

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.