

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: August 21, 2018	
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1.0 Purpose

As authorized by City of Lawrence, Kan., Code § 6-1323(a) (July 1, 2014), 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 duplex, multi-family developments and/or apartment complexes where two (2) ~~±~~ 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.
- D.** Per Section 6-1310(c)(2) of the City Code, if the Code Official finds a recurring (identical) violation of Section 6-1314 of the City Code during the inspection sampling of similarly-designed Dwelling Units of the same structure or apartment complex, the Code Official shall make a reasonable effort to develop a plan of corrective action with the Owner/Licensee to be approved by the Code Official, to verify that a recurring (identical) violation has been corrected within all similarly-designed Dwelling Units of the same structure or apartment complex, even if the number of violations found in any one similarly-designed Dwelling Unit does not exceed five (5) violations. The following steps should be followed by the Code Official when a recurring (identical) violation are identified:
- (1) Before requiring inspections of all other similarly-designed Dwelling Units of the same structure or apartment complex, the Code Official shall make a reasonable effort to develop a plan of corrective action with the Owner/Licensee, to be approved by the Code Official, to verify the existence of the recurring (identical) violation in other uninspected similarly-designed Dwelling Units, of the same structure or apartment complex and to subsequently document the correction of the recurring (identical) violation within a compliance time period to be approved by the Code Official.
 - (2) If the Owner/Licensee fails to respond to the Code Official's request to develop a plan of corrective action as outlined in item (D) (1) above, or a submitted plan of corrective action is not approved by the Code Official, the Code Official shall, with proper written notice to the Owner/Licensee, shall require all other similarly-designed Dwelling Units of the same structure or apartment complex to be inspected. The cost of the additional inspections shall be the same as the Inspection Fee established at Section 6-1311(a) and shall be assessed to the Owner/Licensee.
 - (3) If all other inspections of similarly-designed Dwelling Units completed in accordance with item D (2) verifies the existence of the recurring (identical) violation in similarly-designed Dwelling Units, the Code Official shall issue a Notice of Violation requiring the Owner/Licensee to remediate the identified violation in accordance with Section 6.0.

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.~~

87.0 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