

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 271, Page 7, Section 59.100, Line 15,

2 by inserting after all of said line the following:

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

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

- 10 (1) Structural protection from the elements;
- 11 (2) Access to water service, including hot water;
- 12 (3) Sewer service;
- 13 (4) Access to electrical service;
- 14 (5) Heat to the residence; and
- 15 (6) Basic security, which, at a minimum, shall include  
16 locking doors and windows.

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

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

- 23 (1) (a) The county commission shall create a process  
24 for selecting a designated officer to respond to written

25 complaints of the condition of a rented residence that  
26 threatens the health or safety of tenants;

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

31 (2) The owner of record of any rented residence  
32 against which a written complaint has been submitted shall  
33 be served with adequate notice. The notice shall specify  
34 the condition alleged in the complaint and state a  
35 reasonable date that abatement of the condition shall  
36 commence. Notice shall be served by personal service or  
37 certified mail, return receipt requested, or, if those  
38 methods are unsuccessful, by publication;

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

42 (4) If work to abate the condition does not commence  
43 by the date stated in the notice or if the work does not  
44 proceed continuously and without unnecessary delay, as  
45 determined by the designated officer, the complaint shall be  
46 given a hearing before the county commission. Parties shall  
47 be given at least ten days' notice of the hearing. Any  
48 party may be represented by counsel, and all parties shall  
49 have an opportunity to be heard. If the county commission  
50 finds that the rented residence has a dangerous condition  
51 that is detrimental to the health, safety, or welfare of the  
52 tenant, the county commission shall issue an order that the  
53 condition be abated. The order shall state specific facts,  
54 based on competent and substantiated evidence, that support  
55 its finding. If the county commission finds that the rented  
56 residence does not have a dangerous condition that is

57 detrimental to the health, safety, or welfare of the tenant,  
58 the county commission shall not issue an order; and

59 (5) Any violation of the order issued by the county  
60 commission may be punished by a penalty, which shall not  
61 exceed a class C misdemeanor. Each day a violation  
62 continues shall be deemed a separate violation. Any penalty  
63 enacted in the rules, regulations, or ordinances shall not  
64 be the exclusive punishment for the condition. The  
65 designated officer may, in his or her own name or in the  
66 name of the county, seek and obtain any judicial relief  
67 provided under equity or law including, but not limited to,  
68 civil fines authorized under section 49.272, declaratory  
69 relief, and injunctive relief. The designated officer may  
70 declare the continued occupancy of the rented residence  
71 unlawful while the condition or conditions remain unabated.

72 4. The county commission shall only have the authority  
73 to respond to written complaints submitted to the county  
74 commission and shall not have the authority to:

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

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

79 (3) Require licensing, registration, or certification  
80 of a rented residence on a regular schedule or before  
81 offering a residence for rent."; and

82 Further amend the title and enacting clause accordingly.