

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180516

Amending Chapter 50, Code of Ordinances, entitled Offenses and Miscellaneous Provisions, by amending Section 50-109 to allow a victim of domestic violence, sexual assault or stalking to terminate a lease agreement.

WHEREAS, domestic violence, sexual assault and stalking are serious crimes that affect people of every race, age, gender and income level; and

WHEREAS, domestic violence, sexual assault and stalking costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and non-productivity; and

WHEREAS, domestic violence requires a collaborative effort involving every part of society to put a stop to these heinous crimes; and

WHEREAS, domestic violence, sexual assault and stalking crimes have a significant impact on public safety; and

WHEREAS, there is a necessity for the public safety to enact this ordinance for victims of domestic violence, sexual assault and stalking so that they can flee their abusers, NOW THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, entitled Offenses and Miscellaneous Provisions, is hereby amended by repealing Sections 50-109 Unlawful acts by landlords and tenants of residential premises, and enacting in lieu thereof a new section, to read as follows:

Sec. 50-109. Unlawful acts by landlords and tenants of residential premises.

(a) As used in this section, the following terms shall have the meanings given in this subsection:

- (1) *Agent* means the individual, corporation, partnership, organization or association having the charge, control or management of or receiving the rents of any dwelling unit or premises used for residential purposes.
- (2) *Dwelling unit* means a structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (3) *Landlord* means the owner or lessor of a dwelling unit used for residential purposes, or the building of which it is a part.

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- (4) *Owner* means one or more persons, jointly or severally, in whom is vested:
- a. All or part of the legal title to property; or
 - b. All or part of the beneficial ownership and a right to present use and enjoyment of the premises; and such term includes a mortgagee in possession.
- (5) *Person* means an individual or organization.
- (6) *Premises* means a dwelling unit and the structure of which it is a part, and facilities and appurtenances therein, and grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant.
- (7) *Tenant* means a person who entered into possession of a dwelling unit under an oral or written agreement to occupy such dwelling unit to the exclusion of others; provided, however, that the definition of the term "tenant" shall not apply to employees of the owner or agent who have not entered into a written rental agreement for a dwelling unit.

(b) Any landlord or its agent who removes or excludes a tenant or the tenant's personal property from the premises without judicial process and court order, or causes such removal or exclusion, or who causes the removal of the doors to such premises, shall be deemed guilty of a violation of this section.

(c) Any landlord or its agent who willfully diminishes services to a tenant by interrupting or causing the interruption of essential services, including but not limited to electric, gas, water or sewer service, to the tenant or to the premises shall be deemed guilty of a violation of this section; provided, however, this section shall not be applicable if a landlord or its agent takes such action for health or safety reasons.

(d) A landlord or its agent may not retaliate by increasing rent or decreasing services, threatening to evict or evicting the tenant because:

- (1) The tenant has complained in good faith to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises;
- (2) The tenant has complained in good faith to the landlord or his agent of a violation of a building or housing code; or
- (3) The tenant has organized or become a member of a tenants' union or similar organization.

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- (4) The tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking and has provided to the landlord a copy of an ex-parte or full order of protection issued for the tenant or tenant's dependent pursuant to state statute, or documentation signed by a medical provider stating that the tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking.

Any landlord or his agent who acts in violation of this subsection shall be deemed guilty of a violation of this section.

(e) Every lease entered into after August 17, 2018 contains an implied provision that the lease may be terminated by a party subject to domestic violence, sexual assault, or stalking. Any tenant who is a party to a lease entered into after August 17, 2018 or his or her dependent that is the victim of domestic violence, sexual assault, or stalking, may terminate the lease and quit the premises upon providing the landlord written notice and a copy of an ex-parte or full order of protection issued for the tenant or the tenant's dependent pursuant to state statute or documentation signed by a medical provider stating that the tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking.

- (1) When a copy of an ex-parte or full order of protection issued for the tenant or the tenant's dependent pursuant to state statute or documentation signed by a medical provider stating that the tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking, along with a written notice to terminate the lease and quit the premises is made available to the landlord, then the tenant's rights and obligations under the lease are terminated and the tenant shall vacate the dwelling and avoid liability for future rent and shall not incur early termination penalties or fees;
- (2) The tenant who terminates a lease under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates the lease under this section is entitled to the return of the full deposit, subject to section 535.300 RSMo.

Any landlord or his agent who acts in violation of this subsection shall be deemed guilty of a violation of this section.

(f) Any person who shall, in a written application to become a tenant or any person who shall terminate a lease pursuant to the provisions of 50-109 (e), knowingly misrepresents material information to the owner or agents of the owner of residential property with the purpose to deceive the owner or agent such that the owner or agent justifiably relies on such misrepresentation and is thereby damaged as a result of the tenant's misrepresentation, shall be deemed guilty of a violation of this section. The nonpayment of rent shall not constitute damage under this section.

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(g) Any tenant who shall knowingly refuse to permit or allow his landlord or agent to enter and inspect the leased premises for the purposes of making repairs, after 24 hours' notice of landlord's request, or without advance notice if an emergency condition exists, shall be deemed guilty of a violation of this section, unless there is a written lease that provides otherwise.

Approved as to form and legality:



Martha S. Means
Assistant City Attorney



Authenticated as Passed



Sly James, Mayor



Marilyn Sanders, City Clerk

AUG 2 2018

Date Passed