

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 27, Page 15, Section 60.010, Line 23, by inserting after all of said line the
3 following:
4

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

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

9 (1) Structural protection from the elements;

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

11 (3) Sewer service;

12 (4) Access to electrical service;

13 (5) Heat to the residence; and

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

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

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

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

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

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

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

33 (4) If work to abate the condition does not commence by the date stated in the notice or if
34 the work does not proceed continuously and without unnecessary delay, as determined by the
35 designated officer, the complaint shall be given a hearing before the county commission. Parties
36 shall be given at least ten days' notice of the hearing. Any party may be represented by counsel, and

Action Taken _____ Date _____

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

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

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

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

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

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

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