

COMMITTEE SUBSTITUTE FOR RESOLUTION NO. 190934

Establishing a Tenants Bill of Rights in the City of Kansas City, Missouri.

WHEREAS, the nation's housing crisis has reached emergency levels, in that, in 2019, a fulltime worker earning minimum wage cannot afford a two-bedroom apartment in any U.S. county, more than half of all Americans spend over 30 percent of their income on housing, only one in five households qualifying for federal housing assistance receives it, leaving more people to rent from private landlords than ever before and under these conditions, most people—especially low-income people and communities of color—live one emergency away from an eviction or homelessness; and

WHEREAS, like many other American cities, Kansas City is haunted by a history of racial segregation, restrictive covenants, redlining, predatory lending, and disinvestment; and

WHEREAS, 46 percent of Kansas City residents rent their homes, a historically high rate, with 44% of the City's renting households being "cost burdened," meaning, spending over 30 percent of their income on rent, such that tenants earning minimum wage would have to work over 92 hours a week to afford an average two-bedroom apartment; and

WHEREAS, on average, approximately 34 formal evictions were filed per business day in Jackson County, Missouri in 2018, and those evictions were filed on the basis of nonpayment of rent, a reflection of growing strains in the rental market; and

WHEREAS, tenants in Kansas City, as in many other communities, face discrimination in the rental market on the basis of race, gender, sexuality, mental and physical ability, immigration status, country of origin, and much more, and these factors limit tenants' ability to access and keep safe and truly affordable housing; and

WHEREAS, the intersecting and sometimes competing costs of housing and health force an undue burden on our City's poorest and most vulnerable tenants; and

WHEREAS, tenants who experience eviction, exhibit higher rates of depression, anxiety, psychological distress, and physical health problems than others; and

WHEREAS, mold, lack of heat, inadequate ventilation, infestations, and lead are just some threats to tenants' health in substandard housing, often exacerbating chronic illnesses such as asthma and lung disease; and

WHEREAS, the City Council believes that every person should have safe, accessible, affordable home, and affirms, in partnership with grassroots tenant leadership and housing providers, its active commitment to tenant and housing provider rights now and in the future; NOW, THEREFORE,

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BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Council hereby establishes the Tenants Bill of Rights to read as follows:

I. RIGHT TO SAFE AND ACCESSIBLE HOUSING

All residential rental property units must meet minimum health and safety standards of basic utilities and facilities, ventilation and heating, safety from fire, and safe and sanitary maintenance. (Section 34-830)

1. Rental property units must also maintain working amenities including but not limited to water heating facilities, heating facilities, water and sewer lines, plumbing and electrical fixtures, lighted common halls and stairways, and, if provided, cooking equipment.
(Sections 56-186; 56-188; 56-189; 56-233; & 56-252)
2. It is illegal to discriminate against any person on the basis of disability. For accessibility, reasonable modifications of premises must be allowed, as well as accommodations in rules, policies, practices, or services. Design and construction of covered multifamily dwellings for first occupancy must be accessible to and usable by disabled persons.
(Section 38-105(d))

II . FREEDOM FROM DISCRIMINATION AND RETALIATION

1. Federal and municipal law prohibits discrimination in rental of housing because of race, color, national origin, religion, sex, familial status, disability, marital status, sexual orientation, gender identity, being a victim of domestic violence, sexual assault or stalking.
(Federal Fair Housing Act) (Section 38-105)
2. No person can retaliate against a tenant for complaining regarding a violation of City Code. A person also cannot retaliate against a tenant or their dependent for being the victim of domestic violence, sexual assault, or stalking. Increasing charges, reducing services, passing any rental permit fees from the owner to the tenant, evicting or threatening to evict the tenant, or otherwise harassing the tenant in retaliation is prohibited.
(Sections 50-109; 48-51(g)(1); 34-848(c); & 38-111)

III. RIGHT TO FAIR COMPENSATION AND RESTORATIVE JUSTICE

1. No person can enter another person's residence by force, with weapons, through threats, by taking away property, or by breaking open doors or windows, regardless of if anyone is inside or not. A landlord cannot evict or remove

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someone from the premises by force or threat. Those found guilty of doing so must pay double the sum of the damages to the person whose home they entered. (Sections 534.020 & 534.330, RSMo.)

2. If a landlord wrongfully withholds all or any portion of a security deposit, the tenant may recover twice the amount wrongfully withheld. (Section 535.300, RSMo.)

IV. RIGHT TO ORGANIZE AND BARGAIN

1. A landlord or its agent may not retaliate by increasing rent or decreasing services, threatening to evict or evicting the tenant because the tenant has organized or become a member of a tenants' union or similar organization. (Section 50-109)
2. If there is a condition in a property that detrimentally affects its habitability, sanitation, or security, violates a municipal housing or building code, and was not caused by the tenant, the tenant may be able to deduct repair costs from their rent. If the tenant has lived in the rental property for six consecutive months, paid all rent and charges without any lease or house rule violations, and the landlord fails to correct or provide a written statement disputing the necessity of the repair within fourteen days, the tenant may submit an itemized statement with receipts to the landlord and repair the condition. The cost of this repair can be deducted from no more than a month's rent, but up to either three-hundred dollars or half the rent, whichever is more. (Section 441.234 RSMo.)

Section 2. The Council supports the creation of legislation on the federal, state and local level that is necessary to establish the following rights:

I. RIGHT TO SAFE, HEALTHY, ACCESSIBLE, AND TRULY AFFORDABLE HOUSING

1. Safe, healthy, accessible, and truly affordable housing includes mandatory disclosure from the landlord of past issues in rental units to prospective Tenants.
2. Tenants have the right to access estimates of utility costs. Tenants have the right to disclosure of an estimate of common space utilities charged to the tenant.
3. Tenants have the right to housing that can be heated to a habitable temperature.
4. Tenants have the right to relocation assistance from the City in the event of a forced move, like a displacement on the basis of uninhabitable conditions.

II. RIGHT TO PRIVACY AND SELF-DETERMINATION

1. The right to privacy and self-determination includes protecting the personal security of tenants, including the right to notice for landlord entry. Landlords may be refused entry to rental units if they do not give proper notice.
2. Tenants have the right to respectful communication with their landlord, and these communications must be transparent, timely, and from the property owner or manager.

III. RIGHT TO JUSTICE AND ACCESS TO FAIR, EQUITABLE TREATMENT UNDER THE LAW

1. The right to justice and access to fair, equitable treatment under the law means fair treatment regardless of ability to pay.
2. Tenants have freedom from unjust and unlawful evictions, and landlords may only evict according to state law.
3. Tenants have the freedom to accessible knowledge and education of their rights as renters. A Tenant Bill of Rights document must be available to tenants at the start of tenancy.

Section 3. To fully guarantee these rights and protections, the Mayor and City Council commit to passing legislation to establish an adequately-funded Division of housing and community development in Kansas City. This Division will serve as a permanent voice for residents within the City, and place leadership closer to communities in the City.
