bring the unit in violation into compliance with City Code. Failure to successfully complete any and all conditions of probation shall be grounds for revocation of the rental license. A probation action allows the licensee to continue renting the unit subject to the probation action.

c. The Building Official shall have the authority to revoke a rental license. In making the action to revoke, the Building Official shall provide account of the severity of the alleged violation of Chapter 21 of the City Code, and all other mitigating and aggravating circumstances, including, but not limited to whether or not the licensee has had other revocations or convictions under this Article. Any revocation shall be effective, and no rental license shall be issued for the dwelling unit, until the dwelling unit is re-inspected by the Building Official and all violations have been remediated.

d. **Appeal of License Action.** Any licensee aggrieved by the action of the Building Official in the probation or revocation a rental license shall have the right to appeal that action to the Building Trades Board, as authorized in Section 21-106.e. of the City Code. Such appeal shall be submitted by filing a Notice of Appeal with the Building Official within 30 days of the license action. The final order of the Building Trades Board shall be the final decision of the City.

e. Nothing in this Section shall prevent the Building Official from immediately revoking a rental license when a unit is determined to be unfit or hazardous pursuant to Chapter 21 of City Code or applicable state statutes.

Sec. 21-11054. Unregistered Unlicensed 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 licensing said unit as required in Sec. 21-1103. Violation of this section is a Class C misdemeanor, punishable as provided in Hutchinson City Code

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Sections 24-901 and 24-902. Each rental of an ~~unregistered unlicensed~~ 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. 21-11065. Rental inspection program.

~~a. The exterior of all residential rental units registered in accordance with this Article shall be inspected by the Building Official.~~

~~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.~~

~~a. 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. The City of Hutchinson shall have a voluntary interior inspection program for all licensed rental units in the City.~~

~~b. Landlords or tenants may request an inspection of the interior of property from the Inspections Department, by completing a consent form and scheduling an inspection with the Building Official. Inspections will be completed in accordance with the standards of the International Property Maintenance Code, as amended by the City of Hutchinson.~~

~~c. Results of inspections shall be made available to the public through the City of Hutchinson's website.~~

~~ed. Nothing in this section shall prohibit the Building Official from enforcing Chapter 21 of the City Code nor the International Property Maintenance Code when violations are noted through complaints or inspections from the public right-of-way.~~

~~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.~~

~~e. 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.~~

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

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~~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 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 \$25 for those residential rental units requiring multiple re-inspections.~~

~~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.~~

~~e. 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. Incentives.

Residential rental units that are in good license standing and are found to have five or fewer deficiencies upon inspection request an interior inspection shall be eligible, once noted deficiencies are corrected, to be placed on a six-year inspection cycle once noted deficiencies are corrected, provided the following requirements are met for additional recognition from the City of Hutchinson as a “best-practice rental”. Best-practice units shall be eligible for the following incentives:

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

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a. Best-practice units are eligible for a 25% reduction on the Rental License fee for the unit(s);

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a. The City of Hutchinson shall provide signage to the landlord to advertise that the unit is a best-practice unit. The City of Hutchinson will also maintain a list of best-practice units on the City's website for public viewing.;

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b. Best-practice units shall be eligible for the designation for a period of three calendar years from the initial inspection entitling the unit to best-practice status. A unit shall be eligible for an additional three years of recognition after the initial three-year period expires, if the unit remains in good license standing and another interior inspection is completed.

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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.~~

(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)*~~

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Article XII. Insurance Proceeds Fund

Sec. 21-1201. Scope and Application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et. seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this chapter.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1202. Lien Created.

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)

Sec. 21-1203. Same; Encumbrances.

Prior to final settlement on any claim covered by Sec. 21-1202, the insurer or insurers shall contact the county treasurer, Reno County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Reno County, Kansas

(Ord. 2016-13, Adop. 6/21/2016; Ord. 7557, Adop. 7/15/97)