

Rental Licensing Program

Program Handbook for Owners, Property Managers and Landlords

The City of Lawrence cares about our residents and wants to ensure conditions in their homes are safe and habitable. The city has enforced a rental licensing program for 12 years for units located in Single-Family Residential zoning. As of January 1, 2015, all other residential rental properties and dwelling units will be required to have a valid rental license. We want to provide you with information on how this program will affect you and your tenants.

Inside this handbook you will find:

- Sample letter owners will receive to initiate the license process;
- Rental License Application;
- Tri-fold brochure for landlords about the license process;
- What to Expect at Your Inspection brochure for property owners;
- Inspection Form for Rental Licensing;
- Inspection Guide for Rental Licensing;
- Consent Form for Tenants;
- Frequently Asked Questions about our program;
- Administrative Regulations;
- Diagrams for Program Processes;
- Brochure for tenants about our program; and
- Rental Licensing Ordinance (No. 8840).

Thank you for your assistance with this program. Please contact our staff if you have questions about the program or your specific property.



Educational Seminars

May 15

6:00 - 8:00 p.m.
Union Pacific Depot
402 N. 2nd

June 3

10:00 a.m. - Noon
Douglas County
Fairgrounds
Dreher Building,
2110 Harper

June 18

6:00 - 8:00 p.m.
Lawrence Free
State High School
Commons,
4700 Overland Drive



Contact Us

Phone:
(785) 832-3345

Email:
rentallicensing@
lawrenceks.org

Our Offices:
1 Riverfront Plaza
Suite 110
Lawrence, KS
66044

Website:
[lawrenceks.org/pds/
rental-licensing](http://lawrenceks.org/pds/rental-licensing)





City of Lawrence
PLANNING & DEVELOPMENT SERVICES

1 Riverfront Plaza, Suite 110, Lawrence, Kansas 66044 Phone: (785) 832-3345

Email: rentallicensing@lawrenceks.org

www.lawrenceks.org/pds/rental-licensing

DATE

NAME

STREET ADDRESS

CITY/STATE/ZIP

Ref: Residential rental property located at

Dear Residential Property Owner:

The City of Lawrence Code, Chapter 6, Article 13, requires all residential rental properties in Lawrence to be licensed and inspected (Ordinance 8840). The above-referenced residential property has one or more dwelling units that are being rented, leased or let, and is therefore subject to these requirements. By this letter, we are requesting you to initiate the licensing or license renewal process and submit your license application with associated fees no later than DATE. **Licensees in the current RS program will need to complete the application to transition to the new program.**

If the referenced property is NOT being rented, leased or let, or you have recently sold or transferred the property, please contact our office at (785) 832-3345 or by email at rentallicensing@lawrenceks.org.

After initial licensing, rental licenses are required to be annually renewed and inspected according to the schedule outlined in the regulations. Upon completion of initial rental property inspection/s, subsequent inspections will be required on a three-year cycle (unless the most recent prior inspection/s qualify the licensed owner for a six-year cycle due to no or minimal violations being found during the prior inspections).

Attached is a packet of information to assist you in the licensing and inspection process, including:

- a) a Rental License Application;
- b) a Rental Licensing & Inspection Program brochure;
- c) process maps/diagrams for the licensing, inspection, appeal and legal enforcement action processes;
- d) a "What to expect on your inspection" tip sheet; and
- e) a Consent for Inspection form to be completed by tenants prior to City inspections.

Please take the following steps to obtain/renew your license:

1. Complete a Rental License Application for all residential rental properties owned by you or your business entity(ies). If you own or have recorded ownership in properties under different names, please note the name of each entity where appropriate on the application.
2. Submit the license application/s to the Planning and Development Services office with all license and inspection fees. The complete sliding fee scale is set forth on the Rental License Application.

Because required inspections will generally be completed on a 3-year cycle, it is possible that no inspection fees will be due with your initial or annual renewal application. Program inspection schedules are outlined in the attached brochure and Administrative Regulations. We encourage you to contact us to determine the inspection fees you will be required to pay, if any, prior to submission of your initial license application or renewal application. If you submit your license application with the incorrect amount of inspection fees included, we will contact you and work with you to ensure the correct amount of inspection fees are submitted.

3. If an inspection or inspections are due in the year of license application or renewal, City staff will notify you in writing of the date by which you must schedule your required inspection/s with the City. City staff will work with you to determine if any Qualified Vacant Dwelling Units are available and will prioritize these for inspection. City staff will select the remaining required sample of dwelling units to be inspected using the age of the unit as the basis for prioritizing inspections. We request that during the process of scheduling inspections, you work with your tenants to generally inform them of the inspection process and to coordinate inspection dates/times with them.

To help prepare you for required inspections, the City has also developed a rental inspection tip sheet entitled "What to expect on your inspection", included in this packet.

4. Before the City conducts any required inspection of an occupied dwelling unit, the City must obtain written consent from the tenant to inspect. The written consent is to be provided on the Consent for Inspection form enclosed. We request your assistance in providing a copy of this Consent for Inspection form to your tenant prior to the scheduled inspection; however, you have no legal obligation under the Code to obtain this written consent from any tenant on behalf of the City. If a tenant does not provide written consent, the City may follow up with the tenant in an attempt to obtain it. If the tenant does not provide consent, the city will seek an administrative search warrant to gain entry to inspect. Owners will not be penalized where any inspection or re-inspection is delayed or does not occur as the result of the actions of a tenant.

The above referenced documents, Ordinance 8840, the administrative regulations, FAQs, inspection forms/guides and other information about the rental licensing and inspection program may be found at www.lawrenceks.org/pds/rental-licensing. Questions and requests for program information may also be directed to the City at (785) 832-3345 or by email to rentallicensing@lawrenceks.org.

Thank you in advance for your cooperation and attention to this matter.

Attachments



City of Lawrence

PLANNING & DEVELOPMENT SERVICES

1 Riverfront Plaza, Suite 110, Lawrence, Kansas 66044 Phone: (785) 832-3345

Email: rentallicensing@lawrenceks.org

www.lawrenceks.org/pds/rental-licensing

Rental License Application

Please complete this application and return with appropriate license fee(s) for all rental dwellings to the Development Services Office either by mail or by visiting our office. **Section 8 properties are required to have a license but do not pay the annual license fee and are not inspected by city inspectors. These properties receive an annual inspection performed by the Lawrence-Douglas County Housing Authority.** The annual license fee schedule is based on the total number of units licensed by an owner and is the following:

Section 6-1304 Rental License Fees

1. 1-50 Dwelling Units: \$17.00 per unit Dwelling Unit
2. 51-100 Dwelling Units: \$850.00, or \$16.00 per Dwelling Unit, whichever amount is more
3. 101-150 Dwelling Units: \$1,600.00, or \$15.00 per Dwelling Unit, whichever amount is more
4. 151 + Dwelling Units; \$2,250.00, or \$14.00 Per Dwelling Unit, whichever amount is more

License Registration Name

(Individual owner or principal of the ownership entity or entities by which the units are owned)

Name: _____ Phone Number: () _____

Address: _____ City: _____ Zip Code: _____

Email Address: _____

A property owner living 40 miles or more outside of Lawrence, KS. **MUST** appoint a resident agent within 40 miles of Lawrence, KS. The agent shall have the authority to receive communications, service of process, summons, notices and other legal process on behalf of the owner. **All correspondence regarding this license will be sent to the agent if designated.**

Resident Agent

Check box if you wish for all correspondence to be sent to your agent

Name: _____ Phone Number: () _____

Address: _____ City: _____ Zip Code: _____

Email Address: _____



City of Lawrence
PLANNING & DEVELOPMENT SERVICES

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Rental Property Information

Each Residential Rental Property should be listed separately and will be licensed individually.

Ownership Entity _____

Address: _____ # of Units _____ # of Structures: ____ Yr. Built ____ Zoning _____

Address: _____ # of Units _____ # of Structures: ____ Yr. Built ____ Zoning _____

Ownership Entity _____

Address: _____ # of Units _____ # of Structures: ____ Yr. Built ____ Zoning _____

Address: _____ # of Units _____ # of Structures: ____ Yr. Built ____ Zoning _____

Ownership Entity _____

Address: _____ # of Units _____ # of Structures: ____ Yr. Built ____ Zoning _____

Address: _____ # of Units _____ # of Structures: ____ Yr. Built ____ Zoning _____

If a dwelling unit is on Section 8 housing, please identify the unit numbers(s) and date of last inspection for such unit(s) below:

Address: _____ Date of last inspection: _____

Address: _____ Date of last inspection: _____

Address: _____ Date of last inspection: _____

Address: _____ Date of last inspection: _____

Copy this page if there are additional properties to identify

I hereby certify the above Rental License Application information to be true and correct to the best of my knowledge.

Applicant's name (printed)

Applicant's signature

Date



1 Riverfront Plaza, Suite 110, Lawrence, Kansas 66044 Phone: (785) 832-3345
Email: rentallicensing@lawrenceks.org
www.lawrenceks.org/pds/rental-licensing

Occupancy Regulations

The Development Code, Chapter 20, regulates the occupancy of residential dwelling units. Pursuant to the table identified in section 20-601(d)(i) the following regulations should be adhered to:

- For dwelling units located in a (RS) Single-Dwelling zoned district and all other detached dwelling units (house) located in other zoning districts, no more than a group of **three un-related** persons may reside within such dwelling unit.
- For dwelling units located in a (RM) Multi-Family zoned district and all other non-detached dwelling units located in other districts, no more than a group of **four un-related** persons may reside within such dwelling unit.
- For dwelling units approved as a Congregate Living use, the occupancy is established through site plan approval. The number of occupants is on file with the Planning Office. Please call 832-7700 to determine occupancy for Congregate Living units.

I acknowledge that I have read the above section and will not knowingly or intentionally violate the occupancy regulations set forth therein. I have advised my tenants of these occupancy regulations and have provided them page 4 of this application to educate them on the legal occupancy of the dwelling unit for which they rent.

Owner Signature: _____ Date: _____

Return Pages 1 through 3 to Development Services. Page 4 should be given to tenant(s).



1 Riverfront Plaza, Suite 110, Lawrence, Kansas 66044 Phone: (785) 832-3345
Email: rentallicensing@lawrenceks.org
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Occupancy Regulations for Dwelling Units

Property owners shall check appropriate zoning designation for their rental property and present form to tenant(s) for their review.

- For dwelling units located in RS (Single-Dwelling) zoning districts and detached dwelling units located in other zoning districts.

You, the tenants of _____, must adhere to the occupancy regulations set forth in the table located in section 20-601(d)(i) of the City's Development Code. No more than a group of **three un-related** persons may reside within such dwelling unit.

- For dwelling units located in RM (Multi-Family) zoning districts and non-detached dwelling units located in other zoning districts.

You, the tenants of _____, must adhere to the occupancy regulations set forth in the table located in located in section 20-601(d)(i) of the City's Development Code. No more than a group of **four un-related** persons may reside within such dwelling unit.

- For approved Congregate Living dwelling units.

You, the tenants of _____, must adhere to the occupancy regulations set forth with the approval of the Congregate Living use. No more than _____ unrelated persons may reside within the dwelling unit addressed as _____.

Tenants may call 785-832-3345 if they have questions regarding the legal occupancy for the dwelling unit they live in.

How to Contact the Rental Team

Our Mission

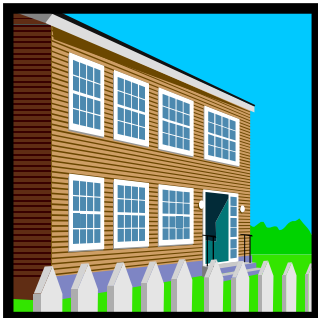
To protect the life, safety, general welfare and health of all persons occupying rental dwelling units in the City of Lawrence, Kansas by enforcing minimum standards pertaining to the maintenance of residential rental property.

Phone: 785-832-3345
Fax: 785-832-3110
Email: rentallicensing@lawrenceks.org

www.lawrenceks.org/pds/rental-licensing



Rental Licensing & Inspection Program



Licensing & Inspection

Initial Licensing

Beginning in January 2015 all rental dwelling units in the City of Lawrence will be required to be licensed. A schedule for licensing has been established according to the first letter of a licensee's last name. The schedule for initial licensing is as follows:

| | |
|------------|-----------------------|
| AB | January 2015 |
| CD | February 2015 |
| EF | March 2015 |
| GH | April 2015 |
| IJ | May 2015 |
| KL | June 2015 |
| MN | July 2015 |
| OPQ | August 2015 |
| RS | September 2015 |
| TU | October 2015 |
| VW | November 2015 |
| XYZ | December 2015 |

The property owner or agent must submit an application to our office in the month you are scheduled to license and pay all licensing fees for every dwelling unit owned (see Section 6-1304(b) of Ord. 8840 for fee schedule), including every dwelling unit you own, and pay all necessary licensing fees set forth in Section 6-1304 of the Rental Registration Ordinance (8840). Our staff will review your application and either issue rental licenses, inform you of an incomplete application or send a letter of denial, explaining the reason for denial.

Inspections

Inspections will begin for properties located outside RS districts under the Rental Registration Ordinance (8840) beginning in July 2015. The schedule for initial inspections is as follows:

| Year | Registration name begins with |
|-------------|--------------------------------------|
| 2015 | M, N, O, P, Q, R, S, T, U |
| 2016 | V, W, X, Y, Z, A, B, C, D |
| 2017 | E, F, G, H, I, J, K, L |

At the time of licensing or upon renewal, the property owner or agent will be notified by our staff that inspections are due and be given 30 days to contact our office to schedule the inspection(s). Prior to inspection, all licensing fees and any inspection fees of \$50 per unit must be paid. Our staff will choose a sample of 10% of units to inspect, giving first priority to any qualified vacant unit(s), then giving priority to the oldest units (see Section 4.0 D. of the Administrative Regulations).

Property owners will be provided with Consent to Inspect forms for all inspections and we request that you work with your tenants to sign the forms. You may return them to our office or give them to the inspector at the time of inspection. The inspector cannot enter any dwelling for inspection without a signed consent form. If your tenants refuse to sign the Consent form our inspection staff will attempt contact with them to sign the form. If they refuse, staff will seek an Administrative Search Warrant to inspect the property.

An inspector will meet the property owner or resident agent at the property at the designated time to complete the inspection(s). Upon completion of the inspection(s) you will be notified by staff of any violations found and will be given a timeframe to correct them. Failure to correct violations could result in probation or revocation of the rental license.

License Renewal

RS zoned properties will renew in 2014 based on their current schedule. Beginning in 2015 RS zoned properties will transition to the renewal schedule set forth in Section 6-1308 of Ordinance 8840 (see below).

All rental licenses are valid from the time the license is issued until midnight of its next expiration date based on the following schedule:

| Registration Name Begins With | Exp. Date |
|--------------------------------------|---------------------|
| A, B | January 31 |
| C, D | February 28 |
| E, F | March 31 |
| G, H | April 30 |
| I, J | May 31 |
| K, L | June 30 |
| M, N | July 31 |
| O, P, Q | August 31 |
| R, S | September 30 |
| T, U | October 31 |
| V, W | November 30 |
| X, Y, Z | December 31 |



City of Lawrence
PLANNING & DEVELOPMENT SERVICES

Rental Licensing & Inspection
1 Riverfront Plaza, Suite 110
Lawrence, KS 66044
Phone: 785-832-3345
Fax: 785-832-3110
Email: rentallicensing@lawrenceks.org

www.lawrenceks.org/pds/rental-licensing

What to Expect at Your Inspection

Your rental licensing inspections have been scheduled, now you need to prepare for them. Our inspectors will conduct an inspection of each dwelling and prepare a notice of violation for any code violations found during the inspection. Each inspection will be based on the 27 standards outlined in Section 6-1314 of Ordinance 8840, though violations of the 2012 International Property Maintenance Code, as amended and adopted by the city may be cited outside of the rental program. **Only violations found under the Rental Registration Ordinance (8840) will affect the license.**

We strongly recommend that you conduct your own inspection, or walk thru, of each dwelling prior to the City's inspection to assure they are in the best condition possible and correct any potential violations. A guide describing each rental housing standard can be found at www.lawrenceks.org/pds/rental-licensing.



◆ Who needs to be present for the inspection?

We only require that the owner or agent be present for the inspection. Tenants can be present, but do not have to be. The consent form must be signed prior to our entry.

◆ What should I bring to the inspection?

Some violations can be corrected during the inspection and we encourage you to do so. The following items would be helpful in resolving potential violations.

- ◇ Smoke alarm batteries
- ◇ Step stool or ladder
- ◇ Outlet & light switch covers
- ◇ Screwdriver
- ◇ Pen & paper
- ◇ Keys for each building/unit

◆ What are the most common violations?

- ◇ GFCI's are not installed or inoperable on kitchen countertops and/or in bathrooms (each bathroom must have one duplex GFCI outlet)
- ◇ Washing machine outlets are not grounded or GFCI protected.
- ◇ Outlets and/or light switch covers are missing or the outlet is not secured to the wall.
- ◇ Smoke alarms are not present or they are inoperable on each level, outside sleeping areas and in every sleeping room.
- ◇ Windows do not open or locks are not present (within 6 ft. of grade) or they are inoperable.
- ◇ Gas fired furnaces and/or water heaters do not have adequate combustion air openings.
- ◇ Water heater does not have a temperature & pressure relief valve drain pipe installed.
- ◇ Required handrails (over four risers) are missing or not secured.
- ◇ Plumbing traps are of the "S" shape style and not a "P" shape ("P" shape required, or must be equipped with an air admittance valve).
- ◇ Fire extinguishers (required in buildings with three or more units) are missing or out of service (must be new or serviced annually).

◆ What happens if there are violations found that could not be corrected on site?

- ◇ A Notice of Violation, including a deadline date by which to correct all violations (generally 30 days) will be prepared by staff and emailed or mailed to the owner or agent's address.
- ◇ Notification will include whether a physical re-inspection is required or if photographic or other evidence of repair will be accepted.

◆ How will re-inspections be scheduled and conducted?

- ◇ Owner or agent should contact staff prior to deadline date stated in the Notice of Violation to schedule the re-inspection. A new consent form must be signed by the tenant for any re-inspection. If a re-inspection is not scheduled by the deadline, the owner or agent will be contacted by staff to schedule the inspection and/or the license for the dwelling unit will be placed on probation.



Development Services/Code Enforcement Division
 1 Riverfront Plaza, Suite 110
 Lawrence, KS 66044

(785) 832-3345
www.lawrenceks.org/pds

Ord. 8840

**Residential Rental Property Licensing Program, Inspection Form and Checklist
 Chapter 6, Article 1314(a) and Chapter 20 (Land Development Code)**

The inspector performs a visual inspection of the structure, dwelling unit/s and premise based on Chapter 6, Article 1314(a) of Ordinance 8840, the City's currently adopted edition of Property Maintenance Code (PMC) and the Land Development Code. The inspection is limited to observations readily visible without moving or removing any item. Furnishings are not moved. Concealed, internal or hidden damages or defects may not be observed. *For purposes of Ordinance 8840, only those violations outlined in Chapter 6, Article 1314(a), as identified in this Form and Checklist, will be cited as part of the Rental Licensing Program.* Other noted potential PMC violations may be noted and referred for additional follow-up under the City's regular PMC enforcement program.

Date: _____ Owner/Agent Name: _____

Property Address: _____ Owner/Agent email: _____

Unit Number: _____ Inspector Name: _____

| | Y | N | Location and Description of Violation | Compl. Date |
|---|---|---|---------------------------------------|-------------|
| Windows and doors, general | | | | |
| 6-1314(a)(5) – Windows are defective, including but not limited to missing window frames, sashes or panes, such that the interior of the structure is exposed to the elements. | | | | |
| 6-1314(a)(6) - Exterior doors are missing, will not close, or have inoperable locks. | | | | |
| 6-1314(a)(7) - Openable windows within 6 ft. of adjacent grade are missing locks or have inoperable locks. | | | | |
| Interior and exterior foundations, walls, floors, ceilings, stairs, chimneys and roofs | | | | |
| 6-1314(a)(1) – The roof is unsound, including but not limited to holes through roof sheathing, large areas of missing shingles, or major leaks. | | | | |
| 6-1314(a)(2) - There are defects affecting structural integrity and safety of the building, including foundation or roof framing, exterior stairs, porches, decks, balconies, exterior ceilings, exterior walls, exterior floors, interior stairs, interior ceilings or interior floors. | | | | |
| 6-1314(a)(3) – There are defects affecting the structural integrity and safety of any chimney, such that it poses an imminent danger. | | | | |
| 6-1314(a)(4) – Required handrails or guards for interior stairs, exterior stairs, porches, decks or balconies are missing or structurally unsound. | | | | |
| 6-1314(a)(8) There exist large patches (or multiple areas) of fungus – that is most likely mold – on walls, ceilings or floors. | | | | |

| | | | |
|---|--|--|--|
| Occupancy requirements | | | |
| 6-1314(a)(9) – The Dwelling Unit lacks minimum kitchen cooking facilities, a refrigerator and freezer, or food preparation areas. | | | |
| Plumbing/Heating/Electrical | | | |
| 6-1314(a)(11) - Plumbing fixtures are not safely connected to the water supply; or required plumbing traps are not properly installed. | | | |
| 6-1314(a)(12) - The water service line is not functioning properly because it is broken, leaking, or simply not delivering water. | | | |
| 6-1314(a)(13) - The water heater is not operational or is missing temperature and pressure relief valves or, if such are installed, the temperature and pressure relief valves are damaged or leaking, or have spring-loaded operating mechanisms that are sticking or obstructed. | | | |
| 6-1314(a)(10) - The sanitary sewer service line is not functioning because it has backed up, collapsed, or otherwise failed. | | | |
| 6-13a14(a)(16) - Heating facilities are not operable, safe and capable of maintaining 68 degrees Fahrenheit in habitable rooms. | | | |
| 6-1314(a)(14) - Gas-fired furnaces, water heaters, solid fuel-burning appliances, or gas-fired or electric clothes dryers are not properly vented or safely installed, or lack safety controls. | | | |
| 6-1314(a)(15) - Combustion “makeup” air and minimum clearance requirements are not satisfied for gas furnaces or water heaters; or minimum clearance requirements are not satisfied for solid fuel-burning appliances. | | | |
| 6-1314(a)(17) - Due to improper fusing, improper wiring or installation, deterioration, or damage, the electrical system constitutes a hazard to the occupants, the Dwelling Unit, or the structure. | | | |
| 6-1314(a)(18) – The electrical wiring is exposed, frayed, or otherwise unsafe as defined by the City Code. | | | |
| 6-1314(a)(19) - Ground Fault Circuit Interrupter (GFCI) receptacle outlets are not provided in every bathroom and at kitchen countertops, and at least one grounded type or GFCI protected receptacle is not provided in every laundry area. | | | |
| 6-1314(a)(20) - Receptacle outlets are missing appropriate faceplate covers. | | | |
| 6-1314(a)(21) – An exterior electrical panel is missing required ports or covers. | | | |
| Fire Safety | | | |
| 6-1314(a)(22) - Required emergency escape windows are missing, fail to meet the requirements for minimum clear opening, height or width, exceed the maximum finished sill distance above the floor, or are inoperable from the inside without the use of keys or tools. | | | |
| 6-1314(a)(23) - Required smoke detectors for the Dwelling Unit are missing or inoperable. | | | |
| 6-1314(a)(24) - Any structure containing three or more Dwelling Units that fails to provide, in each Dwelling Unit, one portable fire extinguisher, with a minimum rating of 1A 10BC that is less than one year old or that has been serviced within the past year. | | | |
| Exterior Yard Areas | | | |
| 6-1314(a)(25) – Any accessory structure, including but not limited | | | |

| | | | | |
|---|--|--|--|--|
| to garages, carports or sheds, is deteriorating or leaning to such an extent that it is in imminent danger of collapse. | | | | |
| Land Development Code (Ch. 20) | | | | |
| 6-1314(a)(26) - The Dwelling Unit does not comply with the occupancy requirements established in the Land Development Code (Chapter 20). | | | | |
| 6-1314(a)(27) - The use of the property does not comply with requirements established in the Land Development Code (Chapter 20). | | | | |

This completed *Rental Housing Inspection Form and Checklist* shall serve as the Owner's official Notice of Violation as required by Section 6-1316 of Rental Licensing Ordinance No. 8840. By this Notice of Violation, you are required to correct the violations noted and have them re-inspected by City staff by [DATE], unless a different compliance date is noted in the right-hand column above. If you are unable to correct noted violations by the compliance date, please contact City staff to discuss the reasons why a reasonable time extension may be warranted.

Any Owner/Licensee or Tenant aggrieved by the action of the Code Official in issuing a Notice of Violation shall have the right to appeal that action to the Building Code Board of Appeals in accordance with Section 6-1317 of Ordinance 8840. Such appeal shall be taken by filing with the Department of Planning and Development Services a Notice of Appeal within fourteen (14) days of the date of this Notice of Violation. The Notice of Appeal shall be in writing and shall set forth in sufficient detail why the Owner/Licensee or Tenant believes that the Notice of Denial or Notice of Violation was issued in error. A \$25.00 docketing fee is due and payable at time a Notice of Appeal is filed.

Inspector Printed Name: _____ Inspector Signature: _____ Date: _____

Recipient Printed Name: _____ Recipient Signature: _____ Date: _____

Non-Rental Inspection Property Maintenance Code Reference Guide

Property Address: _____ Inspector: _____ Inspection Date: _____

The items outlined below are typical Property Maintenance Code requirements that are outside the scope of violations set forth for the Residential Rental Property Licensing Program (Ordinance 8840 - Chapter 6, Article 1314(a)). If, in the course of inspecting a rental unit, a violation of one of the standards noted below is observed, the violation may be enforced under the City's regular Property Maintenance Code enforcement program. *Enforcement of Property Maintenance Code or other city code items outside the scope of Chapter 6, Article 1314(a) will not be counted as violations for Rental Licensing purposes.*

| | Location and Description of Violation |
|--|--|
| Windows and doors, general (PMC Ch. 3) | |
| (304.13) Windows, skylights, doors or frames are not maintained in sound condition, good repair and weather tight. | |
| (304.13.1) Window glass or window glazing material is missing, rotted or has cracks or holes. | |
| (304.13.2) Window/s, other than fixed windows, are not openable. | |
| (304.14) Windows required for ventilation are not supplied with tight fitting screens of not less than 16-mesh per inch. | |
| (304.15) Exterior doors, door assemblies and/or hardware is not maintained in good condition. Locks at all dwelling unit entrances and sleeping units do not tightly secure the door. | |
| (304.18.1) Doors providing access to a dwelling unit or rooming unit are not equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys or special knowledge, with a minimum throw of 1 inch. | |
| (305.6) Interior door/s do not fit reasonably well in their frame and are not capable of being opened and closed by being properly and securely attached to jambs, headers or tracks. | |
| Other: | |
| Interior and exterior foundations, walls, floors, ceilings, stairs, chimneys and roofs (PMC Ch. 3) | |
| (304.2) Exterior wood surfaces, other than decay-resistant woods, are not protected from the elements and decay by painting or other protective treatment or covering. There is exterior peeling or flaking paint. | |
| (304.6) Exterior walls or wall coverings have holes, breaks or loose or rotting/rotted siding materials. | |
| (304.8, 304.9) Exterior cornices, belt courses, corbels or similar features, or exterior overhang extensions such as metal awnings, fire escapes or exhaust ducts, are not rotted, deteriorated or improperly attached. | |
| (304.11) Chimneys are not maintained in good repair. | |
| (304.1, 304.4, 305.1, 305.2) Exterior or interior structural members supporting floors, ceilings, walls, stairs and/or landings are not sound and capable of supporting imposed loads. | |
| (305.3) There is no fungus that is most likely mold present on walls, ceilings floors or other interior areas. | |

| | |
|--|--|
| (305.4) Walking surfaces of stairs, landings, balconies and floors are not maintained in sound condition and good repair. | |
| (304.1, 304.5) Foundations are not firmly supported by footings, or foundation walls are not maintained plumb and free from open cracks and breaks, or maintained to prevent entry of rodents or other pests. | |
| (304.7) Roof coverings or flashings are not sound and tight, or have defects that admit rain, snow or ice. Roof drainage does not adequately prevent deterioration to walls or interior of the structure. Roofs drains, gutters and downspouts are not maintained in good repair and free from obstructions. Roof drainage does not divert water away from foundation. | |
| Other: | |
| Occupancy requirements (PMC Ch. 3 & 4) | |
| (402.1) Habitable rooms (excluding bathrooms or toilet rooms) do not have at least one window facing directly to the outside to provide natural light. (Glazed area is less than 8% of the floor area of each habitable room, unless meeting an exception listed in 402.1.). | |
| (402.2) - Common hallways and stairways (other than in single-dwelling residences or duplexes) fail to meet minimum illumination or lighting requirements. | |
| (403.1, 403.2) Habitable rooms do not have at least one openable window for natural ventilation (unless meeting an exception listed in 403.1.). In lieu of an openable window, bathrooms and toilet rooms are not equipped with a mechanical ventilation system discharging directly to the outdoors. | |
| (404.2) Habitable rooms do not have a minimum width of 7 feet (in any dimension), or the kitchen does not have at least 3 feet minimum passageway clearance. | |
| (404.3) Habitable spaces, hallways, corridors, bathroom, toilet rooms and/or habitable basement areas do not have a minimum ceiling height of 7 feet (unless meeting a listed exception for rooms with sloped ceilings or for habitable basement rooms). | |
| (404.4.1) There is not a living room area containing at least 120 sq. ft., nor any bedroom containing less than 70 sq. ft. for a single person, or less than 50 sq. ft. per occupant when occupied by more than one person. | |
| (404.4.3) Bedroom/s cannot access at least one water closet and one lavatory without passing through another bedroom. | |
| (309) The structure and/or dwelling unit are not free of insect and/or rodent infestation. (See Sec. 309.2 – 309.5 for occupant and owner responsibilities). | |
| Other: | |
| Plumbing/Heating/Electrical (PMC Ch. 5 & 6) | |
| (503.1) Toilet rooms and bathrooms do not provide privacy, or constitute the only passageway to a hall or other space, or to the exterior. | |
| (502.1) - The Dwelling Unit (other than rooming houses or boarding houses) does not have its own water closet (toilet), lavatory (bathroom sink with faucet), bathtub or shower, and kitchen sink. | |
| (502.2) - The Dwelling Unit, if a rooming house or boarding house, fails to provide at least one water closet (toilet), lavatory (bathroom sink with faucet) and bathtub or shower for each four bedrooms contained within the rooming house or boarding house. | |
| (504.1, 505.1, 505.2, 505.3) Plumbing fixtures are not properly installed and | |

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| maintained in working order; are not free from obstructions, breaks or leaks; are not capable of performing intended function; or do not provide adequate supply of water to allow plumbing fixtures to function properly. | |
| (506.1, 506.2) Plumbing and sanitary drainage does not function properly or is not free from obstructions, breaks or leaks. | |
| (603.1) Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and/or water heating appliances are not properly installed and maintained. | |
| (605.1, 605.2) Electrical equipment is not properly installed and maintained. | |
| (605.2) Every habitable space or room in a dwelling does not contain at least two separate and remote receptacle outlets. | |
| (604.1, 604.2) - The Dwelling Unit is not provided with a three wire, 120/240 volt single phase electrical service having a minimum rating of 60 amperes. | |
| (605.4) There are no flexible cords used for permanent wiring, run through windows, doors or cabinets, or concealed within walls, floors or ceilings. | |
| Other: | |
| Fire Safety (PMC Ch. 7) | |
| (701.2) - Required interior emergency exit lights or emergency backup lighting for shared or common path of travel is not installed, is missing, or is inoperable. | |
| (702) - No safe, continuous or unobstructed path of travel is provided from any point in the building to the exterior of the structure. | |
| (Proposed amended 702.4.1) - For existing structures more than two stories above grade, for which no building permit exists or can be found, the structure fails to meet the requirements of Section 702.4.1 of the Property Maintenance Code, as amended. | |
| Exterior Yard Areas (PMC Ch. 3) | |
| (302.8) There are no inoperative motor vehicle/s kept or stored outside, and/or there are no vehicle/s kept or stored outside in a major state of disassembly or disrepair, or in the process of being stripped or dismantled. | |
| (302.10) There is no outside accumulation on yards, porches, exterior decks or exterior balconies of old lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, stoves, refrigerators, televisions, sinks, garbage, rubbish, refuse, junk or the like. | |
| (302.12) There is no upholstered furniture, including but not limited to upholstered chairs, upholstered couches, mattresses or similar items on exterior yard areas or on unenclosed porches, decks or balconies (unless manufactured and rated for outdoor use). | |
| (302.13) There are no dead or substantially dead trees, or dead or damaged tree limbs that create a hazardous condition, on the premises (as determined by the Parks & Recreation Dept.). | |
| (308.4) Garbage, rubbish and trash is properly contained and disposed. (See 308.2 and 308.3 for occupant and owner responsibilities). | |
| Other: | |



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Ord. 8840

Inspection Guide for Residential Rental Property Licensing Program City Code Chapter 6, Article 1314(a) and Chapter 20 (Land Development Code)

The inspector performs a visual inspection of the structure, dwelling unit/s and premise based on Chapter 6, Article 1314(a) of Ordinance 8840, the City's currently adopted edition of the Property Maintenance Code (PMC) and the Land Development Code. The inspection is limited to observations readily visible without moving or removing any item. Furnishings are not moved. Concealed, internal or hidden damages or defects may not be observed. *For purposes of Ordinance 8840, only those violations outlined in Chapter 6, Article 1314(a), as identified in this Form and Checklist, will be cited as part of the Rental Licensing Program.* Other noted potential PMC violations may be noted referred for additional follow-up under the City's regular PMC enforcement program.

| Ord. 8840, City Code Ch. 6, Art. 13a14(a) Violation | Violation Guidance |
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| Windows and doors, general | |
| 6-1314(a)(5) – Windows are defective, including but not limited to missing window frames, sashes or panes, such that the interior of the structure is exposed to the elements. | There are missing sashes and/or window frames that expose the interior directly to water from rain/snow; window panes/glass is missing, which directly exposes the interior to the water from rain/snow. |
| 6-1314(a)(6) - Exterior doors are missing, will not close, or have inoperable locks. | Exterior doors have been removed or are so badly damaged as to allow unsecured access to dwelling unit; exterior doors cannot be completely closed and latched shut; exterior doors do not have operable door locks. Note: Exterior doors include entry doors to dwelling units from common hallways. |
| 6-1314(a)(7) - Openable windows within 6 ft. of adjacent grade are missing locks or have inoperable locks. | "Adjacent grade" includes an elevated walking surface adjacent to a window. |
| Interior and exterior foundations, walls, floors, ceilings, stairs, chimneys and roofs | |
| 6-1314(a)(1) – The roof is unsound, including but not limited to holes through roof sheathing, large areas of missing shingles, or major leaks. | Structural roof framing members are broken, badly sagging or significantly damaged by fire, water damage, pest damage or wood rot; there is a large area or multiple areas with missing shingles and/or underlayment (areas greater than 2 sq. ft.); there are visible holes through the roof covering and sheathing; there is evidence of major on-going damage from roof leaks. |
| 6-1314(a)(2) - There are defects affecting structural integrity and safety of the building, including foundation or roof framing, exterior stairs, porches, decks, balconies, exterior ceilings, exterior walls, exterior floors, interior stairs, interior ceilings or interior floors. | Foundation. There are large horizontal and vertical step cracks present in a foundation wall/s; there are large areas of missing foundation or foundation wall materials; there is a badly bowed or partially collapsing foundation wall/s; foundation wall/s has shifted off its foundation footings or lacks footings. Roof. See 6-1314(a)(1) above. Other items. Support beams or structural columns/posts are broken, badly sagging (over 1-inch deflection), and/or significantly damaged by fire, water damage, pest damage or rot; floor support beams or joists have shifted off structural support walls or columns; structural elements supporting stairs, landings or balconies (or that attach them to supporting walls/columns) are missing, broken, badly sagging or significantly damaged by fire, water damage, pest damage or wood rot, and are in danger of failure; exterior wall has shifted off of supporting foundation wall and/or foundation footing; exterior brick or stone veneer is cracked and/or bowed, and in danger of separation from exterior wall or collapse. |
| 6-1314(a)(3) – There are defects affecting the structural integrity and safety of any chimney, such that it poses an imminent danger. | Chimney is separating from house and in danger of collapse; brick or masonry chimneys are missing substantial amounts of mortar and are falling off of chimney. |
| 6-1314(a)(4) – Required handrails or guards for interior stairs, exterior stairs, porches, decks or balconies are missing or structurally unsound. | Handrails on stairs are missing or are not securely supported or attached to stairs, floors and/or walls. Every exterior and interior flight of stairs having more than four risers must have a handrail on one side of the |

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| | <p>stair; handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.</p> <p>Guards are missing, damaged or lacking intermediate rails or balusters; guards are not securely supported or attached to stairs and/or floor. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade below must have guards; guards shall be at least 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface; guards shall contain intermediate rails, balusters or other construction installed so that a 4-inch diameter sphere cannot pass through.</p> |
| <p>6-1314(a)(8) There exist large patches (or multiple areas) of fungus – that is most likely mold – on walls, ceilings or floors.</p> | <p>Fungus that is most likely mold covers an area greater than 5 sq. ft. or is found in multiple areas.</p> |
| <p>Occupancy requirements</p> | |
| <p>6-1314(a)(9) – The Dwelling Unit lacks minimum kitchen cooking facilities, a refrigerator and freezer, or food preparation areas.</p> | <p>Owner-provided refrigerator, freezer, stove or oven does not operate properly; there is no hard horizontal surface area for food cleaning and preparation.</p> |
| <p>Plumbing/Heating/Electrical</p> | |
| <p>6-1314(a)(11) - Plumbing fixtures are not safely connected to the water supply; or required plumbing traps are not properly installed.</p> | <p>There are cross-connections between potable water supply and other piping systems; there are broken or badly leaking water supply lines or drain pipes; there are missing or improperly installed drain traps; there is inadequate water pressure to serve required fixture/s.</p> |
| <p>6-1314(a)(12) - The water service line is not functioning properly because it is broken, leaking, or simply not delivering water.</p> | |
| <p>6-1314(a)(13) - The water heater is not operational or is missing temperature and pressure relief valves or, if such are installed, the temperature and pressure relief valves are damaged or leaking, or have spring-loaded operating mechanisms that are sticking or obstructed.</p> | <p>Water heater is not capable of providing warm water (minimum 110°) to sinks, lavatories, bathtub or shower, and provided laundry facility; temperature and relief valve (or combination temperature relief valve) is damaged or leaking, or has a spring-loaded operating mechanism that is sticking or obstructed; gas-fired water heating equipment has missing or improper venting to chimney or approved venting system; safety controls are missing or damaged.</p> |
| <p>6-1314(a)(10) - The sanitary sewer service line is not functioning because it has backed up, collapsed, or otherwise failed.</p> | <p>Sanitary sewer line is broken, collapsed or blocked, causing backflow of raw sewage into dwelling interior or releasing raw sewage into yard.</p> |
| <p>6-1314(a)(16) - Heating facilities are not operable, safe or capable of maintaining 68 degrees Fahrenheit in habitable rooms.</p> | |
| <p>6-1314(a)(14) - Gas-fired furnaces, water heaters, solid fuel-burning appliances, or gas-fired or electric clothes dryers are not properly vented or safely installed, or lack safety controls.</p> | <p>Gas-fired heating appliances (furnaces), fireplaces or solid fuel-burning appliances are not safely connected to vents and/or chimneys; vents and/or chimneys do not provide sufficient draft to properly vent the appliances served, or are installed in a manner that likely will cause backdraft (reverse flow); chimneys and/or vents are rusted, damaged or badly deteriorated; chimneys or vents have missing or loose connectors (such as screws) or inadequate hangers to safely support the weight of the vents or chimneys; safety controls, heat exchangers, draft monitoring controls and/or flame supervision controls are damaged, removed or inoperable; vents, vent connectors or chimneys extend into or through supply and/or return air ducts or plenums.</p> <p>Vent/chimney exception: Fuel-burning appliances that have been properly labeled, are installed and maintained in accordance with the manufacturer's instructions, and include an operating carbon monoxide detector in the room where the appliance is located.</p> <p>Clothes dryers: Clothes dryers should be exhausted in accordance with the manufacturer's instructions. Dryer exhaust systems shall be independent of all other systems and shall convey the moisture to the outdoors. Exhaust ducts (which are separate from flexible transition ducts) shall terminate on the outside of the building. Exhaust duct terminations shall be equipped with a backdraft damper, and screens shall not be installed at the exhaust duct termination.</p> <p>Exhaust ducts shall have a smooth interior finish and be constructed of</p> |

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| | <p>metal having a minimum No. 28 gage thickness. The exhaust duct shall be 4 inches nominal in diameter.</p> <p>Exhaust ducts shall be supported at intervals not to exceed 12 feet and shall be secured in place. Exhaust duct joints shall be sealed and mechanically fastened. Flexible transition ducts used to connect the dryer to the metal exhaust duct system shall be a maximum of 8 feet. Flexible transition ducts shall not be concealed within construction.</p> <p>The maximum length of the metal exhaust duct shall be 35 feet to its exterior building termination. The maximum length of the exhaust duct does not include any allowed flexible transition duct.</p> <p>Exception: This section shall not apply to labeled condensing (ductless) clothes dryers.</p> |
| <p>6-1314(a)(15) - Combustion "makeup" air and minimum clearance requirements are not satisfied for gas furnaces or water heaters; or minimum clearance requirements are not satisfied for solid fuel-burning appliances.</p> | <p>Combustion makeup air: Existing gas-fired or other solid fuel-burning appliances shall be provided with adequate combustion makeup air in accordance with the appliance manufacturer's label and/or installation instructions, or if such label and/or instructions are unavailable, per the following guidelines. Such existing appliances shall not draw their required combustion makeup air from bedrooms, sleeping rooms, bathrooms, toilet rooms or storage closets (see Section G2406.2, 303.3 of the <i>2012 International Residential Code</i>, as adopted, for additional guidance). For existing gas-fired appliances located in enclosed closets or mechanical rooms, two permanent openings, one commencing within 12 inches of the top and one commencing within 12 inches of the bottom of the enclosure, shall be provided (openings must communicate directly, or by ducts, with the outdoors or spaces that freely communicate with the outdoors); each opening shall have a minimum free area of 1 square inch per 1,000 Btu/h of the total input rating of all appliances in the space, but not less than 100 square inches. For unique installations or alternative combustion make-up air requirements, refer to Sections G2407 and G2408 of the <i>2012 International Residential Code</i>, as adopted. Enclosed closets or mechanical rooms shall not be used for storage.</p> <p>Minimum clearance requirements: Existing gas-fired or solid fuel burning appliances are not installed with minimum clearances from combustible materials as indicated on the appliance label and/or in the manufacturer's installation instructions. If the appliance label and/or installation instructions is not available, minimum clearances for gas-fired appliances shall be as follows: a single-wall outlet flue from the appliance shall have a minimum clearance of 6" from any combustible materials including walls, ceilings and doors; a double-wall flue or vent shall have a minimum clearance of 1" from any combustible materials including walls, ceilings and doors; the service side of the appliance shall have a minimum clearance of 3" to any combustible materials including walls, ceiling and doors. Exception: Minimum clearance may be reduced in accordance with clearance reduction provisions of Sections M1306 and G2409 (308) of the <i>2012 International Residential Code</i>, as adopted by the City). There is no hearth extension for operable fireplaces or solid fuel-burning appliances.</p> |
| <p>6-1314(a)(17) - Due to improper fusing, improper wiring or installation, deterioration, or damage, the electrical system constitutes a hazard to the occupants, the Dwelling Unit, or the structure.</p> | <p>There are open splices in wiring; there is badly damaged or frayed wiring; improper fusing and overcurrent protection; exposed conductors or components constituting a shock hazard; improperly installed or protected wiring posing a fire hazard; interior electrical panel missing ports or covers; or service is undersized given size and use of appliances and electrical equipment.</p> |
| <p>6-1314(a)(18) - The electrical wiring is exposed, frayed, or otherwise unsafe as defined by the City Code.</p> | <p>There are open splices in wiring; there is badly damaged or frayed wiring; improperly installed or protected wiring posing a fire hazard.</p> |
| <p>6-1314(a)(19) - Ground Fault Circuit Interrupter (GFCI) receptacle outlets are not provided in every bathroom or at kitchen countertops, or at least one grounded type or GFCI protected receptacle is not provided in every laundry area.</p> | |
| <p>6-1314(a)(20) - Receptacle outlets are missing appropriate</p> | <p>Receptacle outlet faceplates are damaged or missing.</p> |

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| faceplate covers. | |
| 6-1314(a)(21) – Any exterior electrical panel is missing required ports or covers. | |
| Fire Safety | |
| <p>6-1314(a)(22) - Required emergency escape windows are missing, fail to meet the requirements for minimum clear opening, height or width, exceed the maximum finished sill distance above the floor, or are inoperable from the inside without the use of keys or tools.</p> | <p>Required emergency escape and rescue openings shall be maintained in accordance with the adopted Building Code in effect at the time of legally permitted construction and the following: (1) required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; and (2) bars, grilles, grates or similar devices shall not be placed over emergency escape and rescue openings if the minimum net clear opening size does not comply with the Building Code in effect at the time of construction, and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.</p> <p>Every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements or attic areas contain one or more sleeping rooms, emergency egress and rescue openings shall be installed in each sleeping room. Emergency escape and rescue openings shall have a sill height of not more than 44 inches, measured from the finished floor to the bottom of the clear opening, or to the highest tread of not more than two permanently installed steps where the rise of each step does not exceed eight inches and each step tread has a minimum depth of eleven inches from the interior edge of the step or platform to the wall surface under the egress and rescue window, with a minimum step width of twenty-four inches.</p> <p>The minimum clear opening height and width of any egress and rescue window shall be at least 22 inches in either dimension, with a total minimum net clear opening area of 5.0 square feet. The net clear opening dimensions shall be obtained by normal operation of the emergency escape and rescue opening from the inside.</p> <p>Emergency egress for habitable spaces more than two stories above grade. Buildings and structures are required to meet the code standards for emergency egress in place at the time of construction. For those existing structures that contain sleeping rooms or sleeping areas more than two stories above grade, for which no building permit exists or for which no building permit can be found, the following conditions shall be met:</p> <ol style="list-style-type: none"> 1. A safe, continuous and unobstructed interior path of travel shall be provided from any point in the building or structure to the public way. Means of egress shall comply with the International Fire Code. 2. Either provide a sprinkler system with a dedicated alarm system <u>or</u> provide egress to the ground level from each story above the second floor (ladder or stairs) through a properly sized window as identified in item 3 below. 3. All habitable spaces used for living and sleeping shall have at least one window with a minimum of 5.0 sq. feet of net clear opening with a minimum clear opening height and width of 22 inches and a maximum finished sill height of 44 inches above the floor. 4. Each dwelling unit within the structure shall be equipped with the number of smoke alarms as required in 6-1314(a)(23). Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. |

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| <p>6-1314(a)(23) - Required smoke detectors for the Dwelling Unit are missing or inoperable.</p> | <p>Single or multi-station smoke alarms are missing, damaged or otherwise inoperable in residential occupancies and dwellings at the following locations: (1) on ceiling or wall outside each separate sleeping area in immediate vicinity of bedrooms; (2) in each room used for sleeping purposes; and (3) in each story within a dwelling unit, including basements and cellars. If missing, damaged or otherwise inoperable smoke alarms have been previously wired to receive their primary power source from the building wiring, such smoke alarms shall be replaced with labeled smoke alarms that receive their primary power source from the building wiring, and are equipped with battery backup. When missing, damaged or otherwise inoperable single-station smoke alarms HAVE NOT been previously wired to receive their primary power source from the building wiring, labeled battery-operated-only smoke alarms may be installed, replaced or made operable.</p> |
| <p>6-1314(a)(24) - Any structure containing three or more Dwelling Units that fails to provide, in each Dwelling Unit, one portable fire extinguisher, with a minimum rating of 1A 10BC that is less than one year old or that has been serviced within past year.</p> | |
| <p>Exterior Yard Areas</p> | |
| <p>6-1314(a)(25) – Any accessory structure, including but not limited to garages, carports or sheds, is deteriorating or leaning to such an extent that it is in imminent danger of collapse.</p> | <p>Accessory structure (excluding fence) is so deteriorated or leaning to such an extent as to be in imminent danger of collapse; there is significant structural damage or deterioration to roof or walls.</p> |
| <p>Land Development Code (Ch. 20)</p> | |
| <p>6-1314(a)(26) - The Dwelling Unit does not comply with the occupancy requirements established in the Land Development Code (Chapter 20).</p> | <p>For dwelling units located in a (RS) Single-Dwelling zoned district and all other detached dwelling units (house) located in other zoning districts, no more than a group of three un-related persons may reside within such dwelling unit.</p> <p>For dwelling units located in a (RM) Multi-Family zoned district and all other non-detached dwelling units located in other districts, no more than a group of four un-related persons may reside within such dwelling unit.</p> <p>For dwelling units approved as a Congregate Living use, the occupancy is established through site plan approval. The number of occupants is on file with the Planning Office. Call 832-7700 to determine occupancy for Congregate Living units.</p> |
| <p>6-1314(a)(27) - The use of the property does not comply with requirements established in the Land Development Code (Chapter 20).</p> | |

Non-Rental Inspection Property Maintenance Code Reference Guide

The items outlined below are Property Maintenance Code requirements that are outside the scope of violations set forth for the Residential Rental Property Licensing Program (Ordinance 8840 - Chapter 6, Article 1314(a)), which may be noted and referred by a Rental Property License Program inspector for additional investigation and enforcement under the City's regular Property Maintenance Code enforcement program. *Enforcement of Property Maintenance Code items outside the scope of Chapter 6, Article 1314(a) will not be counted as violations for Rental Licensing purposes.*

| Property Maintenance Code Reference | Violation Guidance |
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| Windows and doors, general (PMC Ch. 3) | |
| (304.13) Windows, skylights, doors or frames are not maintained in sound condition, good repair and weather tight. | Exterior doors or door jambs, or window frames or sills are deteriorated due to water damage, wood rot or pest damage (rotting wood can be easily penetrated with a small screwdriver or finger); window sashes have missing, damaged or rotted rails or structural mullions; or there are gaps around exterior doors, window frames or sashes where daylight can be seen from the interior side, or through which exterior air easily infiltrates to the interior. |
| (304.13.1) Window glass or window glazing material is missing, rotted or has cracks or holes. | Glass is broken with exposed sharp edges; window glass has small holes; or window glazing is missing and/or deteriorated to point where glass can fall out or could be easily pushed out or may fall out. |
| (304.13.2) Window/s, other than fixed windows, are not openable. | Window/s required for ventilation per 403.1 & 403.2 are painted or sealed shut, or hardware to open such window/s (such as a handle for a roll-out casement window) are inoperable or missing, or window sash/es for such windows are not hung squarely and cannot be raised. |
| (304.14) Windows required for ventilation are not supplied with tight fitting screens of not less than 16-mesh per inch. | Required screens are missing or badly damaged with tears or holes over one inch in length or diameter. |
| (304.15) Exterior doors, door assemblies and/or hardware are not maintained in good condition. Locks at all dwelling unit entrances and sleeping units do not tightly secure the door. | Exterior door/s, door assemblies and/or hardware are damaged or deteriorated; door jamb/s are badly deteriorated or rotted; or exterior entry or egress door/s do not fit properly in frame and are difficult to close or open. |
| (304.18.1) Doors providing access to a dwelling unit or rooming unit are not equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys or special knowledge, with a minimum throw of 1 inch. | Required deadbolt locks are not installed; deadbolt locks are missing, damaged or inoperable; minimum lock cylinder throw is less than 1 inch; door jamb recess for lock cylinder throw is damaged or inadequate for lock cylinder; or door jamb cylinder strike plate is missing or does not allow lock cylinder to operate properly. |
| (305.6) Interior door/s do not fit reasonably well in their frame and are not capable of being opened and closed by being properly and securely attached to jambs, headers or tracks. | Doors cannot be closed tightly to door jamb in door frame; doors are hanging crooked due to damaged or missing door hinges; or rolling doors are off their tracks. |
| Interior and exterior foundations, walls, floors, ceilings, stairs, chimneys and roofs (PMC Ch. 3) | |
| (304.2) Exterior wood surfaces, other than decay-resistant woods, are not protected from the elements and decay by painting or other protective treatment or covering. There is exterior peeling or flaking paint. | There is badly chipping or missing paint/other protective covering on exterior wood walls, doors and/or windows (frames, sills and/or sashes), wood porches/decks/balconies, cornices or wood trim. |
| (304.6) Exterior walls or wall coverings have holes, breaks or loose or rotting/rotted siding materials. | Exterior siding, including brick or stone veneer, or siding trim is missing or so decayed or rotted that the wall sheathing and/or framing is exposed to the elements. |
| (304.8, 304.9) Exterior cornices, belt courses, corbels or similar features, or exterior overhang extensions such as metal awnings, fire escapes or exhaust ducts, are not rotted, deteriorated or improperly attached. | |
| (304.11) Chimneys are not maintained in good repair. | Tuck-pointing of mortar for brick/stone chimneys required due to missing mortar; wood siding on chimney damaged, missing or rotted; repair to chimney cap needed; or chimney flashing needs repair. |

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| (304.1, 304.4, 305.1, 305.2) Exterior or interior structural members supporting floors, ceilings, walls, stairs and/or landings are not sound and capable of supporting imposed loads. | Beams or joists are over-notched or over-bored causing minor sagging or structural weakness (less than 1-inch deflection), and need replacement or additional structural support added, or beams, columns or joists have minor fire, water or pest damage. |
| (305.3) There is no fungus that is most likely mold present on walls, ceilings floors or other interior areas. | Fungus that is most likely mold is in one area and less than 5 sq. ft. |
| (305.4) Walking surfaces of stairs, landings, balconies and floors are not maintained in sound condition and good repair. | Badly cracked, rotted or missing stair treads; rotted flooring or holes in flooring on landing/stair; floor coverings (such as carpet, linoleum, wood or tile) are rotted, torn or damaged causing a potential trip hazard. |
| (304.1, 304.5) Foundations are not firmly supported by footings, or foundation walls are not maintained plumb and free from open cracks and breaks, or maintained to prevent entry of rodents or other pests. | There are hairline cracks in foundation walls; loose, missing and/or flaking mortar in foundation walls; surface deterioration of cement block wall/s and/or poured concrete walls; or uncovered/unsecured foundation wall openings. |
| (304.7) Roof coverings or flashings are not sound and tight, or have defects that admit rain, snow or ice. Roof drainage does not adequately prevent deterioration to walls or interior of the structure. Roofs drains, gutters and downspouts are not maintained in good repair and free from obstructions. Roof drainage does not divert water away from foundation. | There are: badly damaged shingles; small areas with missing shingles (less than 2 sq. ft.); missing ridge cap shingles; damaged or inoperable roof drains, gutters and/or downspouts; or inadequate diversion of roof drainage away from foundation causing water to stand at foundation or flow into foundation. |
| Occupancy requirements (PMC Ch. 3 & 4) | |
| (402.1) Habitable rooms (excluding bathrooms or toilet rooms) do not have at least one window facing directly to the outside to provide natural light. (Glazed area is less than 8% of the floor area of each habitable room, unless meeting an exception listed in 402.1.). | |
| (402.2) - Common hallways and stairways (other than in single-dwelling residences or duplexes) fail to meet minimum illumination or lighting requirements. | Common halls and stairways, other than in 1 & 2 family dwellings, are not lighted with at least one 60-watt light bulb for each 200 sq. ft. of floor area, or space between lights is over 30 feet. |
| (403.1, 403.2) Habitable rooms do not have at least one openable window for natural ventilation (unless meeting an exception listed in 403.1.). In lieu of an openable window, bathrooms and toilet rooms are not equipped with a mechanical ventilation system discharging directly to the outdoors. | |
| (404.2) Habitable rooms do not have a minimum width of 7 feet (in any dimension), or the kitchen does not have at least 3 feet minimum passageway clearance. | |
| (404.3) Habitable spaces, hallways, corridors, bathroom, toilet rooms and/or habitable basement areas do not have a minimum ceiling height of 7 feet (unless meeting a listed exception for rooms with sloped ceilings or for habitable basement rooms). | Exceptions include: (1) legally constructed and approved under a previous City building permit; (2) in one and two-family dwellings, beams or girders spaced a minimum of 4 feet on center and projecting a maximum of 6 inches below the required ceiling height; (3) basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches with a minimum clear height of 6 feet 4 inches under beams, girders, ducts and similar obstructions; or (4) rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet shall be included. |
| (404.4.1) There is not a living room area containing at least 120 sq. ft., nor any bedroom containing less than 70 sq. ft. for a single person, or less than 50 sq. ft. per occupant when occupied by more than one person. | |
| (404.4.3) Bedroom/s cannot access at least one water closet and one lavatory without passing through another bedroom. | |

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| (309) The structure and/or dwelling unit are not free of insect and/or rodent infestation. (See Sec. 309.2 – 309.5 for occupant and owner responsibilities). | There is substantial evidence of infestation such as: numerous rodent droppings; dead and/or live cockroaches; live termites in wood; clearly visible bedbugs. |
| Plumbing/Heating/Electrical (PMC Ch. 5 & 6) | |
| (503.1) Toilet rooms and bathrooms do not provide privacy, or constitute the only passageway to a hall or other space, or to the exterior. | Privacy includes closable door. |
| (502.1) - The Dwelling Unit (other than rooming houses or boarding houses) does not have its own water closet (toilet), lavatory (sink with faucet), bathtub or shower, and kitchen sink. | Note: A kitchen sink shall not be used as a substitute for the required bathroom lavatory. |
| (502.2) - The Dwelling Unit, if a rooming house or boarding house, fails to provide at least one water closet (toilet), lavatory (sink with faucet) and bathtub or shower for each four bedrooms contained within the rooming house or boarding house. | |
| (504.1, 505.1, 505.2, 505.3) Plumbing fixtures are not properly installed and maintained in working order; are not free from obstructions, breaks or leaks; are not capable of performing intended function; or do not provide adequate supply of water to allow plumbing fixtures to function properly. | Minor leaks in water supply lines or drain pipes; leaking faucets/sink fixtures; improperly installed plumbing supply or drain lines; clogged drain lines; or little or no water pressure at faucets. |
| (506.1, 506.2) Plumbing and sanitary drainage does not function properly or is not free from obstructions, breaks or leaks. | Plumbing and sanitary drainage drains very slowly indicating some line blockage or collapsing. |
| (603.1) Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and/or water heating appliances are not properly installed and maintained. | Furnace air filters are missing, deteriorated are extremely dirty; or chimneys or connectors serving fireplaces or solid fuel-burning appliances have a substantial build-up of creosote deposits and require cleaning. |
| (605.1, 605.2) Electrical equipment is not properly installed and maintained. | Receptacle outlet device/s or switch/es are not working. |
| (605.2) Every habitable space or room in a dwelling does not contain at least two separate and remote receptacle outlets. | Receptacle outlets include duplex receptacle plug wall outlets and wall light switch outlets. |
| (604.1, 604.2) – The Dwelling Unit is not provided with a three wire, 120/240 volt single phase electrical service having a minimum rating of 60 amperes. | Minimum 60 ampere service is not provided; electrical system distribution equipment, service panel or wiring has been or is exposed to significant water or fire damage. |
| (605.4) There are no flexible cords used for permanent wiring, run through windows, doors or cabinets, or concealed within walls, floors or ceilings. | |
| Fire Safety (PMC Ch. 7) | |
| (701.2) - Required interior emergency exit lights or emergency backup lighting for shared or common path of travel is not installed, is missing, or is inoperable. | |
| (702) - No safe, continuous or unobstructed path of travel is provided from any point in the building to the exterior of the structure. | The path of travel is blocked by a locked or otherwise secured door; the path of travel is blocked by a permanently installed and connected fixture, wall or constructed item; the path of travel is blocked by a temporary item such as furniture or construction equipment. |
| (Proposed amended 702.4.1) - For existing structures more than two stories above grade, for which no building permit exists or can be found, the structure fails to meet the requirements of Section 702.4.1 of the Property Maintenance Code, as amended. | |
| Exterior Yard Areas (PMC Ch. 3) | |
| (302.8) There are no inoperative motor vehicle/s kept or stored outside, and/or there are no vehicle/s kept or stored outside in a major state of disassembly or disrepair, or in the process of being stripped or dismantled. | |
| (302.10) There is no outside accumulation on yards, porches, exterior decks or exterior balconies of old lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, stoves, refrigerators, televisions, sinks, garbage, rubbish, refuse, junk or the like. | |
| (302.12) There is no upholstered furniture, including but not limited to upholstered chairs, upholstered couches, mattresses or similar items on exterior yard areas or on unenclosed porches, decks or balconies (unless | |

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| manufactured and rated for outdoor use). | |
| (302.13) There are no dead or substantially dead trees, or dead or damaged tree limbs that create a hazardous condition, on the premises (as determined by the Parks & Recreation Dept.). | |
| (308.4) Garbage, rubbish and trash is properly contained and disposed. (See 308.2 and 308.3 for occupant and owner responsibilities). | |



City of Lawrence
PLANNING & DEVELOPMENT SERVICES

1 Riverfront Plaza, Suite 110
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds

Phone 785-832-3345
Tdd 785-832-3205
Fax 785-832-3110

Planning and Development Services Department
Code Enforcement Division

CONSENT FOR INSPECTION

For the rental dwelling unit located at:

(Full Street Address, Including Apartment Number or Unit Number)

I, _____, am a tenant of the identified rental dwelling unit. I have been informed by my landlord and/or the City Code Enforcement Officer of the City's Residential Rental Property Ordinance, codified as amended at Chapter 6, Article 13 of the City Code, which requires the City to perform periodic inspections of residential rental property registered with the City.

- (1) I hereby knowingly and voluntarily give my consent to the City Code Enforcement Officer(s) to conduct an inspection of my dwelling unit.
- (2) I understand that the purpose of the inspection is narrowly focused to ensure that the dwelling unit is in compliance with the minimum property maintenance standards established by the City's Property Maintenance Code and in compliance with the City's Land Development Code.
- (3) I also understand that, if violations of the City Code are discovered, the City Code Enforcement Officer may be required to re-inspect the dwelling unit at a later date to ensure compliance with the City Code.
- (4) I understand that my landlord or my landlord's property agent may accompany the City Code Enforcement Officer during any inspection or re-inspection.
- (5) I understand that I have the right to refuse consent to inspection, but that if I do refuse consent, the City may seek an administrative warrant or other lawful means by which to complete the inspection.

Tenant Signature

Date

Rental Licensing FAQ

FAQs are updated regularly. Please visit www.lawrenceks.org/pds/rental-licensing for the most up-to-date FAQs.

1. What is the Rental Licensing Program?

Per [Ordinance 8840](#), adopted by the City Commission on April 1, 2014, the City's Rental Licensing Program regulates all residential dwelling units, structures and premises that are rented by an owner for a tenant's possession or occupancy, with a few exceptions. The Program requires owners to submit an [application](#) to obtain a [license](#) for each rental dwelling unit owned, and to renew such licenses on an annual basis. The Program also requires initial inspections of rental dwelling units, structures and premises, as well as cyclical inspections on either a 3 or 6-year cycle, depending on the condition of the units inspected (number of violations found per Ordinance 8840, Sections 6-1314 and 6-1315). Rental dwelling units may also be inspected in response to tenant complaints.

2. Hasn't the City enforced a Rental Licensing Program for many years?

Yes, rental licensing and inspection has been required and enforced since 2002 (per Chapter 6, Article 13 of the City Code), but only for rental units located in single-family zoning districts (RS zoning), with a few exceptions. On April 1, 2014, the City Commission adopted Ordinance 8840 (which replaced Chapter 6, Article 13 with a new Chapter 6, Article 13) that required rental dwelling units located anywhere in the City to be licensed and inspected. On April 1, 2014, the City Commission also approved [Administrative Regulations](#) (and Appendices) for the expanded program in order to establish general policies and procedures for implementation and administration.

3. When do Ordinance 8840 license regulations become effective?

Rental units previously licensed under the RS zoning program will continue to be licensed under the prior program's schedules and requirements until July 1, 2014. After July 1, 2014, owners of RS-zoned units will be transitioned to the new [license application and renewal schedule](#) outlined in Ordinance 8840 and the Administrative Regulations, and will be required to file their [license renewal notice and stub](#) (mailed by the City at least four weeks before a rental license expires) per the new schedule. Licenses issued/renewed after June 30, 2014 will be inspected in accordance with Ordinance 8840 requirements and the Administrative Regulations.

For rental units located outside RS zoning districts, initial licensing will begin on January 2, 2015 and continue through the end of 2015. Rental property owners will be required to file a license application for every rental property and dwelling unit they own in accordance with the license application and renewal schedule outlined in Ordinance 8840 and the

Administrative Regulations. This schedule requires owners to file their initial license application during a specified month in 2015, depending on the beginning letter of the owner's last name (if an individual) or owner entity name.

4. When will initial required City inspections begin for rental properties located in non-RS zoning districts?

Initial required inspections for non-RS zoned rental properties licensed during 2015 will not begin until July 1, 2015. Inspections for all licensed rental properties will be completed over a 3-year period per the [inspection schedule](#) set forth in the Administrative Regulations. The inspection schedule requires inspections to take place in either the first, second or third year, depending on the beginning letter of the owner's last name (if an individual) or owner entity name.

In the year that an inspection is due, it will be required to be scheduled in or sooner than the month of expiration of the license. The inspection must be completed no later than 30 days after the expiration date of the license. The unit(s) must be in good repair and not be in violation of Ordinance 8840 in order to receive the renewed license.

5. When will required inspections for rental properties previously licensed under the RS zoning rental licensing program occur?

Rental units previously licensed under the RS zoning program will continue to be inspected under their current schedule. Beginning July 1, 2014, they be transitioned to the inspection schedule contained in the Administrative Regulations, but they will not be inspected sooner than three years from the date of their last inspection. Those properties inspected after July 1, 2014 may qualify for the incentive per Section 6-1312 of Ordinance 8840 and the Administrative Regulations (see question 9 for further information on qualifying for incentive).

6. Are there fees for licensing?

Yes, there are fees for initial licensing of rental units, subsequent annual license renewals and any required rental property inspections. Initial and annual license renewal fees range from \$14 to \$17 per licensed unit, depending on the number of units licensed by a single owner or entity, per the attached Ordinance 8840 [fee schedule](#). There is also a \$50 inspection fee for each required dwelling unit inspection paid in the year in which an inspection is required, which covers the cost of the initial inspection and one re-inspection. Additional inspection fees will be charged for required re-inspections beyond the first.

7. What rental property codes and/or conditions will be enforced under the Rental Program?

Ordinance 8840 lists 27 standards in [Sections 6-1314 and 6-1315](#). City Rental Inspectors will apply these 27 standards upon inspection of a rental unit and any common areas and the

exterior premises. The inspector will also inspect for and note other violations of the City's [Property Maintenance Code](#) (Chapter 9, Article 6 of the City Code), but such violations will not affect the licensee's license in a negative way. The 27 standards listed in Sections 6-1314 and 6-1315, as well as other possible Property Maintenance Code violations, are identified on an [Inspection Form and Checklist](#) and an [Inspection Guide for Residential Rental Property](#), both of which were adopted by the City Commission as Appendices to the Administrative Regulations.

8. Will the City inspect every licensed rental unit?

In the year when an owner's licensed dwelling units are scheduled for inspection (the initial inspection or subsequent license renewal inspections on a required 3 or 6-year cycle), the City will select and inspect 10%, rounded up to the next whole number, but not to exceed 15, of the total number of dwelling units licensed by the owner/licensee. If more than five of the 27 violations listed in Section 6-1314 and 6-1315 are found during inspection of any unit in the sample, the City may select and inspect an additional 10%, rounded up to the next whole number, not to exceed 15. To minimize any inconvenience caused to tenants by inspections, The City will make a reasonable effort to prioritize in its selection of units "Qualified Vacant Units", as defined in Section [6-1302](#), as well as the oldest of the units within the pool of units to inspect.

Example 1: In September 2015, rental property owner Joe Schmoe, an individual, licenses 34 total dwelling units housed within three fourplexes, three triplexes, four duplexes and five single family homes at various non-RS zoning locations throughout the City. Mr. Schmoe is scheduled for initial dwelling unit inspections in late 2015. In this case, the City will select four licensed units for inspection (10% of total owned, rounded up to next whole number). Because Mr. Schmoe has identified two Qualified Vacant Units, those units will be included in the inspection sample. If none of the four inspected units has more than five violations per Sections 6-1314 and 6-1315, no additional units will be selected for inspection. If the number of violations per Sections 6-1314 and 6-1315 exceeds five in any of the four inspected units, an additional four units may be inspected.

Example 2: In February 2015, Doe Enterprises licenses two large apartment complexes with 350 total units (175 units in each complex). The complexes are scheduled for initial inspections during January 2016. Although 10% of the total 350 units would be 35 units, the City will select only 15 units for inspection (split between the two complexes) since 15 is the cap. Four units have been identified by Doe Enterprises as Qualified Vacant Units, which will be included in the 15-unit inspection sample selected by the City. If none of the 15 inspected units has more than five violations per Sections 6-1314 and 6-1315, no additional units will be selected for inspection. If the number of violations per Sections 6-1314 and 6-1315 exceeds five in any of the 15 inspected units, an additional 15 units may be inspected.

Example 3: During November 2015, Kilroy Washere, an individual, licenses one duplex in North Lawrence and one triplex in the Oread area, both in non-RS zoning. Initial property inspections are scheduled during September 2016, and all units are occupied. In this case, the City will select one unit for inspection (10% of five units, rounded up to the next whole number). The inspected unit has seven violations per Sections 6-1314 and 6-1315, so another unit is selected for inspection, and only two violations are found. No additional units will be selected for inspection.

9. If few or no Rental Program violations are found during the City's inspection of my unit/s, will I be rewarded for maintaining my property to a higher standard?

Yes, per Section 6-1312 of Ordinance 8840 and the Administrative Regulations, if not more than five of the 27 listed Rental Program standards are found to be in violation in any dwelling unit inspected as part of a required dwelling unit inspection sample, then all residential rental property licensed by that owner will be exempt from inspection for a period of six calendar years instead of three calendar years (exemption does not apply to any inspection made as a result of a complaint made during the exempted period).

10. Will an inspection be required for newly constructed or substantially renovated/reconstructed rental units or buildings?

No, Ordinance 8840 exempts residential rental property that is "New Construction" or that has undergone "Major Reconstruction" (as those terms are defined in Section 6-1302 of Ordinance 8840) for a period of six years from the date of the approved final inspection on a valid building permit issued by the City for the construction or reconstruction.

11. How will the City coordinate required inspections with owners and tenants?

Generally, the City will notify the owner/licensee that they have units due for inspection at the time of initial licensing or as part of their license renewal process. It is the owner's responsibility to contact the City to schedule inspection dates and times. In no event will the City inspect with less than 72-hour notice, unless the tenant (if occupied) or owner (if vacant) consent to shorter notice.

The owner is requested to coordinate inspection dates and times with tenants; however, the owner will have no legal obligation to obtain from any tenant, on behalf of the City, consent for the City to perform any inspection or re-inspection. If the City obtains from the tenant written consent to perform any inspection or re-inspection, it will be on the [Consent for Inspection Form](#) attached as Appendix D to the Administrative Regulations. An owner will not be penalized where any inspection or re-inspection is delayed as the result of the actions of a tenant.

12. What can a landlord or property manager do to facilitate the inspection?

Coordinating and informing tenant(s) about the city's program will help manage expectations about the inspection. In addition, completing a pre-inspection walk-through of the unit using the city's [checklist](#) prior to the city's inspection and bringing a supply of materials, such as batteries for smoke alarms and cover plates for outlets, to correct the commonly found violations during the inspection will reduce the possibility of being cited by the city inspector.

13. If I have multiple properties/dwelling units that are simultaneously due for inspection, and they are located in various parts of the City, how will that be coordinated with the City?

City staff will work closely with the owner/licensee to coordinate inspection schedules that are efficient for both the owner/licensee and City staff. Required inspections may be coordinated on a single day or over multiple days, or with various inspectors if it makes the process more timely and efficient.

14. Will the Rental Inspector make video recordings or take photographs during inspections?

Generally, the Rental Inspector will not make video recordings or take photographs. The Inspector is there to inspect and document Rental Program violations or Property Maintenance Code violations only, and video or photographs are generally unnecessary. Only in cases where an extreme life safety issue or immediate hazard exists, or where compliance by the owner or tenant is not making progress, might a photograph be taken, and usually with the tenant's consent.

15. In Lawrence, July and August are typically high rental turnover and leasing months. Will rental inspections be required during these months?

Experience shows that some landlords prefer this time period to have their units inspected and some find it challenging. Per the Administrative Regulations promulgated by the City Commission, required rental property inspections will not be conducted during July or August, unless requested by the property owner. However, the City may inspect during these months in response to a complaint.

16. How will I be notified of violations found during rental unit inspections?

At the time of inspection, the Rental Inspector will verbally share their findings with the property owner during the inspection. For certain, easily fixable items, such as a dead or missing battery in a smoke detector or a missing electrical outlet cover, the owner may be allowed to fix those during the scheduled inspection time (assuming the owner has a battery or outlet cover with them).

When violations per Sections 6-1314 or 6-1315 are found during an inspection (and are not corrected during the inspection), the Rental Inspector will issue, via email or regular U.S. mail, a written Notice of Violation on the [Inspection Form and Checklist](#) included in Appendix C of the Administrative Regulations. If violations of the Property Maintenance Code, outside of Ordinance 8840 Sections 6-1314 or 6-1315 are found, the inspector will email or mail via U.S. mail a separate Notice of Violation under the City's regular Property Maintenance Code enforcement program.

17. How long will I be given to correct violations found during inspection?

Generally, the written Notice of Violation issued by the City will give the owner thirty days to correct violations, although reasonable extensions of time may be requested in writing by the owner and may be granted by the City depending on the circumstances (such as for weather/seasonal factors or the availability of contractors hired by the owner to complete remediation work). If a noted violation poses an imminent threat to life, safety or health (such as an unvented gas appliance, dangerous electrical wiring or a collapsed/backed up sanitary sewer line), the City may require correction in less than 30 days.

18. How will city re-inspections to verify compliance be scheduled and conducted?

Owner or agent should contact staff prior to deadline date stated in the Notice of Violation to schedule the re-inspection. A new consent form must be signed by the tenant for any re-inspection. If a re-inspection is not scheduled by the deadline, the owner or agent will be contacted by staff to schedule the inspection and/or the license for the dwelling unit will be placed on probation.

19. Can a tenant be cited for a violation?

Yes, if it can be determined that the tenant is the cause of a Rental Program violation, a Notice of Violation may be issued to the tenant instead of to the owner.

20. What if I disagree with a Notice of License Denial or a Notice of Violation issued by the City?

Section 6-1317 of Ordinance 8840 allows any owner/licensee or tenant aggrieved by an action of the City in issuing a Notice of License Denial or a Notice of Violation to appeal such action to the Building Code Board of Appeals, provided a [notice of appeal](#) is filed with the Planning & Development Services Department within 14 days of the date of the Notice. A \$25 docking fee will be charged at the time of filing.

21. What are the possible consequences if a rental property owner fails to license or correct violations of Sections 6-1314 or 6-1315?

Failure to license a residential rental property prior to renting, leasing, subleasing or letting to any tenant may be considered an unlawful act and may be prosecuted in municipal court as a

municipal offense. Renting, leasing, subleasing or letting to any tenant a residential rental property that has one or more of the violations listed in Sections 6-1314 or 6-1315 may also be prosecuted in municipal court. Failure to correct within a reasonable time violations of Section 6-1314 or 6-1315, as identified in a Notice of Violation, may cause for the City Code Official or, in the case of an appeal from a Notice of Violation, the Building Code Board of Appeals, to place a rental license on probation or to revoke a rental license per Sections [6-1318](#) or [6-1319](#).

22. I heard that I will have to post a copy of my license in every rental unit. Is that accurate?

Licensees are not required to post copies of the license in dwelling units, on buildings or on residential property premises. However, Ordinance 8840 requires that the rental license be maintained by the licensee on the rental property premises, if possible, or at the licensee's principal place of business, and be made available, upon request, to any tenant of a dwelling unit or to a City code official.

23. Will the city be communicating elements of this program to tenants?

Each September the City will mail to each licensed dwelling unit a [postcard](#). The postcard will provide residents of the dwelling unit with a website address that contains general information about the Rental Licensing Program and relevant contact information for reporting to the city any suspected violations of the City Code.

24. Are rental units restricted in the number of tenants living in the unit?

Occupancy limits are a function of the Land Development Code (zoning) standards. Generally, occupants are those tenants living in the unit a majority of their time. The maximum number of allowed occupants is determined by the zoning district and use of the structure. RS (single-family) districts permit up to 3 unrelated occupants in a dwelling unit. Other districts permit up to 4 unrelated occupants. A congregate living structure may permit occupancies that exceed these minimums and are established at time of site planning the use. Section 20-601(d) of the city code establishes the specific occupancy standards.

City of Lawrence, Kansas
 Residential Rental Property Ordinance
 Administrative Regulations

| | | |
|--|--|--------------------------|
| Subject: Residential Rental Property Ordinance | Applies to: Planning and Development Services | |
| Effective Date: July 1, 2014 | Revised Date: | |
| Approved By: City Commission | Total Pages: 5 | Policy Number: AP-113 |

1.0 Purpose

As authorized by City of Lawrence, Kan., Code § 6-1323(a) (July 1, 2013), the Governing Body of the City of Lawrence, Kansas, hereby promulgates these Administrative Regulations for the purpose of establishing policies and procedures governing the implementation and administration of the City's Residential Rental Property Ordinance, codified as amended at Chapter 6, Article 13 of the Code of the City of Lawrence, Kansas.

2.0 Implementation of the Residential Rental Property Ordinance

A. Section 6-1303 of the City Code requires that all residential rental Dwelling Units, unless otherwise exempted, be licensed by the City. The City shall commence enforcement of Chapter 6, Article 13 in all RS Zoning districts effective July 1, 2014. The City shall commence enforcement of Chapter 6, Article 13 in all other Zoning districts, effective January 1, 2015. Dwelling Units in RS Zoning districts that are to be rented for the first time between July 1, 2014 and December 31, 2014, are required to obtain a license prior to the time of the first rental occupancy.

The Code Official will actively employ several methods to ensure that all rental properties are licensed, including but not limited to: comparing utility bill addresses against owner addresses, reviewing online advertisements, newspaper advertisements, and onsite advertisements, and investigating complaints, *etc.* In order to provide an efficient means of licensing all rental Dwelling Units, including those rental Dwelling Units in RS Zoning districts licensed prior to January 1, 2015 (which will be transitioned to the schedule below upon license renewal), the Code Official shall, for the submission of Rental License applications under the Residential Rental Property Ordinance, for the first full program year commencing January 1, 2015, establish the following schedule:

| Registration Name Begins With: | Date License Due: |
|---------------------------------------|--------------------------|
| A, B | January 31, 2015 |
| C, D | February 28, 2015 |
| E, F | March 31, 2015 |
| G, H | April 30, 2015 |
| I, J | May 31, 2015 |
| K, L | June 30, 2015 |

| | |
|---------|--------------------|
| M, N | July 31, 2015 |
| O, P, Q | August 31, 2015 |
| R, S | September 30, 2015 |
| T, U | October 31, 2015 |
| V, W | November 30, 2015 |
| X, Y, Z | December 31, 2015 |

- B.** The Code Official shall begin inspecting, under Section 6-1310 of the City Code, Dwelling Units located in RS Zoning districts commencing July 1, 2014. The Code Official shall begin inspection, under Section 6-1310 of the City Code, Dwelling Units located in all other Zoning districts commencing July 1, 2015. However, the Code Official may perform inspections, under Section 6-1310 of the City Code, of Dwelling Units located in non-RS Zoning districts if the Licensee or the Registered Agent of the Licensee specifically requests such inspections.

3.0 Master Licenses for Unified Multifamily Developments/Apartment Complexes

For the purposes of economy, for unified multi-family developments and apartment complexes where 11 or more units exist that are located on a single lot, or on contiguous lots, all of which are under the same ownership and management, instead of issuing Rental Licenses for each Dwelling Unit under 6-1306 of the City Code, the Code Official shall have the authority to issue one "Master License."

4.0 Inspection Schedule

- A.** The Code Official will perform inspections of Residential Rental Properties according to the following three-year cycle, generally as resources allow, beginning in the year 2015:
 1. Year 1 – Registration name begins with M, N, O, P, Q, R, S, T or U (only Dwelling Units in RS Zoning districts will be inspected until July 1, 2015).
 2. Year 2 – Registration name begins with V, W, X, Y, Z, A, B, C or D
 3. Year 3 – Registration name begins with E, F, G, H, I, J, K or L
- B.** Residential Rental Properties licensed prior to July 1, 2014 shall be transitioned to the inspection schedule contained in 4.0.A. but shall not be inspected sooner than 3 years from the date of their last inspection. Such Residential Rental Properties will be eligible to qualify for the incentive established at Section 6-1312 of the City Code at their next regularly scheduled inspection.
- C.** The Code Official will not perform inspections under Section 6-1310 of the City Code during July and August of any year (excluding inspections performed in response to complaints). However, the Code Official may perform inspections under Section 6-1310 of the City Code during July or August, if the Licensee or the Resident Agent of the Licensee specifically requests such an inspection.
- D.** The Code Official will select, in accordance with Section 6-1310(c) of the City Code, which Residential Rental Dwelling Units are to be inspected and shall give

notice thereof to the Licensee or the Resident Agent of the Licensee at a time reasonably in advance of inspection. If there are Qualified Vacant Dwelling Units, as that term is defined at Section 6-1302 of the City Code, the Licensee or the Resident Agent of the Licensee may notify the Code Official, and the Code Official shall make a reasonable attempt to give such Qualified Vacant Dwelling Units first priority in the selection of Dwelling Units for inspection and the scheduling of inspections. Generally, Dwelling Units that have previously been selected and inspected by the Code Official will not be selected for inspection in future inspection cycles (*see* paragraph 4.0.F. below), unless all Dwelling Units of the Licensee have previously been inspected.

- E. The Code Official will incorporate Residential Rental Properties licensed after January 1, 2015, into the three-year cycle schedule outlined in paragraph 4.0.B., *supra*, as they enter the program.
- F. After initial licensing and inspection of a Residential Rental Property, the Code Official will inspect Residential Rental Properties on approximately a three-year cycle, *see* paragraph 4.0.B., *supra*, regardless of whether a change in name or ownership has occurred, unless the Residential Rental Property qualifies for the incentive established at Section 6-1312 of the City Code, at which time the Residential Rental Property will be inspected on approximately a six-year cycle. If Residential Rental Property does not qualify for the incentive, as the result of an inspection, whether it is a scheduled inspection under Section 6-1310 of the City Code or an inspection due to a complaint, the Residential Rental Property will remain on approximately a three-year cycle, *see* paragraph 4.0.B., *supra*.

5.0 Inspection Procedures

- A. During the exterior and interior inspection of Residential Rental Property, the Code Official will note any violations on an Inspection Form and Checklist substantially similar to that which is affixed hereto as Appendix C. The Code Official will reference an Inspection Guide for Residential Rental Property substantially similar to that which is affixed hereto as Appendix D to assist in identifying violations. Only violations listed in Chapter 6, Article 1314(a) shall be cited as part of the Residential Rental Property Licensing Program, or be used to determine whether the property qualifies for the incentive established in Section 6-1312 of the City Code. Other potential violations of the City's Property Maintenance Code (PMC) may be noted and referred for additional follow-up under the City's regular PMC enforcement program, but separate and apart from the Rental Property Licensing Program.
- B. While compliance with the City Code is ultimately the responsibility of the Licensee, if the Code Official has probable cause to believe that any violation is caused by a Tenant, or involves personal property of a tenant (such as a tenant's inoperable or untagged vehicle, a tenant's upholstered furniture placed on a deck or unenclosed porch, or a tenant's improper exterior storage of junk, debris or other personal property), the Code Official has the discretion to pursue

compliance and resolution of any such violation directly with the Tenant in accordance with Section 6-1316(b) of the City Code.

- C. Absent exigent circumstances, the Code Official will not make video recordings or take photographs during any initial inspection of a Premises or Dwelling Unit. However, if violations cited by the Code Official are not remediated by the Licensee within the timeframe provided, the Code Official may, with the consent of any Tenant or by any other lawful means, gain entry to the Premises or Dwelling Unit to make video recordings or to take photographs of the cited violations in order to document them for enforcement purposes.

6.0 Notice of Violation and General Compliance Requirements

- A. In the event that the Code Official finds, during any inspection, one or more violations of Chapter 6, Article 13 of the City Code, the Code Official shall provide to the Licensee (and/or the Resident Agent of the Licensee) a written Notice of Violation that identifies each code violation. If violations of the City's Property Maintenance Code, other than those listed in Chapter 6, Article 13 of the Code, are identified by the Code Official, the Code Official may refer those for follow-up Notice and action under the City's regular Property Maintenance Code enforcement program.
- B. Generally, in the written Notice of Violation, the Code Official will grant the Licensee (and/or the Resident Agent of the Licensee) thirty (30) days in which to remediate any cited Code violation. However, where any Code violation is of such a nature that it poses an imminent threat to life, safety, health, or welfare (such as an unvented gas appliance, dangerous electrical wiring, or a collapsed/backed up sanitary sewer line, *etc.*) the Code Official may require that any such Code violation be remediated more expeditiously than thirty (30) days.
- C. In the absence of exigent circumstances, upon the request of the Licensee or the Registered Agent of the Licensee, the Code Official shall have the authority to grant a reasonable extension of time in which to remediate any violation identified in a Notice of Violation. Such authority shall be granted sparingly and shall be dependent upon the totality of circumstances, including but not limited to the nature of the violation(s), weather/seasonal factors, or the availability of contractor(s) hired by the Licensee or the Resident Agent of the Licensee to complete remediation.

7.0 Educational Materials

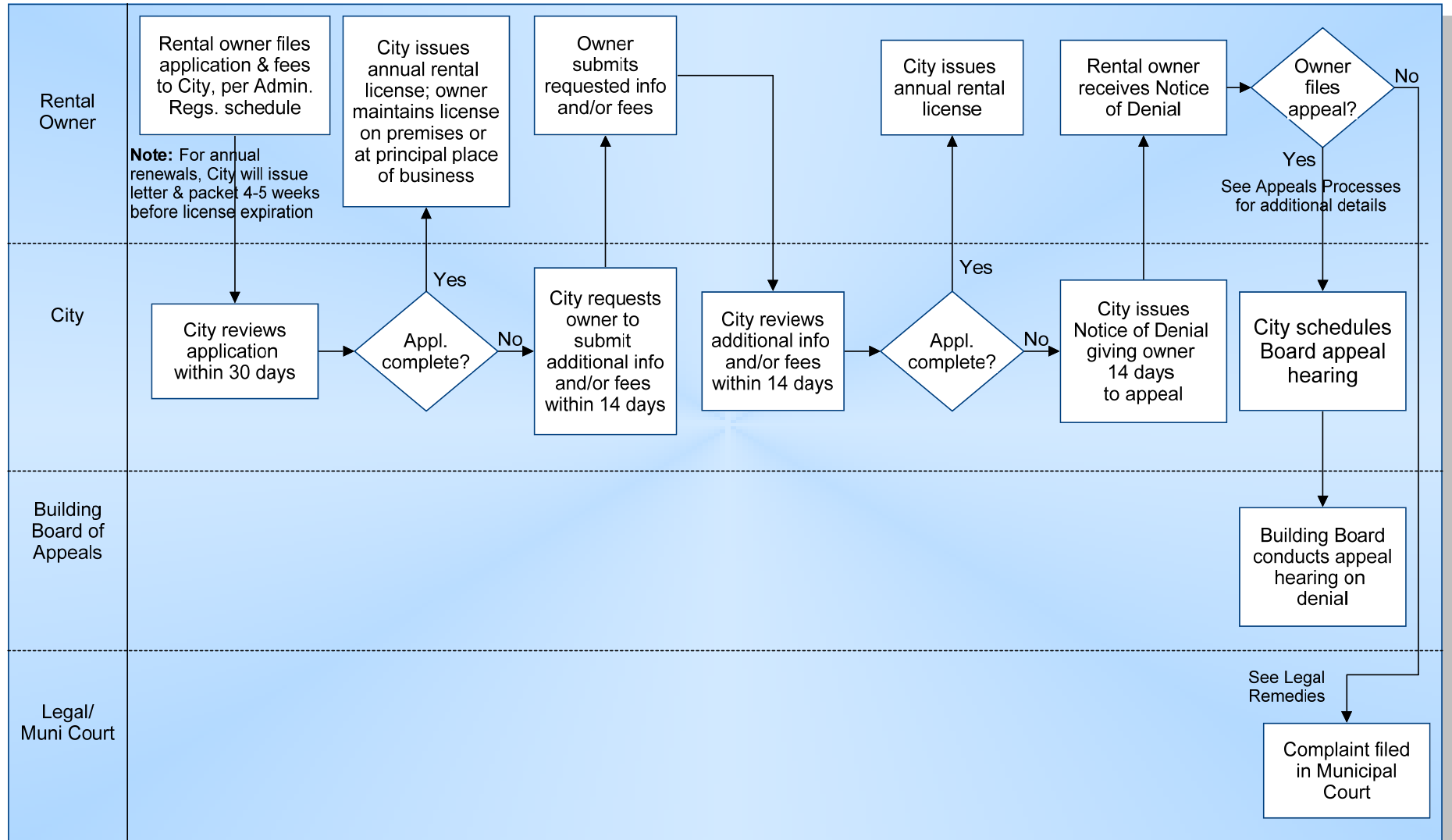
On or about September 1 of each year, the Code Official will mail to each licensed Dwelling Unit a postcard. The postcard will provide residents of that Dwelling Unit with a website address that contains general information regarding the City's Residential Rental Property Ordinance and relevant contact information for reporting to the City any suspected violation of the City Code. The content of the website information will be substantially similar to that affixed to these regulations as Appendix E.

8.0 Appendices

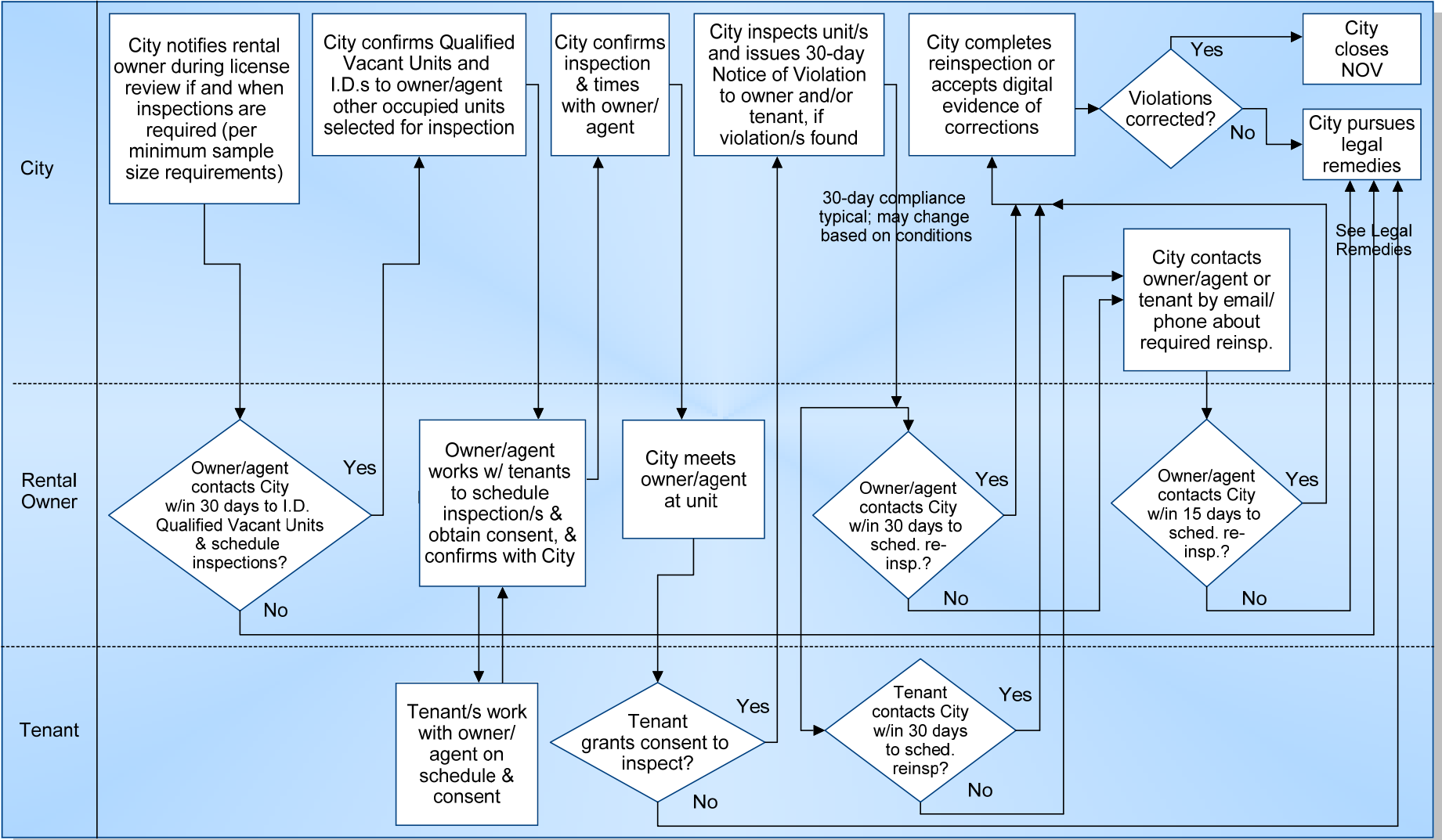
The Appendices affixed hereto are incorporated herein by reference as if set forth in these Administrative Regulations in full. The Appendices are identified as follows:

- A.** Rental License Application
- B.** Rental License
- C.** Inspection Form and Checklist
- D.** Inspection Guide for Residential Rental Property
- E.** Consent for Inspection Form
- F.** Website Information Packet

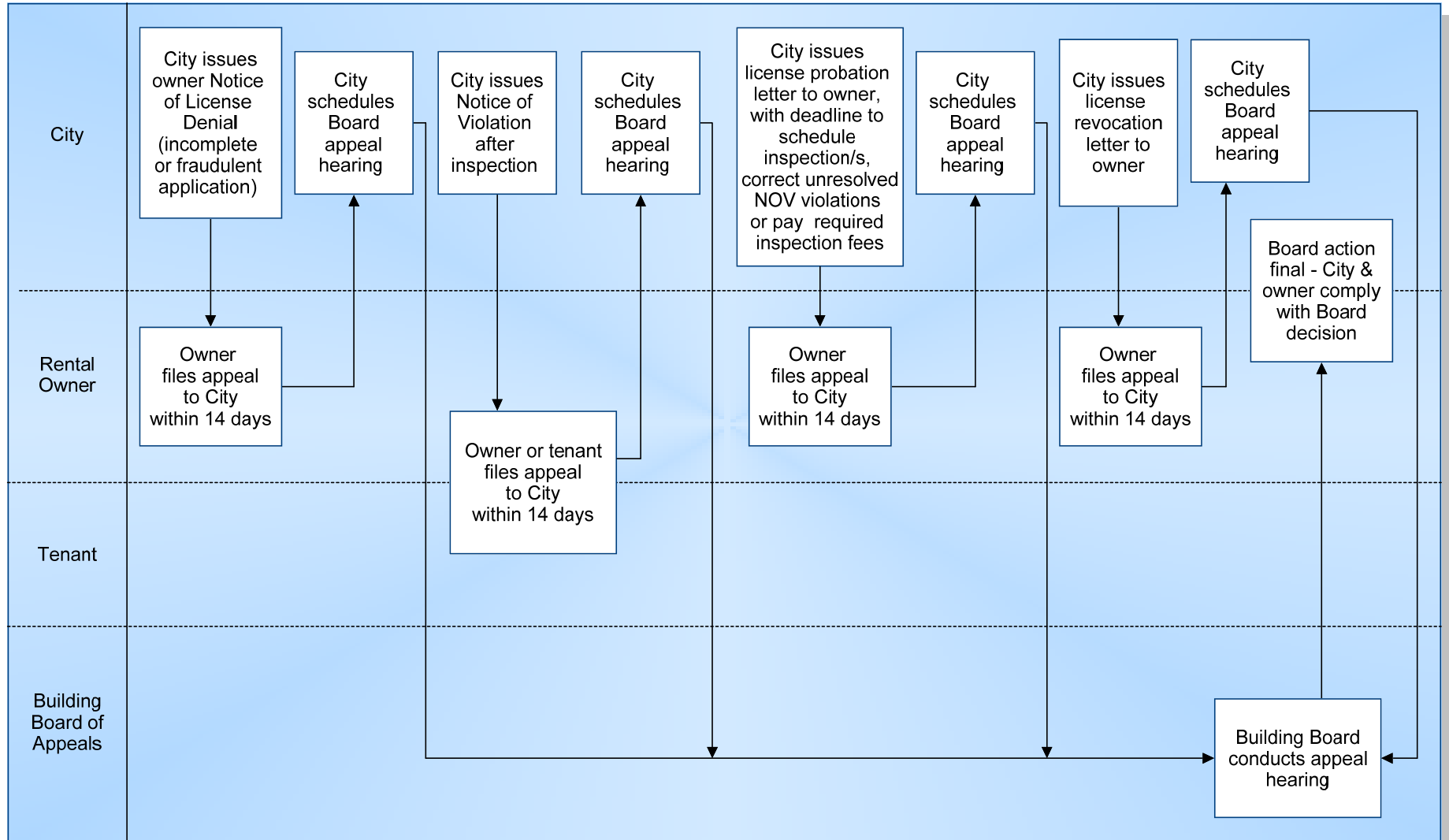
Rental Program License Application Process



Rental Program Inspection Process

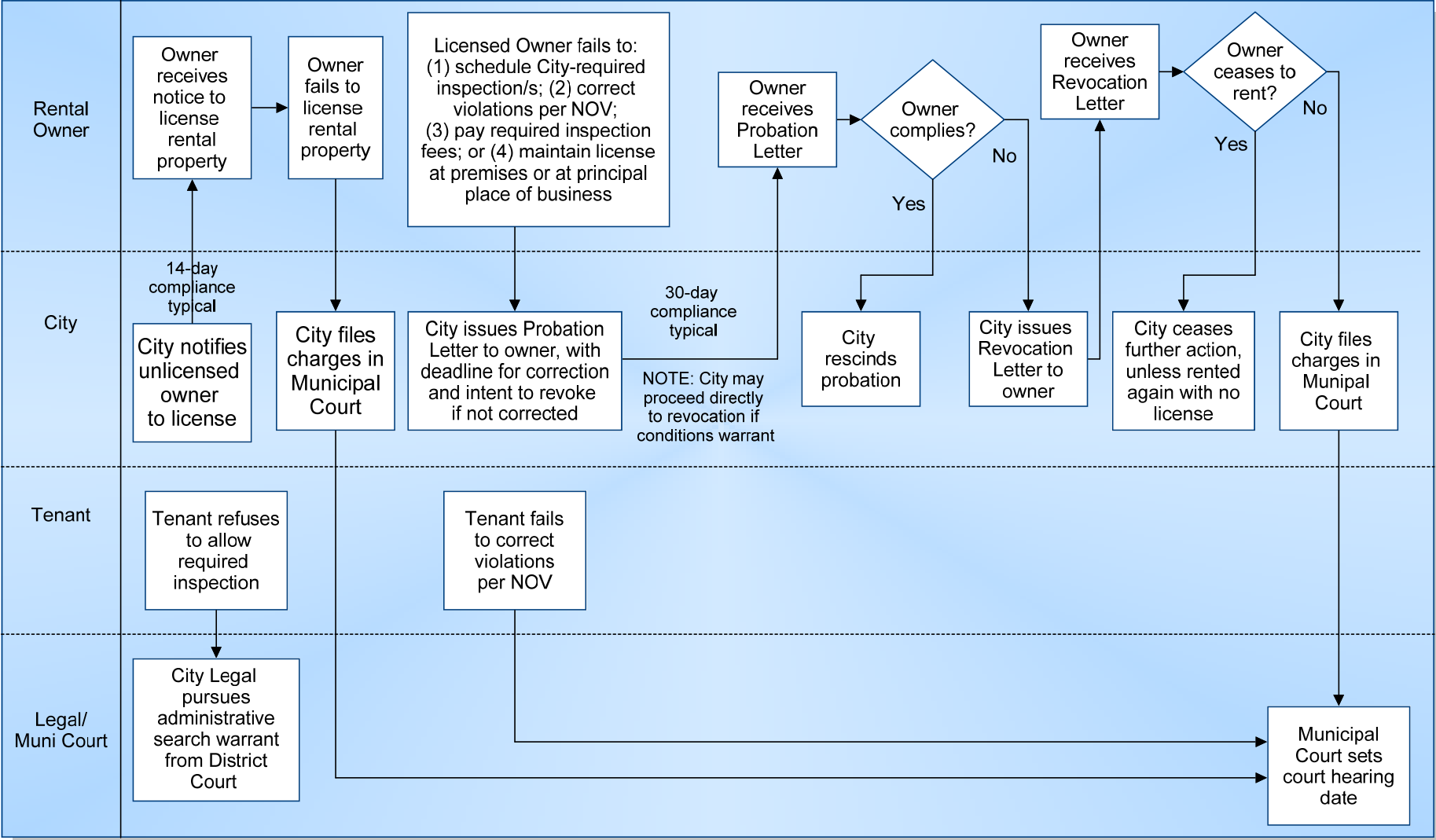


Rental Program Appeal Processes



Rental Program Legal Remedies

(Search Warrants, Probation/Revocation and/or Court Action)





Is Your Rental Property Safe?

You can report concerns or possible code violations to our staff for follow up. Always try to work with your landlord first to solve problems. The city can help if you have concerns about your living environment.



Contact Us

Phone:
(785) 832-3345

Email:
rentallicensing@
lawrenceks.org

Our Offices:
1 Riverfront Plaza
Suite 110
Lawrence, KS
66044

Website:
[lawrenceks.org/rent](http://www.lawrenceks.org/rent)



The City of Lawrence cares about our residents and wants to ensure conditions in their homes are safe and habitable. The city has enforced a rental licensing program for 12 years for units located in Single-Family Residential zoning. As of January 1, 2015, all residential rental properties and dwelling units will be required to have a valid rental license and periodic inspections. As a tenant, we want you to know what the licensing program is and how this program will affect you.

Will the city inspect my rental unit?

Yes, typically on a 3-year cycle. The city works with the landlord, property owner, or agent of the owner to schedule inspections when they are required. As the tenant, you will be asked to sign a consent form allowing the inspection. Your landlord may choose to be present while the city performs the inspection.

What is the city looking for during inspections?

The inspection is narrowly focused to ensure that the dwelling unit is in compliance with the minimum property maintenance standards established by the Rental Licensing Ordinance as well as the city's Property Maintenance Code and Land Development Code. A list of items, ranging from functioning smoke alarms, plumbing, heating/cooling system functionality, electrical safety, minimum property maintenance requirements, occupancy requirements, structural safety and other standard fire safety measures, is included in the inspection. A full checklist is available at our website: www.lawrenceks.org/pds/rental-licensing.

Will the inspector make video recordings or take photographs during inspections?

Generally, the Rental Inspector will not make video recordings or take photographs. The Inspector is there to inspect and document Rental Program violations or Property Maintenance Code violations only, and video or photographs are generally unnecessary. Only in cases where an extreme life safety issue or immediate hazard exists, or where compliance by the owner or tenant is not making progress, might a photograph be taken, and usually with the tenant's consent.

Can a tenant be cited for a violation?

Yes, if it can be determined that the tenant is the cause of a Rental Program violation, a Notice of Violation may be issued to the tenant instead of to the owner.

What is an occupancy requirement?

For dwelling units located in a (RS) Single-Dwelling zoned district and all other detached dwelling units (houses) located in other zoning districts, no more than a group of three unrelated persons may reside within such dwelling unit. For dwelling units located in a (RM) Multi-Family zoned district and all other non-detached dwelling units located in other districts, no more than a group of four unrelated persons may reside within such dwelling unit.

What happens if my rental unit is found to have violations?

The city will issue their findings in writing to the property owner, landlord or owner's agent. Some violations may be able to be corrected on-site during the inspection. The owner will have





What does the city look for in rental inspections?

Are windows and exterior doors in working order?

Is the roof sound?

Are there structural defects to the foundation, stairs, exterior decks, balconies, etc.

Are there large patches of mold?

Does the unit have minimum food preparation and cooking areas?

Are the heating, plumbing and electrical systems operational and functioning correctly?

Is the sanitary sewer line functioning?

Are escape windows operable and meet safety requirements?

Are smoke detectors working?

Does the unit have a fire extinguisher and is it operable?

Are any exterior structures (garages, sheds, etc.) in structural danger of collapsing?

Does the unit comply with the occupancy guidelines for the zoning of the area?

a period of time, typically 30 days, to correct violations. If a noted violation poses an imminent threat to life, safety or health (such as an unvented gas appliance, dangerous electrical wiring or a collapsed/backed up sanitary sewer line), the city may require correction in less than 30 days.

Can I find out if my rental unit has been cited for violations?

Yes, your landlord is required to keep a record of rental licenses. You can contact the city at (785) 832-3345 to inquire about a specific property's licensing history.

What if I suspect there are violations in my rental unit during a year when an inspection is not due? Can I submit my concerns for inspection?

Yes, you can report a code concern or complaint at any time by emailing rentallicensing@lawrenceks.org or calling our office at (785) 832-3345.

Does my landlord have to post the rental license at each residence?

Licensees are not required to post copies of the license in dwelling units, on buildings or on residential property premises. However, the city requires that rental licenses be maintained by the owner/owner agent on the rental property premises, if possible, or at the licensee's principal place of business, and be made available, upon request, to any tenant of a dwelling unit or to a City code official.

Do I have to allow the inspection?

You have the right to refuse consent to inspect, however, if you do refuse consent, the city may seek an administrative search warrant or other lawful means by which to complete the inspection.

How will tenants be made aware of the Rental Licensing Inspection Program?

Each September the city will mail a postcard to each licensed dwelling unit. The postcard will provide residents of the dwelling general information about the Rental Licensing Program and relevant contact information for reporting to the city any suspected violations of the City Code.

Who can I contact if I have questions?

Please contact the city staff either in-person, email or by phone. Planning and Development Services is located at 1 Riverfront Plaza, Suite 110 in downtown Lawrence. The main Rental Licensing phone number is (785) 832-3345 or email us at rentallicensing@lawrenceks.org.



ORDINANCE NO. 8840

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING CHAPTER VI, ARTICLE 13 AND ENACTING, IN ITS PLACE, CHAPTER VI, ARTICLE 13 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2013 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE REGULATION OF RESIDENTIAL RENTAL PROPERTY.

WHEREAS, it is the goal of the Governing Body of the City of Lawrence, Kansas, that all persons renting, leasing, subleasing, or letting dwelling units on residential rental property within the City enjoy a habitable and safe place to live;

WHEREAS, it is the goal of the Governing Body of the City of Lawrence, Kansas, to prevent and to remediate those housing conditions that affect adversely the life, safety, general welfare, and health of persons occupying dwelling units on residential rental property within the City;

WHEREAS, it is the goal of the Governing Body of the City of Lawrence, Kansas, to protect the life, safety, general welfare, and health of all persons occupying dwelling units on residential rental property within the City by enforcing certain minimum standards pertaining to the maintenance of residential rental property within the City;

WHEREAS, it is the goal of the Governing Body of the City of Lawrence, Kansas, to protect neighborhoods within the City from general deterioration and the loss of property values, by requiring that each dwelling unit comply with the occupancy limits established for the applicable zoning district; and

WHEREAS, the Governing Body of the City of Lawrence, Kansas, has determined that it can achieve each of those goals through the regulation of residential rental property within the City.

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

SECTION 1. Existing Chapter VI, Article 13, of the Code of the City of Lawrence, Kansas, 2013 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

SECTION 2. The Code of the City of Lawrence, Kansas, 2013 Edition, and amendments thereto, is hereby amended by adding Chapter VI, Article 13, which reads as follows:

ARTICLE 13. RESIDENTIAL RENTAL PROPERTY

6-1301 **PURPOSE.**
The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate certain activities, including the renting, leasing, subleasing, or letting of dwelling units on residential rental property within the City.

6-1302 **DEFINITIONS.**
The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **"Code Official"** shall mean the Code Enforcement Officer, anyone fulfilling the duties of the Code Enforcement Officer on either a temporary or permanent basis, or any designee of the City Manager, the Director of the Department of Planning and Development Services, or the Code Enforcement Officer.
- (b) **"Dwelling Unit"** shall mean one room, or a suite of two or more rooms, designed for or used for living and sleeping purposes and having only one kitchen.
- (c) **"Let"** shall mean to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for no consideration.
- (d) **"Licensee"** shall mean any Owner licensed by the City under this Article to Rent or Let a Dwelling Unit.
- (e) **"Major Reconstruction"** shall mean a renovation in which four or more Primary Building Systems of a building or structure undergo at least a 50% replacement within a twelve-month period. For the purposes of this definition, Primary Building System shall mean: (1) HVAC; (2) electrical; (3) interior walls and/or external structural walls and windows; (4) roofs and ceilings; (5) plumbing; and (6) foundation and foundation walls.
- (f) **"New Construction"** shall mean any building or structure built entirely new, including foundation, walls, and all other components of a building or structure.
- (g) **"Occupancy" or "Occupy"** shall mean residing or sleeping at a Dwelling Unit the majority of a person's time.
- (h) **"Owner"** shall mean 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 any authorized agent of the possessor of lawful title to real property.
- (i) **"Premises"** shall mean a lot, or contiguous lots under common ownership, together with all buildings, structures, and appurtenances existing thereon.
- (j) **"Qualified Vacant Dwelling Unit"** shall mean any Dwelling Unit that, at the time of inspection, is not occupied by a Tenant or any other person and has not previously been inspected by the Code Official.
- (k) **"Re-inspection"** shall mean any subsequent inspection conducted for the purpose of verifying that any violations reported during any inspection have been remediated.
- (l) **"Rent"** shall mean 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.

- (m) **"Resident Agent"** shall mean any person or business entity, however organized, appointed by an Owner, who shall be responsible for compliance with this Ordinance and who shall have the authority to receive communications, service of process, summons, notices, and other legal process in behalf of the Owner.
- (n) **"Residential Rental Property"** shall mean any Premises having one or more Dwelling Units that are Rented or Let to one or more Tenants.
- (o) **"Tenant"** shall mean any person who Occupies a Dwelling Unit, other than the Owner, the Owner's immediate family (related by blood, marriage, or adoption), or any person residing with the Owner.

6-1303

RENTAL LICENSE REQUIRED.

- (a) No Owner shall Rent or Let to a Tenant, whether or not for consideration, a Dwelling Unit located on Residential Rental Property within the City, unless otherwise exempted by this Article, without first obtaining from the Department of Planning and Development Services a Rental License for each Dwelling Unit.
- (b) In the case of multiple Owners of any Dwelling Unit subject to this Article, it shall be sufficient for any one of the Owners to have obtained a Rental License for the Dwelling Unit.

6-1304

RENTAL LICENSE FEES.

- (a) All Owners obtaining a Rental License under this Article shall pay an annual Rental License Fee. The Rental License Fee shall be due at the time of application or renewal. The Rental License Fee shall not be prorated or refunded upon denial or revocation of a Rental License.
- (b) Recognizing that the costs to the City of registering and licensing multiple Dwelling Units of an Owner decrease on a per unit basis as the number of Dwelling Units increases, the City shall assess Rental License Fees under this Article according to the following schedule:
 - (1) 1-50 Dwelling Units: \$17.00 per Dwelling Unit.
 - (2) 51-100 Dwelling Units: \$850.00, or \$16.00 per Dwelling Unit, whichever amount is more.
 - (3) 101-150 Dwelling Units: \$1,600.00, or \$15.00 per Dwelling Unit, whichever amount is more.
 - (4) 151 or more Dwelling Units: \$2,250.00, or \$14.00 per Dwelling Unit, whichever amount is more.

6-1305

RENTAL LICENSE APPLICATION.

Application for a Rental License shall be made to the Department of Planning and Development Services on a form provided by the Department for that purpose and substantially similar to the form attached as Appendix A to the Regulations, as promulgated by the Governing Body in accordance with Section 6-1323(a). In addition, the Owner shall complete the application in full, in writing, and shall provide the following information:

- (a) The address(es) of the Dwelling Unit(s).
- (b) The Owner's name, address, telephone number, cellular telephone number, and e-mail address, as applicable.
- (c)
 - (1) If the Owner has a local address, within forty miles of the City, then he or she MAY appoint a person or management company, also within forty miles of the City, to serve as his or her Resident Agent by checking the appropriate box and by providing the name, company name, if any, address, e-mail address, if any, and telephone number of the Resident Agent. Any Resident Agent appointed by the Owner shall have actual authority to receive communications, service of process, summons, notices, and other legal process in behalf of the Owner.
 - (2) If the Owner does not have a local address, within forty miles of the City, then he or she MUST appoint a person or management company, located within forty miles of the City, to serve as his or her Resident Agent by checking the appropriate box and by providing the name, company name, if any, address, e-mail address, if any, and telephone number of the Resident Agent. Any Resident Agent appointed by the Owner shall have actual authority to receive communications, service of process, summons, notices, and other legal process in behalf of the Owner.
- (d) A statement as to whether the Dwelling Unit is Section 8 housing or other subsidized housing and, if so, the date of its most recent inspection.
- (e) The Owner's signature and the date of the application.

6-1306

RENTAL LICENSE ISSUANCE; DENIAL.

- (a) The Code Official shall review each application for a Rental License. Within thirty (30) days of the application, the Code Official shall approve the application and shall issue to the Owner a Rental License, unless:
 - (1) The application is incomplete; or
 - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement.

- (b) If the application is determined to be deficient because it is incomplete under Section 6-1306(a)(1), including the failure to pay the Rental License Fee and any Inspection Fee, the Code Official shall give notice to the Owner and permit the Owner fourteen (14) days therefrom within which to provide a completed application.
- (c) If the application is denied under Section 6-1306(a)(2), or the Owner has failed to complete the application within the fourteen-day period of Section 6-1306(b), then the Code Official shall deny the application by giving Notice of Denial to the Owner or any Resident Agent. Notice of Denial shall be in writing, shall be mailed to the Owner or any Resident Agent, shall inform the Owner of the reason for denial with specificity, including all documentation supporting any allegation of fraud or material misrepresentation, and shall state that the Owner has fourteen (14) days from the date of the Notice of Denial in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 6-1317.
- (d) The Code Official shall maintain a copy of the Notice of Denial in his or her files.

6-1307

RENTAL LICENSE APPEARANCE; MAINTENANCE

- (a) The Rental License shall be on official City of Lawrence, Planning and Development Services, letterhead and shall include the Rental License number, the name of the Licensee, the address of the Dwelling Unit, and the expiration date of the Rental License.
 - (1) The form and substance of the Rental License shall be substantially similar to the form attached as Appendix B to the Regulations, as promulgated by the Governing Body in accordance with Section 6-1323(a).
- (b) 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 the Code Official.

6-1308

RENTAL LICENSE DURATION.

Unless revoked in the interim, the Rental License shall be valid from the time that it is issued until midnight of its next Expiration Date, which shall be in accordance with the following schedule:

| Registration Name Begins With: | Expiration Date: |
|---------------------------------------|-------------------------|
| A, B | January 31 |
| C, D | February 28 |
| E, F | March 31 |
| G, H | April 30 |
| I, J | May 31 |
| K, L | June 30 |
| M, N | July 31 |

| | |
|---------|--------------|
| O, P, Q | August 31 |
| R, S | September 30 |
| T, U | October 31 |
| V, W | November 30 |
| X, Y, Z | December 31 |

6-1309 **RENTAL LICENSE RENEWAL.**

- (a) In order to retain a Rental License for a Dwelling Unit, the Licensee must renew the Rental License on an annual basis. At least four weeks before a Rental License expires, the Code Official will mail to a Licensee or any Resident Agent a renewal Notice. To renew a Rental License, the Licensee must, BEFORE the Expiration Date set forth on the Rental License: (1) remit to the City the appropriate Rental License Fee and any Inspection Fee that may be due pursuant to Section 6-1311; (2) return the renewal stub to the Department of Planning and Development Services; and (3) the Licensee's Dwelling Unit(s) must have, unless otherwise exempted by this Article, have passed its (or their) most recent inspection.
- (b) There shall be assessed a \$5.00 late fee per Dwelling Unit for any Licensee who fails to renew his or her license BEFORE the Expiration Date and seeks to renew his or her Rental License after that date.

6-1310 **INSPECTIONS.**

- (a) In accordance with Section 6-1310(c), unless otherwise exempted by the terms of this Article, all Residential Rental Property shall be inspected by the Code Official, on approximately a three-year cycle, according to a schedule established by the Director of the Department of Planning and Development Services, or his or her designee. If a Residential Rental Property is scheduled to be inspected during the ensuing year, then the Code Official, or his or her designee, shall notify the Owner/Licensee at the time of licensing or at the time of renewal. It shall be the obligation of the Owner/Licensee to pay the Inspection Fee at the time of application or renewal. It shall also be the obligation of the Owner/Licensee to contact the Department of Planning and Development Services during the month of licensing or renewal to schedule an inspection of any Qualified Vacant Dwelling Unit and to coordinate with the Code Official the time of inspection of any occupied Dwelling Unit. Failure to schedule and to complete an inspection shall be grounds for revocation of a Rental License or denial of a Renewal Rental License.
 - (1) No Owner/Licensee shall be penalized where any inspection or re-inspection is delayed or does not occur as the result of the actions of any Tenant.
 - (2) The Owner/Licensee has no legal obligation to obtain from any Tenant, in behalf of the City, consent for the City to perform any inspection or re-inspection.

- (b) Any person serving as a Code Official and charged with inspecting Residential Rental Property shall, within two (2) years of being employed by the City, be accredited by the International Code Council and shall have received training to inspect Residential Rental Property in accordance with this Article.
- (c) In the year in which an Owner/Licensee's licensed Dwelling Units are scheduled for inspection, the Code Official shall inspect 10%, rounded up to the next whole number, not to exceed fifteen (15), of the total Dwelling Units licensed by the Owner/Licensee. If more than five (5) violations per Dwelling Unit are discovered on any Premises or in Dwelling Units inspected, then the Code Official may, upon no less than seventy-two (72) hours prior written notice, inspect an additional 10%, rounded up to the next whole number, not to exceed fifteen (15), of the total Dwelling Units licensed by the Owner/Licensee. The cost for any additional inspections shall be the same as the Inspection Fee established at Section 6-1311(a) and shall be assessed to the Owner/Licensee.
- (d) The inspection shall be performed using an Inspection Form substantially similar to the form attached as Appendix C to the Regulations, as promulgated the City Commission under Section 6-1323(a).
- (e) Residential Rental Property that qualifies as New Construction or as Major Reconstruction, as those terms are defined in this Article, shall be exempt from inspection for a period not to exceed six (6) years commencing on the date the Residential Rental Property passes its final building inspection. However, Residential Rental Property that qualifies as New Construction and Major Reconstruction must, upon completion of the construction or renovation, register each Dwelling Unit and obtain a Rental License for each Dwelling Unit in accordance with this Article.
- (f) It is the policy of the Governing Body that the Code Official make a reasonable effort to minimize any inconvenience caused to Tenants by inspections. To that end, the Code Official shall make a reasonable effort to prioritize the inspection of Qualified Vacant Dwelling Units, as identified by the Owner/Licensee prior to any inspection of Dwelling Units licensed by the Owner/Licensee.

6-1311

INSPECTION FEES; ADMINISTRATIVE FEES.

- (a) Except as may otherwise be provided, the Inspection Fee shall be \$50.00 per Dwelling Unit inspected. The Inspection Fee shall be remitted to the City ONLY in the year that the Dwelling Unit is scheduled for inspection in accordance with Section 6-1310. The Inspection Fee shall be paid at the same time as the Rental License Fee or Renewal License Fee.
- (b) Any Owner/Licensee that fails to appear for a scheduled inspection or re-inspection or any Owner/Licensee that refuses consent at a scheduled inspection shall be charged an Administrative Fee of \$25.00 per Dwelling Unit that was scheduled for inspection. A scheduled inspection or re-inspection may be rescheduled with no less than seven (7) days' prior

notice to the Code Official. There shall be no fee or penalty assessed to any Owner/Licensee if any inspection or re-inspection is rescheduled within that seven-day period or is rescheduled due solely to the actions of any Tenant.

- (c) Any subsequent re-inspection, required after the initial re-inspection, shall be charged a Re-inspection Fee of \$50.00 per Dwelling Unit re-inspected. The Re-inspection Fee shall not apply to any re-inspection that is necessitated solely by the actions of any Tenant.

6-1312

INCENTIVE.

As an incentive to Licensees, if the Code Official reports no more than five (5) violations, as identified in Section 6-1314, per Dwelling Unit on any Premises and in Dwelling Units inspected, then all Residential Rental Property licensed by that Licensee shall be exempt from inspection under Section 6-1310 for a period of six (6) calendar years. (Such exemption shall not apply to any inspection made as the result of a complaint within that exempted period). Any Dwelling Unit or Residential Rental Property found to have more than five (5) violations, as identified in Section 6-1314, shall not qualify the Licensee for this incentive.

6-1313

RIGHT OF ENTRY.

- (a) Absent exigent circumstances, whenever it is necessary to make an inspection or to enforce any provisions of this Article, or whenever the Code Official has reasonable suspicion that there exists in any Dwelling Unit or on any Residential Rental Property subject to this Article, any condition or violation that makes such Dwelling Unit or Residential Rental Property unsafe, dangerous, hazardous, or a public nuisance, the Code Official shall have the right, after giving seventy-two (72) hours' written notice to the Licensee, to enter the Premises or any Dwelling Unit thereon, at all reasonable times to inspect the same or to perform any duty imposed by this Article, provided that such entry is made in accordance with the law. At the time of inspection, if the Dwelling Unit or Residential Rental Property is occupied, then the Code Official shall first attempt to make contact with the Tenant, present proper credentials, and request entry. If the Dwelling Unit or Residential Rental Property is unoccupied, the Code Official is unable make contact with the Tenant, or the Code Official is denied consent to enter, then the Code Official shall have the right to seek entry by way of an administrative search warrant or by any other lawful means.
- (b) If the Code Official obtains from the Tenant written consent to perform any inspection or re-inspection, it shall be on a form substantially similar to that attached as Appendix D to the Regulations, as promulgated by the Governing Body in accordance with Section 6-1323(a).

6-1314

VIOLATIONS.

- (a) The following, if found during any inspection of a Dwelling Unit or Premises under this Article, shall be deemed a violation of this Article:

- (1) The roof is unsound, including, but not limited to holes through the roof sheathing, large areas of missing shingles, or major leaks.
- (2) There are defects affecting the structural integrity and safety of the building, including but not limited to the foundation or roof framing, exterior stairs, porches, decks, balconies, exterior ceilings, exterior walls, exterior floors, interior stairs, interior ceilings, or interior floors.
- (3) There are defects affecting the structural integrity and safety of any chimney, such that it poses an imminent danger.
- (4) Required handrails or guards for interior stairs, exterior stairs, porches, decks, or balconies are missing or structurally unsound.
- (5) Windows are defective, including but not limited to missing window frames, sashes, or panes, such that the interior of the structure is exposed to the elements.
- (6) Exterior doors are missing, will not close, or have inoperable locks.
- (7) Openable windows within six (6) feet of grade are missing locks or have inoperable locks.
- (8) There exist large patches (or multiple areas) of fungus -- that is most likely mold -- on walls, ceilings, or floors.
- (9) The Dwelling Unit lacks minimum kitchen, cooking facilities, refrigerator and freezer, or food preparation areas.
- (10) The sanitary sewer service line is not functioning because it has backed up, collapsed, or otherwise failed.
- (11) Plumbing fixtures are not safely connected to the water supply; or required plumbing traps are not properly installed.
- (12) The water service line is not functioning properly because it is broken, leaking, or simply not delivering water.
- (13) The water heater is not operational or is missing temperature and pressure relief valves or, if such are installed, the temperature and pressure relief valves are damaged or leaking, or have spring-loaded operating mechanisms that are sticking or obstructed.
- (14) Gas-fired furnaces, water heaters, solid fuel-burning appliances, or gas-fired or electric clothes dryers are not properly vented or safely installed, or lack safety controls.

- (15) Combustion "makeup" air and minimum clearance requirements are not satisfied for gas furnaces or water heaters; or minimum clearance requirements are not satisfied for solid fuel-burning appliances.
- (16) Heating facilities are not operable, safe, or capable of maintaining temperatures of 68° Fahrenheit in habitable rooms.
- (17) Due to improper fusing, improper wiring or installation, deterioration, or damage, the electrical system constitutes a hazard to occupants, the Dwelling Unit, or the structure.
- (18) The electrical wiring is exposed, frayed, or otherwise unsafe as defined by the City Code.
- (19) Ground Fault Circuit Interrupter (GFCI) receptacle outlets are not provided in every bathroom and at kitchen countertops, and at least one grounded type or GGFCI protected receptacle outlet is not provided in any laundry area.
- (20) Receptacle outlets are missing appropriate faceplate covers.
- (21) Any exterior electrical panel is missing required ports or covers.
- (22) Required emergency escape/rescue windows are missing, fail to meet the minimum requirements for clear opening, height, or width, exceed the maximum finished sill distance above the floor, or are inoperable from the inside without the use of keys or tools.
- (23) Required smoke detectors for the Dwelling Unit are missing or inoperable.
- (24) Any structure containing three or more Dwelling Units that fails to provide, in each Dwelling Unit, one portable fire extinguisher, with a minimum rating of 1A 10BC that is less than one year old or that has been serviced within the past year.
- (25) Any accessory structure, including but not limited to garages, carports, or sheds, is deteriorated or leaning to such an extent that it is in imminent danger of collapse.
- (26) The Dwelling Unit does not comply with the occupancy requirements established in the Land Development Code (Chapter 20).
- (27) The use of the property does not comply with requirements established in the Land Development Code (Chapter 20).

- (b) In cases where strict compliance with the foregoing standards are not possible, or where there are other practical difficulties limiting compliance, the Code Official shall have the authority and the discretion, where possible, to grant alternate compliance so long as such alternate compliance does not compromise or otherwise diminish health, life, or fire safety requirements. The details of any action granting such alternate compliance shall be recorded by the Code Official and shall be maintained in his or her files.

6-1315

OCCUPANCY LIMITS.

- (a) Unless otherwise exempted by an approved site plan or except as may otherwise be provided, occupancy limits for Dwelling Units in each zoning district are those established at Section 20-601(d) of the City Code.
 - (1) For the purposes of this Section, (A) children of a Tenant are not included in the Occupancy count and (B) a person shall be deemed to be living in a Dwelling Unit if he or she resides or sleeps at a Dwelling Unit a majority of that person's time.
- (b) Exceeding the Occupancy Limits for a Dwelling Unit shall be deemed a violation of this Article. However, exceeding the Occupancy Limits for a Dwelling Unit that occurs without the Licensee's knowledge shall not be a violation of this Article and shall not affect the Licensee's eligibility for the incentive provided in Section 6-1312.

6-1316

NOTICE OF VIOLATION.

- (a) Any Licensee of Residential Rental Property determined by the Code Official to be the cause of a violation of Section 6-1314 or 6-1315 shall be sent a Notice of Violation. The Notice of Violation shall be served on the Licensee or Resident Agent by hand-delivery or by first class mail addressed to the Licensee or any Resident Agent. The Notice of Violation shall state:
 - (1) The condition that has caused the alleged Violation(s);
 - (2) Whether the Code Official seeks: (1) remediation, and the time that remediation must be completed; (2) to place a Licensee on probation, or to extend a pre-existing probationary period, or (3) to revoke the Rental License; and
 - (3) That the Licensee has fourteen (14) days from the date of the Notice of Violation to appeal the Notice of Violation by filing with the Department of Planning and Development Services a written Notice of Appeal in accordance with Section 6-1317.

- (b) Any Tenant of Residential Rental Property determined by the Code Official to be the cause of a violation of Section 6-1314 or 6-1315 shall be sent a Notice of Violation. The Notice of Violation shall be served on the Tenant by hand-delivery or by first class mail addressed to the Tenant. The Notice of Violation shall state:
- (1) The condition that has caused the alleged Violation(s);
 - (2) That, unless exigent circumstances require immediate action, the Tenant shall remediate the alleged Violation(s) within thirty (30) days of the date of the Notice of Violation; and
 - (3) That the Tenant has fourteen (14) days from the date of the Notice of Violation to appeal the Notice of Violation by filing with the Department of Planning and Development Services a written Notice of Appeal in accordance with Section 6-1317.
- (c) No Notice of Violation served on a Tenant shall affect a Licensee's eligibility for the incentive as provided in Section 6-1312, nor shall it otherwise increase the Licensee's fees and expenses. All such liability shall be the responsibility of the Tenant.

6-1317

APPEAL.

- (a) Any Owner/Licensee or Tenant aggrieved by the action of the Code Official in issuing a Notice of Denial or Notice of Violation shall have the right to appeal that action to the Building Code Board of Appeals. Such appeal shall be taken by filing with the Department of Planning and Development Services a Notice of Appeal within fourteen (14) days of the date of the Notice of Denial or Notice of Violation. The Notice of Appeal shall be in writing and shall set forth in sufficient detail why the Owner/Licensee or Tenant believes that the Notice of Denial or Notice of Violation was issued in error or why the proposed penalty is excessive, inappropriate, or unreasonable. After the Notice of Appeal is filed, the Building Code Board of Appeals shall set a time and place for a public hearing. Notice of Hearing shall be given to the Owner/Licensee or Tenant in the same manner as the Notice of Denial or Notice of Violation. To prevail on appeal, the Owner/Licensee or Tenant must prove that it is more probably true than not true that the Notice of Denial or Notice of Violation was issued in error or that the proposed penalty is excessive, inappropriate, or unreasonable. If it fails to take formal action at the public hearing, the Building Code Board of Appeals shall, no later than thirty (30) days after the public hearing, issue its final order, which shall be transmitted to the Owner/Licensee, or any Registered Agent, or to the Tenant in the same manner as the Notice of Denial or Notice of Violation.

- (b) There shall be a \$25.00 Docketing Fee due and payable at the time that any Notice of Appeal is filed.
- (c) The filing of a timely Notice of Appeal under Section 6-1317(a) shall, absent exigent circumstances, stay any administrative enforcement action under this Article until the Building Code Board of Appeals has issued its final order.
- (d) The final order of the Building Code Board of Appeals shall be the final decision of the City. Any Owner/Licensee or Tenant aggrieved by a final decision of the Building Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

6-1318

PROBATION.

The Code Official or, in the case of an appeal from a Notice of Violation, the Building Code Board of Appeals, shall have the authority to place a Rental License on probation. The purpose of probation is to provide the Licensee a reasonable time to remediate any condition or conditions that cause(s) a violation of this Article. Probation may be conditioned to include reasonable reporting requirements, a reasonable time period to remediate violations, or other reasonable requirements necessary to bring the Residential Rental Property into compliance with the City Code. Failure to successfully complete any and all conditions of probation shall be grounds for revocation of the Rental License.

6-1319

REVOCAION.

The Code Official or, in the case of an appeal from a Notice of Violation, the Building Code Board of Appeals, shall have the authority to revoke a Rental License. In making that determination, the Code Official or the Building Code Board of Appeals shall take into account the severity of the alleged violation and all other relevant 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 Code Official and all violations have been remediated.

6-1320

UNLAWFUL ACTS.

- (a) It shall be unlawful for any person to rent, lease, sublease, or let to any Tenant, whether or not for consideration, a Dwelling Unit located on Residential Rental Property within the City without first obtaining from the Department of Planning and Development Services a Rental License as required by Section 6-1303 of this Article.
- (b) It shall be unlawful for any person to rent, lease, sublease, or let to a Tenant any Dwelling Unit located on Residential Rental Property within the City that has one or more of the violations listed at Section 6-1314 of this Article.
- (c) It shall be unlawful for any Licensee to knowingly violate Section 6-1315 of this Article.

- (d) It shall be unlawful for any Tenant living in a Dwelling Unit subject to this Article to cause the Dwelling Unit to be in violation of any provision of Section 6-1314 or Section 6-1315 of this Article. For the purposes of this section, "living in a Dwelling Unit" shall mean residing or sleeping at the Dwelling Unit a majority of the person's time.

6-1321

MUNICIPAL OFFENSE.

Engaging in any of the unlawful acts set forth at Section 6-1320 shall be a separate municipal offense. Any person violating a provision of Section 6-1320 of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$2,500.00 for each unlawful act. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine for any conviction under Section 6-1320(a), Section 6-1320(c), or Section 6-1320(d) for any violation of Section 6-1315 of the City Code. The municipal court judge shall also have the authority to order any person, upon adjudication of guilt or the entry of a plea of no contest hereunder, to comply with the terms of this Article.

6-1322

GROUND FOR TERMINATION OF MUNICIPAL UTILITY SERVICES.

If, upon application by the Code Official and after a public hearing, the Governing Body finds by Resolution that continued occupancy or habitation of Residential Rental Property that is in violation of the provisions of this Article shall constitute a hazard to the public health, safety, and welfare and that the City's provision of water, sanitary sewer, and sanitation services is reasonably related to the ability to occupy or inhabit said Residential Rental Property, then the Governing Body shall direct the Code Official to serve a Certified Copy of the Resolution on the Owner/Licensee, any Resident Agent, and any Tenant(s) of the Residential Rental Property. After the Resolution is served, the Code Official shall have the authority to proceed with the disconnection of City water, sanitary sewer, and sanitation services at said Residential Rental Property. Disconnection of City services may only be ordered if the Governing Body finds specifically that disconnection of City services is necessary to deter occupation or habitation in a structure in which the public health, safety, or welfare is harmed or endangered by continued occupancy or habitation of the Residential Rental Property.

6-1323

REGULATIONS.

- (a) In order to protect the health, safety, and welfare of the community, the Governing Body, shall have the power to promulgate, by resolution, Administrative Regulations governing administration of the Residential Rental Licensing program established by this Article. Any Regulations promulgated in accordance with this Article shall be dated and shall be available for inspection by the public at the City Clerk's Office during reasonable business hours. A Licensee shall receive a copy of the Regulations at the time of the issuance of Rental License(s).
- (b) Licensees shall comply with all Regulations promulgated hereunder.
- (c) All Regulations promulgated hereunder shall be consistent with the terms of the Article. In the event of any inconsistency or ambiguity, the terms of this Article shall control and supersede the Regulations.

6-1324

REVIEW OF FEES.

The Governing Body shall, from time to time, at its discretion, review the Rental License Fees, Inspection Fees, and Fines established by this Article and shall adjust them as may be necessary to fulfill the goals of this Article and the Governing Body's goal that this program be operated on a revenue-neutral basis. Before increasing the Rental License Fees or Inspection Fees established by this Article, the Governing Body shall first obtain performance audits, financial data, and other quantifiable records, establishing that such increase is necessary to attain its goal of maintaining the program on a revenue-neutral basis.

6-1325

ANNUAL STATUS REPORT.

The Governing Body hereby directs the Code Official to keep and to maintain adequate financial records, as well as records of licenses issued, inspections, inspection reports, enforcement actions, administrative actions, criminal actions, and other reports related to the administration of the program established by this Article. The Governing Body also directs the Code Official to prepare for its review an annual status report regarding the administration of the program established by this Article. Said status report shall encompass one calendar year and shall be submitted to the Governing Body no later than February 14 of the succeeding year, unless before that date the Governing Body grants a reasonable extension of time to submit the annual status report.

6-1326

EXEMPTIONS.

The provisions of this Article shall not apply to the following:

- (a) Dwelling Units occupied by the Owner or solely by the Owner's immediate family (related by blood, marriage, or adoption).
- (b) In the case where the Owner is not a natural person, Dwelling Units occupied by a principal of the Owner.
- (c) Bed and Breakfasts, as that term is defined at Section 20-1763(2).
- (d) Campgrounds, as that term is defined at Section 20-1763(1).
- (e) Group Homes or Adult Care Homes, as those terms are defined at Section 20-1701.
- (f) Assisted Living, as that term is defined at Section 20-1701.
- (g) Extended Care Facility, Dependent Living Facility, or Nursing Care Facility, as those terms are defined at Section 20-1701.
- (h) Extended Stay Lodging, as that term is defined at Section 20-1701.
- (i) Greek Housing, including fraternity houses and sorority houses, as that term is defined at Section 20-1701.
- (j) Hotels or motels.

- (k) Any structure or building located on the Premises of any Religious Assembly Use, as that term is defined at Section 20-1753, except that any Dwelling Units owned by a religious institution, located off the Premises and not part of the Religious Assembly Use shall not be exempt hereunder.
- (l) Owners of Section 8 housing, or other housing subsidized by the State or the United States, that is regularly inspected as part of the subsidy program and is being rented, leased, subleased, let, or otherwise being lived in by persons other than the Owner, must register each such Dwelling Unit and obtain a Rental License therefor in accordance with this Article. However, Owners of qualifying Dwelling Units are exempt from paying the Rental License Fee under Section 6-1304 for qualifying Dwelling Units and such Dwelling Units are exempt from Inspections under Section 6-1310.

SECTION 3. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. After passage, approval, and publication, as provided by law, this ordinance shall be in full force and effect in all RS zoned districts commencing July 1, 2014, and in all other zoning districts commencing January 1, 2015.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2014.

APPROVED:

Michael Dever
Mayor

ATTEST:

Diane Trybom
Acting City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.