

City of Lawrence
Residential Rental Licensing
Administrative Compliance Procedures

Subject Rental Licensing Administrative Procedures	Applies to: Planning and Development Services	
Effective Date ??????	Revised Date: <u>12/106/13</u>	
Approved By City Manager	Total Pages: 5	Policy Number AP-?????

1.0 Purpose and Scope

To establish administrative enforcement procedures regarding residential rental property standards found in Chapter 6, Article 13 of the Code of the City of Lawrence, Kansas, 2013 Edition and amendments thereto.

2.0 License Application Schedule in First Year

A. Ordinance No. 8840, effective March 1, 2014, requires all rental units regulated by the ordinance to be licensed. Staff will use several methods to ensure that rental properties are licensed, including, but not limited to, reviewing utility bill address against owner address; online, newspaper, and onsite rental ads; etc. In order to provide for an efficient way to license all units not licensed prior to March 1, 2014, the following schedule for submittal of rental license applications (in accordance with Section 6-1305 of Ordinance No. 8840) will be employed during the first year of licensing units (2014).

- a. March 1 – May 31, 2014 – Owner/Licensee name begins with A, B, C, D, E, F, G, or H
- b. June 1 – August 31, 2014 – Owner/Licensee name begins with I, J, K, L, M, N, O, P or Q
- c. September 1 – November 30, 2014 – Owner/Licensee name begins with R, S, T, U, V, W, X, Y, or Z

License inspections will not be required during 2014 (excluding inspections of properties identified in 4.0.A. below, inspections conducted in response to complaints, or follow-up inspections on Notices of Violation issued prior to March 1, 2014). However, license inspections may be conducted during 2014 if specifically requested by a Licensee.

3.0 Master Licenses for Unified Multifamily Developments/Apartment Complexes

A single “master” license will be issued for unified multifamily developments and apartment complexes that are located on a single lot or on contiguous lots, all of which are under the same ownership and management. The single master license shall identify each residential building by address and/or building number/letter, number of units, individual unit address number/letter and all units that that have been inspected since inception of the program.

4.0 **Inspection Schedule**

- A. Residential Rental Properties participating in the RS-based program prior to the March 1, 2014 date of program expansion to all units city-wide will maintain their current inspection schedule, though the month of required inspection may change per the schedule set forth in Ordinance No. 8840. These properties will be eligible to qualify for the incentive-based schedule at their next regularly scheduled inspection.
- B. The initial required inspection of Residential Rental Properties first licensed after the March 1, 2014 effective date of the program expansion to all units city-wide, will be conducted based generally on the following schedule as resources allow:
 - 1. Year 1 (2015) – Licensee name begins with A, B, C, D, E, F, G, or H
 - 2. Year 2 (2016) – Licensee name begins with I, J, K, L, M, N, O, P or Q
 - 3. Year 3 (2017) – Licensee name begins with R, S, T, U, V, W, X, Y, or Z

Inspections will not be required during July and August of any year (excluding inspections conducted in response to complaints); however, inspections may be conducted during July or August if specifically requested by the Owner or the Resident Agent of the Owner.

- C. The dwelling units selected to meet the minimum dwelling unit inspection sample, per the requirements of Section 6-1310(b) of Ordinance No. 8840, shall be identified by staff and provided to the Owner or the Resident Agent of the Owner a reasonable time period in advance of inspection. If there are vacant units available for inspection, the Owner or Resident Agent may notify staff, and staff will give such vacant units first priority in selection of the inspection sample. Generally, units that have previously been selected and inspected by staff will not be selected for inspection in future inspection cycles (see Item E. below), unless all units licensed by the same Owner have been inspected.
- D. Residential Rental Properties licensed after the first year of program expansion (2014) to all units city-wide will be incorporated into the three-year cycle schedule outlined in 4.0 B. above as they enter the program.
- E. After initial licensing and inspection of a Residential Rental Property, said property will be inspected on a 3-year cycle, regardless of whether a change in name or owner has occurred, unless the Residential Rental Property qualifies for the Incentive, at which time the Residential Rental Property will be inspected on a 6-year cycle. If a property becomes ineligible for the Incentive as an outcome of an inspection, be it scheduled as part of the program or completed due to a complaint, the property will be placed in the 3-year cycle.
- F. In the year where a property is required to be inspected, the license will not be renewed until the property passes inspection.

4 5.0 **Inspection Procedures**

- A. During the exterior and interior inspection of a Residential Rental Property, inspection staff will determine if the violation(s) cited fall into the category of a minor or major violation. The lists of minor and major violations ~~below have been~~ established ~~to in~~ Ordinance 8840 provide staff, the Owner or Resident Agent of the Owner ~~a general~~

~~guide information~~ as to how violations will be categorized. ~~These lists of violations are not meant to be all inclusive. Inspection staff can and will use discretion when determining when a minor violation may qualify as a major violation.~~

- B. While compliance with the code is ultimately the responsibility of the Owner, if evidence suggests that the violation(s) 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), staff will have discretion to pursue compliance and resolution of such violation(s) directly with the tenant.

~~MINOR VIOLATIONS:~~

- ~~• Bathroom ventilation fan is inoperable or bathroom window does not open~~
- ~~• Clogged plumbing fixture drains~~
- ~~• Cracked or broken window, missing window pane/s~~
- ~~• Dirty furnace and/or filter~~
- ~~• Doors (interior) that do not fit in jamb, or are damaged~~
- ~~• Electrical panel has open port or missing cover~~
- ~~• Extension cords used for permanent power source~~
- ~~• Exterior door that does not provide weather tight fit~~
- ~~• Fungus that is most likely mold that is located on walls, ceilings, or floors (small area)~~
- ~~• GFCI receptacles need replaced or installed in wet areas, bathrooms and/or kitchens~~
- ~~• Grass or weeds in violation of the city's weed ordinance~~
- ~~• Handrail for stairs (interior and exterior) needs to be installed or repaired~~
- ~~• Inadequate exterior storm drainage to divert water away from structure foundation~~
- ~~• Plumbing fixture leaks~~
- ~~• Deadbolt lock(s) need to be installed on exterior doors that otherwise have a non-deadbolt lock~~
- ~~• Receptacles that are improperly wired~~
- ~~• Receptacles and/or light switches with missing or broken covers~~
- ~~• Temperature and pressure relief valve drain pipe on water heater missing or inadequate~~
- ~~• Clothes washer receptacle not grounded or not GFCI protected~~
- ~~• Smoke detector(s) inoperable~~
- ~~• Small areas of damaged or missing roof shingles, minor roof leaks~~
- ~~• Windows that are not fixed, but do not open~~
- ~~• Missing or damaged window screens when required by the code~~
- ~~• Wood rot of exterior wood on siding, trim, window sills or structural exterior elements~~
- ~~• Stairs, guards or handrails serving required common/shared path of egress damaged or in disrepair, but not structurally unsound or hazardous~~
- ~~• Yard has trash, debris or exterior storage~~
- ~~• Vehicle that is not properly tagged or that is inoperable~~
- ~~• Upholstered furniture on a deck or unenclosed porch~~

~~MAJOR VIOLATIONS:~~

- ~~• Occupancy violation of the Land Development Code (Chapter 20 of City Code)~~
- ~~• Land use violation of the Land Development Code (Chapter 20 of City Code)~~
- ~~• Backed up or collapsed sanitary sewer line~~

- ~~Ceiling height requirement not met in habitable rooms as defined by Property Maintenance Code~~
- ~~Combustion "makeup" air requirement not met for gas furnace and/or water heater~~
- ~~Missing or inoperable lock on exterior doors~~
- ~~Dryer not vented to the exterior of the structure or improperly vented~~
- ~~Egress requirement not met for bedrooms~~
- ~~Electrical wiring that is exposed, frayed or faulty as defined by code~~
- ~~Fire escape from 3rd story or higher not in place when required by code~~
- ~~Fungus that is most likely mold that is located on walls, ceilings, or floors (large or multiple areas)~~
- ~~Gas fired furnace and/or water heater not properly vented~~
- ~~Heating facilities not provided in a habitable space or current heating facilities are inoperable, operating in an unsafe condition, or incapable of maintaining 68 degrees in habitable rooms~~
- ~~Minimum bedroom or living room size requirements not met~~
- ~~Smoke detectors not present on each floor and in each sleeping room~~
- ~~Holes in roof, large area with missing shingles, badly leaking roof~~
- ~~Structural deficiencies that affect the structural integrity and safety of foundations, roof framing, stairs, ceilings, walls, floors, porches, decks or balconies.~~
- ~~Water heating facilities inoperable or inadequate~~
- ~~Window unit missing, leaving dwelling interior open to the elements~~
- ~~Windows within 6 ft. of grade with missing or inoperable locks~~
- ~~Required common/shared path of egress blocked or obstructed~~
- ~~Required emergency exit lighting and/or emergency lighting for common/shared path of egress missing or inoperable~~
- ~~Stairs, guards or handrails serving required common/shared path of egress structurally unsound or hazardous~~
- ~~Required smoke detectors or smoke detection system for common/shared path of egress damaged or missing~~

6.0 Notice of Violation and Compliance Time Frames

- A. The property owner (and/or the Resident Agent of the Owner) will be provided a written Notice of Violation from staff that identifies each code violation and classifies each violation as either major or minor.
- B. Generally, a written Notice of Violation will allow the Owner (and/or other the Resident Agent of the Owner) 30 days to resolve code violation(s); however staff may require life safety or health violations that pose an imminent hazard (such as an unvented gas appliance, dangerous electrical wiring or a collapsed/backed up sanitary sewer line) to be corrected in less than 30 days.
- C. Staff will have discretion to allow more than 30 days for compliance in the initial Notice of Violation, or to extend the initial Notice of Violation compliance date, depending on the type of violation(s), weather/seasonal factors or availability of the contractor(s) hired by the Owner or the Resident Agent of the Owner to complete required corrections.

7.0 **New Construction and Major Reconstruction**

- A. Section 6-1310 of City Code exempts new and newly renovated Residential Rental Property from inspection for a period not to exceed six (6) years, though the properties must be licensed upon completion. The following defines the terms “New Construction” and “Major Reconstruction” as it applies to this code section.
- B. New Construction shall mean any building or structure built entirely new including foundation, walls, and all other components of a building or structure.
- C. 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 12-month period. Primary Building System is defined as: (1) HVAC; (2) electrical; (3) interior walls and/or exterior structural walls and windows; (4) roofs and ceilings; (5) plumbing; and/or (6) foundation and foundation walls.

8.0 **Exemptions**

In addition to the exemptions noted in Section 6-1325 of the City Code, any and all housing associated with a use categorized as a Religious Assembly, as those uses are defined in Chapter 20 of the City Code, that is/are located on the property of the Religious Assembly use and used for said purposes is/are also exempt from the provisions of Article 13. Rental Dwelling Units that are owned by a religious institution but located off the property of the Religious Assembly use and/or not used for said purposes are not exempt from Article 13 of the City Code.