

Introduced: November 5, 2019
Passed: November 5, 2019
Published: November 8, 2019

ORDINANCE NO 2019 - 17

AN ORDINANCE REPEALING ARTICLE XI. RESIDENTIAL RENTAL REGISTRATION AND INSPECTION, OF CHAPTER 21 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS AND SUBSTITUTING ARTICLE XI. RESIDENTIAL RENTAL LICENSING AND INSPECTION OF CHAPTER 21 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:

Section 1. That Article XI. Residential Rental Registration and Inspection, Chapter 21 of the Code of the City of Hutchinson, Kansas, be repealed and replaced by the following Article:

Article XI. Residential Rental Licensing and Inspection Program

Sec. 21-1101. Purpose.

A residential rental licensing 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.
- c. Correct and prevent housing conditions that adversely impact life, health, safety and general welfare of tenants and the surrounding area.
- d. Preserve the value of land and buildings and the local tax base.
- e. Reduce complaint-based inspections.
- f. Protect the public from increased criminal activity, which tends to occur in residential areas that are unstable due to blighted or substandard dwellings.

Sec. 21-1102. Title and Definitions

a. **Title.** This article shall be known as the “Residential Rental 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 remedied.
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.

Sec. 21-1103. Residential rental licensing required.

a. **Licensing required.** On or after 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 licensing said unit with the Director of Planning and Development.

1. Failure to license a residential rental unit within a given calendar year by the rental licensing deadline for that year shall result in a \$20.00 administration fee per month for each month that a unit is used as a rental and goes unlicensed. Units not licensed by May 31st of each year shall be in violation of this ordinance and the provisions of Hutchinson City Code Section 21-1105 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 license said unit.

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. Beginning January 1, 2020, residential rental units shall be licensed annually, on or before May 31st of each year.

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 licensing and other provisions of Article XI.

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 license fee shall be based upon the type of residential rental unit according to the following schedule:

Rental 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

h. Rental 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 licensing to all 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.

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

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

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 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:

- 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.

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 remedied.

d. **Appeal of License Action.** Any licensee aggrieved by the action of the Building Official in the probation or revocation of 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 thirty (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 the City Code or applicable state statutes.

f. Nothing in this Section shall prevent the City from additionally enforcing Chapter 21 of the City Code or any other chapter of the City Code through the penalties contained in the City Code.

Sec. 21-1105. 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 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 Sections 24-901 and 24-902. Each rental of an unlicensed dwelling unit shall be deemed a separate offense.

Sec. 21-1106. Rental inspection program.

a. 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.

d 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.

Sec. 21-1107. Incentives.

Residential rental units that are in good license standing and request an interior inspection shall be eligible, once noted deficiencies are corrected, for additional recognition from the City of Hutchinson as a "best-practice rental". Best-practice units shall be eligible for the following incentives:

a. Best-practice units are eligible for a 50% reduction of the Rental License fee for the unit(s);

b. 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.

c. Best-practice units shall be eligible for the designation for a period of three (3) calendar years from the initial inspection entitling the unit to best-practice status. A unit shall be eligible for an additional three (3) years of recognition after the initial three-year period expires, if the unit remains in good license standing and another interior inspection is completed, with any violations corrected.

Section 2. That the existing Article XI. Residential Rental Registration and Inspection, of Chapter 21 of the Hutchinson City Code is hereby repealed.

Section 3. That all other sections of Chapter 21 shall remain in full force and effect.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 5th day of November, 2019, for the City of Hutchinson, Kansas.

David A. Inskeep, Mayor

ATTEST:

Karen Weltmer, City Clerk