

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 774, Page 6, Section 45.030, Line 3, by
2 inserting after all of said section and line the following:

3
4 "64.207. 1. The county commission of any county of the first classification with more than
5 one hundred fifty thousand but fewer than two hundred thousand inhabitants may adopt rules,
6 regulations, or ordinances to ensure the habitability of rented residences.

7 2. The rules, regulations, or ordinances shall require each rented residence provide:

8 (1) Structural protection from the elements;

9 (2) Access to water service, including hot water;

10 (3) Sewer service;

11 (4) Access to electrical service;

12 (5) Heat to the residence; and

13 (6) Basic security, which, at a minimum, shall include locking doors and windows.

14 If a utility service is unavailable because a tenant fails to pay for service, the unavailability shall not
15 be a violation of the rules, regulations, or ordinances.

16 3. If a county elects to enact rules, regulations, or ordinances under this section, at a
17 minimum, they shall contain the following provisions:

18 (1) (a) The county commission shall create a process for selecting a designated officer to
19 respond to written complaints of the condition of a rented residence that threatens the health or
20 safety of tenants;

21 (b) Any written complaint under this section shall be submitted by a tenant who is a lawful
22 tenant that has signed a lease agreement with the property owner or his or her agent, and which
23 tenant is current on all rent due;

24 (2) The owner of record of any rental residence against which a written complaint has been
25 submitted shall be served with adequate notice. The notice shall specify the condition alleged in the
26 complaint and state a reasonable date that abatement of the condition shall commence. Notice shall
27 be served by personal service or certified mail, return receipt requested, or, if those methods are
28 unsuccessful, by publication;

29 (3) The owner of record and any other person who has an interest in the rented residence
30 shall be parties in a hearing under subdivision (4) of this subsection;

31 (4) If work to abate the condition does not commence by the date stated in the notice or if
32 the work does not proceed continuously and without unnecessary delay, as determined by the
33 designated officer, the complaint shall be given a hearing before the county commission. Parties
34 shall be given at least ten days' notice of the hearing. Any party may be represented by counsel, and
35 all parties shall have an opportunity to be heard. If the county commission finds that the rented
36 residence has a dangerous condition that is detrimental to the health, safety, or welfare of the tenant,

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1 the county commission shall issue an order that the condition be abated. The order shall state
2 specific facts, based on competent and substantiated evidence, that support its finding. If the county
3 commission finds that the rented residence does not have a dangerous condition that is detrimental
4 to the health, safety, or welfare of the tenant, the county commission shall not issue an order; and

5 (5) Any violation of the order issued by the county commission may be punished by a
6 penalty, which shall not exceed a class C misdemeanor. Each day a violation continues shall be
7 deemed a separate violation. Any penalty enacted in the rules, regulations, or ordinances shall not
8 be the exclusive punishment for the condition. The designated officer may, in his or her own name
9 or in the name of the county, seek and obtain any judicial relief provided under equity or law
10 including, but not limited to, civil fines authorized under section 49.272, declaratory relief, and
11 injunctive relief. The designated officer may declare the continued occupancy of the rented
12 residence unlawful while the condition or conditions remain unabated.

13 4. The county commission shall only have the authority to respond to written complaints
14 submitted to the county commission and shall not have the authority to:

15 (1) Charge any fee for any action authorized under this section;

16 (2) Perform any inspection of rented residences unless in response to a written complaint; or

17 (3) Require licensing, registration, or certification of a rental unit on a regular schedule or
18 before offering a residence for rent."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.