

**AN ORDINANCE ADDING ARTICLE V TO CHAPTER 10 OF THE UNIFIED DEVELOPMENT CODE TO IMPLEMENT A RENTAL INSPECTION PROGRAM.**

**WHEREAS**, the City of Belton adopted the Unified Development Code ("UDC") by Ordinance No. 2011-3772 on December 13, 2011, which has subsequently been amended; and

**WHEREAS**, the City Council has made code enforcement a priority throughout the City; and

**WHEREAS**, the City staff held a community meeting on January 19, 2023 to review and discuss the proposed Rental Inspection Program, and based upon community feedback, modifications were made to the proposed Program; and

**WHEREAS**, the Code Enforcement Advisory Committee held a meeting on February 23, 2023 to review and discuss the proposed Program and recommended unanimous approval to proceed with the Program with minor recommended revisions; and

**WHEREAS**, after due public notice was given in the manner prescribed by law, the Planning Commission held a public hearing on March 21, 2023, to review and make a recommendation on the proposed UDC text amendments to adopt the proposed Program. After said public hearing, the Planning Commission voted 7-0 to recommend approval of the UDC text amendments to the City Council. The staff report and supporting documents are attached as Exhibit A; and

**WHEREAS**, the City Council discussed the proposed UDC text amendments at a work session on March 28, 2023 and after discussion, it was determined that the Code Enforcement Advisory Committee recommendation to include a requirement that at least one (1) inspection shall be conducted every five (5) years for long-term occupancies should be removed from the final text; and

**WHEREAS**, the City Council believes that the UDC text amendments are in the best interest of the citizens and meet the Program's intent to protect the general health, safety, and welfare of residents of the City residing in rental and non-owner occupied dwelling units as stated in the purpose and scope of the Program.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, CASS COUNTY, MISSOURI, AS FOLLOWS:**

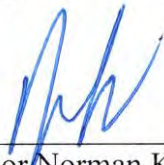
**Section 1.** That Article V (Rental Inspection Program) is added to Chapter 10 (Buildings and Structures) of the Unified Development Code, herein attached as "**Exhibit A**" and incorporated as if fully set forth herein. Supporting documentation and process history is attached as "**Exhibit B.**"

**Section 2.** That this Ordinance shall take effect and be in full force on July 1, 2024.


**Section 3.** All ordinances or parts of ordinances in conflict with the provisions are hereby repealed.

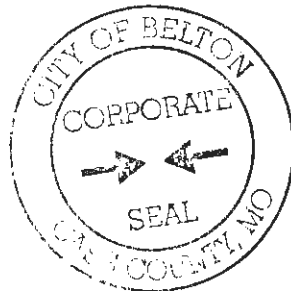
READ FOR THE FIRST TIME: July 11, 2023

READ FOR THE SECOND TIME AND PASSED: August 8, 2023


  
\_\_\_\_\_  
Mayor Norman K. Larkey, Sr.

Approved this 8th day of August, 2023.

  
\_\_\_\_\_  
Mayor Norman K. Larkey, Sr.




ATTEST:

  
\_\_\_\_\_  
Andrea Cunningham, City Clerk  
of the City of Belton, Missouri

STATE OF MISSOURI )  
CITY OF BELTON ) SS  
COUNTY OF CASS )

I, Andrea Cunningham, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was introduced for first reading at a meeting of the City Council held on the 11th day of July, 2023, and thereafter adopted as Ordinance No. 2023-4796 of the City of Belton, Missouri, at a meeting of the City Council held on the 8th day of August, 2023, after the second reading thereof by the following vote, to-wit:

AYES: 5	COUNCILMEMBER: Lawson, Mayor Larkey, Pryan, Kraft, Powell
NOES: 3	COUNCILMEMBER: Richardson, Gough, Clark
ABSENT: 1	COUNCILMEMBER: White

  
\_\_\_\_\_  
Andrea Cunningham, City Clerk  
of the City of Belton, Missouri

## **UDC Text Amendments – Rental Inspection Program**

### Unified Development Code

### Chapter 10 – Buildings and Structures

### Article V. Rental Inspection Program

#### Sec. 10-140. Purpose and Scope

- (a) The purpose of this Article is to protect the general health, safety, and welfare of residents of the City residing in rental and non-owner occupied dwelling units. The intent of this Article is to:
  - (1) Promote safe living conditions in residential properties;
  - (2) Protect the character and stability of residential neighborhoods;
  - (3) Prevent and correct housing conditions which are likely to adversely affect the health, safety, and welfare of residents of rental and non-owner occupied properties;
  - (4) Preserve property and building values throughout the City; and
  - (5) Enforce minimum standards in accordance with adopted Building, Fire, and Property Maintenance codes for exterior and interior areas of rental and non-owner occupied dwelling units and properties.
- (b) It is not the intent of the City to intrude upon contractual relationships between occupants/tenants and landlords, owners, or property managers; nor does the City intend to intervene as an advocate for either party, act as an arbiter, or hear complaints from occupants/tenants or landlords, owners, or property managers which are not specifically related to the provisions of this Article.

#### Sec. 10-141. Applicability and Definitions

- (a) The provisions of this Article shall apply to all rental and non-owner occupied dwelling units as defined in Chapter 6, Article XXI of the Code of Ordinances and as further defined in this Section.
- (b) The City shall have the authority to exercise its powers under this Article including the power to issue, renew, deny, revoke, or suspend a rental license, as required by Chapter 6, Article XXI of the Code of Ordinances, for failure to comply with the provisions and processes in this Article. The City shall also have the authority to declare a rental or non-owner occupied dwelling in violation of this Article.
- (c) Definitions.

City: The City of Belton, Missouri.

Dwelling: Any building or structure that contains one (1) or more dwelling units designed for or used for human habitation and offered for rent or lease, but not including hotels/motels/lodging establishments, convalescent homes or nursing homes.

Dwelling unit: A building or portion of a building which is exclusively arranged, occupied, or intended to be occupied as living quarters for one (1) family; a separate, independent living quarter consisting of one (1) or more connected rooms with permanently installed bathroom and kitchen facilities.

Enforcement official: The official designated herein or otherwise charged with the responsibilities of administering this Article or their authorized representatives. For purposes of this Article, the enforcement official shall be the Chief Building Official and/or their designated representatives.

Landlord: The owner of a dwelling or dwelling unit who, in exchange for rent, leases it to an occupant/tenant.

Non-owner occupied: The dwelling is used by the owner as their primary residence for less than six (6) months during the calendar year.

Occupant/tenant: Any person holding a written or oral lease to occupy a dwelling or dwelling unit from a landlord.

Owner: Any person having legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises: A lot, plot, or parcel of land of any part thereof, including the buildings or structures thereon.

Property manager: A person charged with operating a dwelling or dwelling unit when the owner is unable or unavailable to personally attend to such details.

Rental and non-owner occupied property: Any contiguous real property situated in the City, under one (1) ownership, improved with one (1) or more buildings, each containing one (1) or more dwelling units, which are non-owner occupied, including premises rented or leased to the residential occupants thereof.

#### Sec. 10-142. Inspection Process

(a) Frequency of Inspections.

- (1) A required inspection shall be conducted when there is a change of occupancy between occupants/tenants for all rental and non-owner occupied dwelling units in the City.
- (2) A voluntary inspection may be requested at any time by an owner, landlord, property manager, or occupant/tenant, however, no more than one (1) inspection may be requested within a one (1) year period.

(b) Exceptions to inspection requirements.

- (1) An inspection is not required for dwelling units that are less than three (3) years old based on when a Certificate of Occupancy was issued for new construction (e.g. an inspection is required when a unit is 3 years and 1 day old). This exception only applies to new construction and not remodels or renovations of pre-existing structures.

(c) Conduct of Inspections.

- (1) Inspections will be conducted by the enforcement official upon notification of change of occupancy by the owner, landlord, property manager, or occupant/tenant.

- (2) The following items will be inspected by the enforcement official for compliance with applicable adopted building, fire, and property maintenance codes:
    - a. No exposed or open electrical wires; GFCIs tested within six (6) feet of a water source;
    - b. Smoke detectors and carbon monoxide detectors, as required, are in working order;
    - c. Property address numbers are visible on the exterior of the property;
    - d. Interior and exterior handrails, guardrails, stairs, and decks are secure;
    - e. Plumbing fixtures are maintained in working order;
    - f. Safe, continuous, and unobstructed egress between the unit and public right-of-way is provided;
    - g. Furnaces and water heaters are properly installed and operational; and
    - h. Exterior doors and windows are in proper working order for ingress/egress.
  - (3) Any structural conditions or hazards that are deemed by the enforcement official as an immediate threat to the life, health, safety, or welfare of the occupant/tenant may initiate the Dangerous Buildings and Structures process as defined in Article III of this Chapter.
- (d) Failed inspections.
- (1) If an inspection fails, the owner, landlord, and property manager will be notified of all items that must be corrected to pass reinspection. A reinspection by the enforcement official shall be scheduled prior to occupant/tenant occupancy within fourteen (14) calendar days of the failed inspection.
  - (2) Failure to correct any violations or schedule a reinspection by the deadline given will result in the issuance of a Violation Notice upon the owner, landlord, and property manager. The notice shall provide specific code sections in violation and provide a deadline for abating said violations.
- (e) Access for Inspections.
- (1) If access is refused onto the property or in the dwelling unit by owner, landlord, property manager, or occupant/tenant, the City reserves the right to utilize every legal remedy provided by law to secure access, including but not limited to application for an administrative search warrant.



**CITY OF BELTON**  
**DEPARTMENT OF PLANNING & BUILDING**  
 City Hall Annex: 520 Main St. Belton, MO 64012  
 816-331-4331 | www.Belton.org

# PLANNING APPLICATION STAFF REPORT

**PLANNING COMMISSION: MARCH 21, 2023**

## PROJECT: **UDC TEXT AMENDMENTS – RENTAL INSPECTION PROGRAM**

### APPLICATION:

*Applicant* – City of Belton / Planning & Building

## PROJECT SUMMARY

### DESCRIPTION:

City staff is requesting the consideration of certain amendments to the Unified Development Code related to the adoption of a Rental Inspection Program for rental dwelling units.

## STAFF RECOMMENDATION

### STAFF RECOMMENDS APPROVAL

## PROPOSED AMENDMENTS

The development of a Rental Inspection Program was initiated in 2018 with reviews of other programs in the metro area by staff, the Code Enforcement Advisory Committee, and City Council. Both a Rental Inspection Program and a Residential Rental/Landlord licensing requirement were submitted to the City Council in 2019. The licensing requirement was approved, while the inspection program was denied.

Since 2019, the City has approved over 1,000 new residential units that are planned to be rental dwelling units. As the number of rental dwelling units continue to increase in the City, it is important to ensure that existing and future units are being maintained to minimum building, fire, and property maintenance standards to protect tenants and property values.

The following is a timeline of the history of the currently proposed Rental Inspection Program:

- November 8, 2022 – staff notified the City Council that they would be bringing forward a new draft of the Program for consideration in the future. Staff provided a brief outline of the process and that they would be building the Program off of the 2019 proposal as a starting point.
- November 10, 2022 – staff notified the Code Enforcement Advisory Committee that they would be bringing forward a new draft of the Program and that the Committee would be the first to review and recommend at a future meeting.
- December 20, 2022 – staff published an informational handout summarizing the proposed Program and a community survey on the City's website. A link to these items and an invitation to a community meeting on January 19, 2023 was emailed to 183 licensed landlords with email addresses on file.
- January 19, 2023 – staff held a community meeting in the Community Room at the Belton Police Department. Approximately 50 citizens attended the meeting and provided feedback on the proposed Program.

- January 24, 2023 – staff sent an email to 44 citizens that provided email addresses who attended the community meeting notifying them of how to follow program updates on the City’s website.
- January 29, 2023 – the community survey published on December 20, 2022 closed and survey data was tabulated and summarized. Survey data is not statistically valid, though did provide helpful insight from landlords, tenants, and homeowners.
- February 16, 2023 – the revised Program was posted online in the Code Enforcement Advisory Committee agenda packet, as well as on the City’s Planning & Building webpage. An email was sent on February 17, 2023 to the 44 citizens who attended the community meeting notifying them of the revisions.
- February 23, 2023 – the Code Enforcement Advisory Committee met to review and discuss the proposed Program and the revisions that were made through the citizen participation process. The Committee unanimously recommended approval of proceeding with the proposed Program with minor revisions, including the following:
  - Allow an option for voluntary inspections for occupied dwelling units;
  - Require at least one (1) inspection every five (5) years to protect long-term tenants; and
  - Reduce the exception for inspections for new construction from 5 years to 3 years from date of completion.

Staff has incorporated the Committee’s recommendations into the code amendments that are being provided to the Planning Commission for review and recommendation to the City Council. The table below provides a summary of the proposed program (items in **bold underline** were added by the Code Enforcement Advisory Committee; items in **bold underline italics** were added by staff for further clarification):

Topic	Original Proposal (Dec. 2022-Jan. 2023)	Revised Proposal (Feb. 2023)
Inspection Frequency	Every two (2) years	Between tenants (when unit is unoccupied); <b><u>minimum of 1 inspection every 5 years; voluntary inspections may be requested (maximum of 1 per year)</u></b>
Inspector	Qualified third party inspector	City staff (Planning & Building Dept.)
Number of units to be inspected	All detached and attached units with 4 or fewer units, 1 unit for 5-10 attached units, and 10% of units for buildings with more than 10 units	All rental dwelling units
Items to be inspected	<ul style="list-style-type: none"> <li>• No exposed electrical wires/open electrical and GFCIs tested within 6’ of water source</li> <li>• Smoke and carbon monoxide detectors in working order</li> <li>• Address numbers visible on exterior</li> <li>• Interior and exterior handrails, guardrails, stairs, and decks are secure</li> <li>• Plumbing fixtures maintained in working order</li> <li>• Safe, continuous, and unobstructed egress between unit and public right-of-way</li> <li>• Furnaces and water heaters properly installed and operational</li> <li>• Free of insect and/or rodent infestation</li> </ul>	<ul style="list-style-type: none"> <li>• No exposed electrical wires/open electrical and GFCIs tested within 6’ of water source</li> <li>• Smoke and carbon monoxide detectors in working order</li> <li>• Address numbers visible on exterior</li> <li>• Interior and exterior handrails, guardrails, stairs, and decks are secure</li> <li>• Plumbing fixtures maintained in working order</li> <li>• Safe, continuous, and unobstructed egress between unit and public right-of-way</li> <li>• Furnaces and water heaters properly installed and operational</li> <li>• <del>Free of insect and/or rodent infestation</del></li> <li>• <b><u>Exterior doors and windows in working order (open/shut)</u></b></li> </ul>

Other items that are proposed to be included in the program:

- Units less than ~~5~~ **3** years old (based on when unit was completed) will not require an inspection.
- Property taxes must be paid on the property before an inspection will be approved.
- If an inspection fails, a reinspection must be called in within fourteen (14) days.
- **Any structural conditions or hazards that are deemed as an immediate threat to the life, health, safety, or welfare of the tenant may initiate the Dangerous Buildings and Structures process.**

Items still in review and will be based on final recommendations and decisions from the Planning Commission and City Council:

- Some modifications to the landlord business license process will likely be required, including possible changes to licensing fees. This will likely include changes to Chapter 6 of the Code of Ordinances (Business Licenses and Regulations).
- Inspection fees have not been determined, though the goal is to keep fees to a minimum, particularly for initial inspections as an incentive for landlords and tenants to pre-inspect their units to ensure compliance with the program.
- The effective date of the program will be determined on any other changes that will be needed to accommodate the program, including the 2 items above, as well as the need for a new digital platform to efficiently monitor rental licensing and inspections with an online user component for scheduling and status updates on inspections. Staff is recommending a delay in the effective date to provide ample notice to landlords of the program and changes to processes and fees.

## ***REVIEW CRITERIA / FINDINGS OF FACT***

Section 20-3, provides certain criteria that must be addressed with a Text Amendment to the Unified Development Code. These criteria are summarized below, with analysis for consideration of the Planning Commission:

- (1) Whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Belton. The requested amendments meet the intent and purpose of the UDC, including the promotion of the health, safety, and general welfare of the City and the preservation and protection of property values throughout the City.
- (2) Whether the proposed text amendment corrects an error or inconsistency in the Code. The requested amendments are to adopt new regulations and are not intended to address error or inconsistencies in the Code.
- (3) The areas which are most likely to be directly affected by such change and in what way they will be affected. The requested amendments will predominantly impact residential zoning districts but could impact some commercial zoning districts that have upper-level rental dwelling units.
- (4) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it. The requested amendments will implement a Rental Inspection Program to ensure minimum building, fire, and property maintenance standards are being met for the interior of rental dwelling units. As the number of rental units continues to increase in Belton, the need to ensure rental dwelling units are maintained will be crucial for the long-term preservation of neighborhoods and the community as a whole.
- (5) Whether the proposed text amendment is in the best interests of the city as a whole. The requested amendments are in the best interests of the City to protect residents residing in rental dwelling units, preserve qualify housing units, and maintain and enhance property values throughout the community.



## **STAFF RECOMMENDATION**

Staff recommends approval of the UDC Text Amendments.

The Planning Commission is tasked with considering the UDC Text Amendments recommended by staff and the Code Enforcement Advisory Committee. The Commission may recommend modifying any recommendations by staff or the Code Enforcement Advisory Committee or add additional recommendations for the City Council's consideration.

### **PLANNING COMMISSION ALTERNATIVES**

1. Motion to **recommend approval** of the UDC Text Amendments, with or without conditions, to the City Council.
2. Motion to **recommend denial** of the UDC Text Amendments to the City Council.
3. Motion to continue the application for further information.

### **ATTACHMENTS**

1. UDC Text Amendments (Code Language) – 3 pages
2. Memo provided to the Code Enforcement Advisory Committee with background information and survey results – 3 pages
3. Community Meeting presentation (January 19, 2023) for reference of what was originally proposed – 8 pages



**Code Enforcement Advisory Committee  
Proposed Rental Inspection Program  
February 23, 2023**

The following is a summary of the proposed Rental Inspection Program, including revisions that have been made since the community meeting that was held on January 19, 2023.

Program purpose:        Protect the general health, welfare, and safety of residents residing in rental dwellings.

Approximately 50 citizens attended the community meeting on January 19, 2023, including landlords and tenants. ***The presentation provided at the community meeting has been attached for reference.*** Staff has arrived at the revised proposal based on the following feedback that was received based on the community meeting and the community survey:

- Both landlords and tenants were concerned about requiring inspections while a unit was occupied. Tenants had privacy concerns, while landlords were concerned about the challenges of getting their tenants to comply.
- Landlords with fewer units or units that were single-family, duplexes, and fourplexes thought that the program favored larger apartment complexes. Several landlords expressed that either all units should be inspected or none at all.
- There were concerns about the costs of inspections, especially through a third-party inspector, and that those costs would be passed on to tenants.
- Landlords and tenants both expressed the need to have a well defined list of items that would be inspected.

A community survey was open between December 20, 2022 and January 29, 2023, during which 102 responses were received. The survey questions were based on the original rental inspection program proposal. The following is a summary of responses:

- Approximately 80% of respondents were somewhat or very familiar with rental inspection programs.
- Two-thirds of respondents were aware that the City requires landlord business licenses.
- 41 respondents were landlords; 29 were homeowners; and 21 were tenants. The remaining 11 respondents were a mix of business owners and employees.
- 52% of respondents thought that the original proposal for inspections every two (2) years was too frequent, with 36% responding that it was the right amount of time, and 12% responding that inspections should be conducting more frequently.
- 63% of respondents thought that the original proposal for third-party inspections was preferred. 73% of landlords preferred third-party inspectors, while 71% of tenants and 69% of homeowners preferred City staff conduct inspections.
- 46% of respondents thought that all units should be inspected and 23% of respondents thought that fewer units should be inspected than what was originally proposed. 67% of tenants wanted all units inspected, 52% of homeowners wanted all units inspected, and 34% of landlords wanted all units inspected.

- 58% of respondents thought that the list of items proposed to be inspected was fair, with 30% responding that fewer items should be inspected and 12% responding that they would like to see additional items inspected.

Based on community feedback, several revisions have been made to the original proposed rental inspection program that was posted in December 2022, which was built off of the proposed program from 2019. Staff believes that these revisions address the most significant concerns expressed by both landlords and tenants at the community meeting and through the survey results.

Topic	Original Proposal	Revised Proposal
Inspection Frequency	Every two (2) years	Between tenants (when unit is unoccupied)
Inspector	Qualified third party inspector	City staff (Planning & Building Dept.)
Number of units to be inspected	All detached and attached units with 4 or fewer units, 1 unit for 5-10 attached units, and 10% of units for buildings with more than 10 units	All rental dwelling units
Items to be inspected	<ul style="list-style-type: none"> <li>• No exposed electrical wires/open electrical and GFCIs tested within 6' of water source</li> <li>• Smoke and carbon monoxide detectors in working order</li> <li>• Address numbers visible on exterior</li> <li>• Interior and exterior handrails, guardrails, stairs, and decks are secure</li> <li>• Plumbing fixtures maintained in working order</li> <li>• Safe, continuous, and unobstructed egress between unit and public right-of-way</li> <li>• Furnaces and water heaters properly installed and operational</li> <li>• Free of insect and/or rodent infestation</li> </ul>	<ul style="list-style-type: none"> <li>• No exposed electrical wires/open electrical and GFCIs tested within 6' of water source</li> <li>• Smoke and carbon monoxide detectors in working order</li> <li>• Address numbers visible on exterior</li> <li>• Interior and exterior handrails, guardrails, stairs, and decks are secure</li> <li>• Plumbing fixtures maintained in working order</li> <li>• Safe, continuous, and unobstructed egress between unit and public right-of-way</li> <li>• Furnaces and water heaters properly installed and operational</li> <li>• <del>Free of insect and/or rodent infestation</del></li> <li>• Exterior doors and windows in working order (open/shut)</li> </ul>

Other items that are proposed to be included in the program:

- Units less than 5 years old (based on when unit was completed) will not require an inspection.
- Property taxes must be paid on the property before an inspection will be approved.
- If an inspection fails, a reinspection must be called in within fourteen (14) days.

Items still in review and will be based on final recommendations and decisions from the Committee, Planning Commission, and City Council:

- Some modifications to the landlord business license process will likely be required, including possible changes to licensing fees.
- Inspection fees have not been determined, though the goal is to keep fees to a minimum, particularly for initial inspections as an incentive for landlords and tenants to pre-inspect their units to ensure compliance with the program.

**Next steps:**

**The CEAC is tasked with reviewing the program and providing any feedback or recommendations to staff to take to the Planning Commission and City Council.**

# ***PROPOSED RENTAL INSPECTION PROGRAM***

COMMUNITY MEETING PRESENTATION

THURSDAY, JANUARY 19TH, 2023



# ***HISTORY & PURPOSE***

- A Rental Inspection Program was proposed in 2019.
- The City Council at the time chose to only proceed with a Rental/Landlord Licensing requirement.
- The number of rental units has increased significantly in Belton, with over 1,000 units that are planned or anticipated to be rentals permitted over the past 3 years.
- The purpose of a rental inspection program is to protect the health, safety, and welfare of residents in rental dwelling units.
- ***The proposed program is based off of the proposed 2019 program and is subject to change based on community feedback, best practices from other communities in the metro area, recommendations of the Code Enforcement Advisory Committee, and final decisions from the City Council.***

# ***PROPOSED PROGRAM***

- Inspections required every 2 years.
- Inspections will be performed by third party inspectors (qualifications to be reviewed by City staff through Request for Qualifications process).
- Inspections required for all units and common areas, except for larger buildings (5+ units), which will require 1 unit to be inspected for buildings with 5-10 units, and 10% of units in buildings with more than 10 units.
- There is a list of 9 general categories of items to be inspected, a majority of which are for safety purposes.
- If an inspection fails, the item(s) must be corrected and re-inspected before occupancy of the unit.

# *COMMUNITY COMPARISONS*

- The proposed program mostly closely aligns with **INDEPENDENCE'S** program, established in 2017.
- Other communities in the metro with similar programs, include:
  - **GRANDVIEW**
  - **HARRISONVILLE**
  - **NORTH KANSAS CITY**
  - **RAYTOWN**
- Based on a review of other programs, Belton's proposed program includes inspections of common items of concern and is generally interior focused. Most exterior items can already be addressed through the Property Maintenance Code.



# ***ITEMS STILL IN REVIEW***

City staff is still reviewing the following items and will have more details in the future:

- Rental inspection fees  
(this will largely depend on who will conduct inspections)
- Inspections for MHDC or HUD-supported properties
- Any other changes to landlord licensing/registration and associated fees

# ***PUBLIC PARTICIPATION***

- If you haven't done so already, please take the online community survey. The survey closes Sunday, January 29, 2023.
- Comment cards have been provided this evening.
- If you would like to receive updates on the program, please leave your email address on the sign-in sheet. Status updates will be emailed out periodically as program details evolve.
- The items proposed are not finalized and subject to change. Our goal is to develop a program that best fits the community and balances the interest of all.

# ***NEXT STEPS***

- Staff will prepare a draft of the program and ordinance.
- The Code Enforcement Advisory Committee will review and make a recommendation (with any modifications) to the City Council.
- The City Council will review and consider the program and ordinance.
- If adopted, the program is projected to be effective October 1, 2023.
- Current licenses must be renewed by September 30, 2023, therefore, all current licenses that are renewed on time will not be subject to inspection requirements until the 2024 renewal year.

# ***THANK YOU!***

Thank you for attending this evening's meeting!



Community Survey



Rental Inspection Handout



## **Bill No. 2023-37 COUNCIL ACTION REPORT**

**Title: UDC Text Amendments – Rental Inspection Program**

**Agenda Date: July 11, 2023**

**Presented by: Matt Wright, Planning & Building Director**

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### **Background**

- City staff began reviewing past history of rental inspection program proposals in September 2022. A survey was published in December 2022 and community meeting held in January 2023 to receive feedback from the community. Based on feedback received, staff developed a program that balances the interests of landlords and tenants in a manner that is intended to achieve the program goal of protecting the health, safety, and welfare of residents while maintaining property values throughout the community.
- The Code Enforcement Advisory Committee unanimously recommended approval of the program on February 23, 2023 with minor recommended revisions, the most significant revision being an addition that at least one inspection be conducted every five years if there was no tenant turnover in a unit.
- Planning Commission held a public hearing on May 21, 2023, at which two landlords requested clarification, but did not specifically speak in favor or in opposition to the program.
- Planning Commission recommended unanimous (7-0) approval of the UDC Text Amendments as proposed with the Code Enforcement Advisory Committee's recommendations.
- Staff presented the proposed program as a work session topic at the March 28, 2023 City Council meeting. At that time, concerns were raised regarding the addition of the one inspection every five years for long-term tenants. This addition has been removed from the final text based on feedback received from the City Council.

### **Financial/Budget Considerations**

- The Planning & Building Department will monitor and conduct required inspections with current staffing. Fees are proposed to be assessed at \$10.00 per inspection with no additional fees being added to the landlord business license, which is currently \$70.00 annually. Overall, these fees are lower than any other cities in the region with a rental inspection program. Staff will re-evaluate the program after the first year to determine if any changes in fees or staffing are necessary to successfully manage the program.

### **Legal Considerations**

- As inspections are only proposed when unoccupied (unless requested otherwise by the landlord or tenant), there are no legal concerns with the adoption of the rental inspection program as proposed. Several cities in the region (and across the United States) have rental inspection



programs, many of which could be considered to be more intrusive to landlords and tenants, and have not been determined to be illegal under the Constitution.

### **Policy Considerations**

- Staff is proposing an effective date of July 1, 2024 for the program. This allows staff approximately 1 year to complete the following:
  - Notify currently licensed landlords of the program and how they need to prepare for it;
  - Coordinate with utilities and ownership data to locate and notify current landlords who are not licensed;
  - Complete the Central Square upgrade to streamline the licensing and inspection processes in advance of the program taking effect; and
  - Conduct staff trainings and certifications.

### **Staff Recommendation**

- Staff recommends approval of the UDC Text Amendments to adopt the rental inspection program as proposed.





## BILL NO. 2023-37 COUNCIL ACTION REPORT

**Title: UDC Text Amendments – Rental Inspection Program**

**Agenda Date: August 8, 2023**

**Presented by: Matt Wright, Planning & Building Director**

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### **Responses to questions from City Council**

At both the July 11, 2023 and July 25, 2023 City Council meetings, additional questions were asked and comments provided on the proposed Rental Inspection Program. Staff is providing the following information in response to these questions and comments:

- Current data on rental units and long-term rentals:
  - 2021 American Community Survey data from the U.S. Census Bureau estimated that there were 9,363 occupied units in Belton, of which 3,431 units were renter-occupied (**36.7% of total occupied units in Belton were rentals in 2021**). It should be noted that this data is pre-occupancy of the Encore, Center 301, and some townhouses and duplexes completed in The Traditions and Meadow Creek.
  - The same census data from 2021 estimated that of the 3,431 rental units, 2,419 of the rental units were moved into after 2015. 1,012 rental units were moved into prior to 2015 (6+ years), meaning that **29.5% of rental units in Belton would fall into the long-term rental category**.
  - The same data does not provide a median residency date by tenure, however, nationally, the **average rental unit changes occupancy every 27 months** (2 years, 3 months).
- Concerns were brought up regarding mold and pest control. These items are not included in the program, as these are not structural or property maintenance items addressed through Building or Property Maintenance Codes. Additionally, this requires mold experts or exterminators to determine if there is a threat to health or safety. Independence originally included mold in their program but removed it after two (2) years due to the challenges it posed to the administration of program.
- For clarification, a failed inspection will not automatically mean that a unit may not be inhabited. If there is not a structural issue that poses an immediate threat to the life, safety, or welfare of a tenant, it can be inhabited. Failed inspections are required to be followed-up on within 14 days. Failure to follow-up will result in a code violation and go through the standard violation process and procedures.
- Landlord retaliation is not addressed in the program, as there is already some protection provided to tenants through Missouri's Landlord-Tenant Law. The interpretation and enforcement of this law is best handled through civil cases between landlords and tenants.



- If the Program is adopted, additional code amendments are proposed to restructure the current business licensing process for residential rentals/landlords. The restructuring includes retitling to “residential rental registration” and relocating to the Unified Development Code to be processed by the Planning and Building Department, which will also conduct rental inspections. As part of this restructuring, the fees will be adjusted to accommodate a one-time fee paid annually by each landlord to cover the registration of all rental units they own and associated inspections. A requirement will be added that all registrations must include a local point of contact who may be contacted in the event of an emergency, for inspections, and for code violations.
- The overall intent of the program is to protect the general health, safety, and welfare of residents in rental and non-owner occupied dwelling units. It is not to advocate for either party or have any influence over private rental agreements or rental rates established by landlords.