



Landlord/Tenant Guide

Code Enforcement Division
103 S. Sterling
Sugar Creek, Missouri 64054
816-252-4400 ext. 137
www.sugar-creek.mo.us

RECEIPT FOR LANDLORD/TENANT GUIDE

It shall be unlawful for any landlord to lease or otherwise permit or allow the occupation of any dwelling unit without providing the lessee or tenant a copy of the Sugar Creek Landlord/Tenant Guide, and obtaining the lessee or tenant's signature as proof of receipt. Any landlord who fails to show such proof of receipt to the Building Official or his/her designate, when requested to do so when the landlord's property is the subject of a code enforcement action by the Building Official or his/her designate, shall be subject to a One Hundred Dollar (\$100.00) fine in Municipal Court.

City of Sugar Creek Ordinance # 2714

I hereby acknowledge that I have received a copy of the City of Sugar Creek Landlord/Tenant Guide.

Tenant's Name (Please Print): _____

Rental Property Address: _____

Landlord's Name (Please Print): _____

Tenant's Signature: _____

Landlord's Signature: _____

Date: _____

Original: Landlord

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Date: _____

Copy: Tenant

INTRODUCTION

Many of the problems landlords and tenants encounter can be avoided if they know their rights and responsibilities. This guide is an attempt to outline that information for both parties. This guide was adapted from the “Landlord-Tenant Guide” published by the City of Independence.

Before seeking any of the legal remedies described in the guide, be sure you have made a genuine attempt to work out the problem you face. Good-faith negotiations often can result in a faster, more satisfactory solution than court proceedings and they avoid unnecessary hard feelings and expense.

This Landlord and Tenant Guide is published to provide information of interest to landlords and tenants. THIS GUIDE IS DISTRIBUTED WITH THE UNDERSTANDING THAT IT IS NOT TO BE CONSTRUED AS LEGAL ADVICE. READERS ARE URGED TO SEEK THE INDEPENDENT PROFESSIONAL JUDGMENT OF AN ATTORNEY BEFORE ACTING ON THIS INFORMATION.

Additional copies of this guide are available at Sugar Creek City Hall, 103 S. Sterling, from the City Clerk’s office and the Planning/Community Development office. You can call the City Clerk’s Office at 252-4400 ext. 28.

APPLICABLE LAWS

There are many Federal, state and local laws that apply to housing and family residences. You may want to consult those laws at the public library or at the UMKC Law School Library for additional information.

Federal Statutes and Regulations

The Federal Fair Housing Law, as amended by the Housing and Community Development Act of 1974, can be found at 42 U.S. Code, Section 3601 and 42 U.S. Code, Section 5308. Regulations that outline eviction procedures for federally subsidized housing can be found in Title 24 of the Code of Federal Regulations, beginning as Section 247.1. Regulations governing public housing can be found at 24 CFR 960 and those governing Section 8 housing can be found at 24 CFR 882.

The following information regarding Federal laws has been provided by the U.S. Department of Housing & Urban Development, Office of Fair Housing and Equal Opportunity:

Landlords CANNOT refuse to sell, rent, sublease, or otherwise make housing available based on a renter’s race, color, religion, sex, disability, familial status or national origin. Landlords cannot charge some individuals higher rent, falsely state housing is not available or advertise that there is an intention to discriminate.

Fair Housing Laws

The Fair Housing Amendments Act (FHAA) prohibits discrimination in housing because of:

- Race or Color
- National Origin
- Religion
- Sex
- Familial Status (including children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18)
- Handicap (a person with – a physical or mental impairment that substantially limits one or more of such person’s major life activities; a record of having such an impairment; or being regarded as having such an impairment.)

Are tenants who have a history of drug abuse or who are in treatment programs protected by the FHAA?

Yes, The definition of handicap includes drug addiction and alcoholism. However, the FHAA does not protect anyone who is currently and illegally using drugs.

Are all landlords bound by the FHAA?

All companies and most individuals who own or manage housing – whether public or private – must comply with the FHAA. The only landlords who do not have to comply are owners of a building with no more than four rental units who live in the building themselves.

What kind of discriminatory rental practices does the FHAA prohibit?

The FHAA prohibits landlords from discrimination against anyone in the rental of a dwelling because that person meets the above criteria. This means that the landlords may not impose application criteria, qualification criteria, security deposits, rental charges, rental standards, or other requirements different than those required of other tenants.

It would also be unlawful for a landlord to limit or deny someone with a disability access to recreation facilities, parking privileges, cleaning or janitorial services – anything that is available to other tenants. Landlords may not delay or refuse to make repairs because a tenant has a disability. Further, a property manager who discourages someone from renting a dwelling, or assigns a person to a particular section or unit because of a disability, or who indicates that an available dwelling has been rented when it is not, would be in violation of the FHAA.

May a landlord ask an applicant about his or her disability?

NO, A landlord may not ask a prospective resident, resident, subtenant, guest, invitee or any associate of a resident whether he or she has a mental illness, cerebral palsy, mental retardation, cancer, epilepsy, AIDS, or any other disability.

It is likewise unlawful for a landlord to inquire about the nature or severity of a disability. Further, a landlord may not ask a tenant or applicant any questions that would require the tenant to waive his right to confidentiality regarding his medical condition or history. A landlord is NOT entitled to see a prospective resident's medical records.

What may a landlord inquire of a prospective resident?

Landlords may inquire into applicants' ability to meet tenancy requirements. This means a landlord may ask whether a prospective resident is able to pay the rent, whether he/she is willing to comply with the building's rules and other questions relating directly to tenancy – providing he asks all other applicants the same questions.

In addition, a landlord may also ask the following questions, SO LONG AS THEY ARE ASKED OF ALL APPLICANTS.

First, IF a landlord is providing housing designed for and occupied by people with disabilities or with a particular type of disability, he may ask whether the applicant qualifies for a dwelling that is available only to people with disabilities or with a particular type of disability. Second, a landlord who provides this type of housing may ask if an applicant qualifies for a priority available to people with a handicap or with a particular type of handicap.

A landlord may also ask an applicant whether he is currently an illegal abuser or addict of a controlled substance; whether he has been convicted of the illegal manufacture or distribution of a controlled substance; or whether his tenancy poses a "direct threat to the health and safety of others."

When does a person's tenancy "pose a direct threat to the health and safety" of others?

The law requires landlords to make sound and reasonable judgement based on objective evidence (current conduct or a history of overt acts). If the landlord determines, by objective evidence recent enough to be credible (not from rumor, unsubstantiated inference or incidents from many years ago) that a person's tenancy puts others at risk of harm, the landlord may reject a prospective resident on grounds of risk to others. In other words, housing providers may refuse to rent to ANY applicant who has a recent history of disruptive, abusive or dangerous behavior.

Does a resident have a right to modify his or her rented apartment or other dwelling?

YES, The FHAA gives residents with disabilities the right to modify premises at their expense if “such modifications may be necessary to afford such person FULL ENJOYMENT of the premises.” For example, a resident with limited strength in his hand must be permitted to install lever doorknobs in place of round doorknobs. A person who uses a wheelchair has a right to install swing-away hinges to widen a doorway or to build a ramp to enter the dwelling. Where reasonable, the landlord may permit changes only if the resident agrees to restore the property to its original condition when they move.

Is there ever a time when the landlord would have to make a “reasonable accommodation?”

YES, Sometimes a housing provider excludes people with disabilities without meaning to discriminate. The Fair Housing Act corrects this by requiring that providers make reasonable accommodations in their rules, policies, practices or services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space.

Accommodations are “reasonable” when they are practical and feasible. An example: Suppose a resident washes all her/his clothes by hand because mental illness makes her/him too anxious about machines to use the washers and dryers in the laundry room. The FHA requires all services to be available to all tenants and the laundry is one of the building’s services. Here, a reasonable accommodation would be a tub and a line-drying area from the machines.

A rule, policy, practice or service is discriminatory when it interferes with the ability of a resident with a disability to enjoy his or her house or apartment. A landlord may not say, “That is the way we’ve always done it,” but must make reasonable accommodations. For example, a building with a “no pets” policy must allow a visually impaired resident to keep a guide dog at an apartment community that offers residents ample, unassigned parking or must honor a request from a mobility-impaired resident for a reserved space near her/his apartment if necessary to assure that she/he can access her/his apartment. However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Further information about Federal Fair Housing Laws can be obtained by contacting:

US Department of Housing & Urban Development

Office of Fair Housing and Equal Opportunity

400 State Avenue

Kansas City, KS 66101-2406

<http://www.hud.gov>

(913) 551-6958

1-800-669-9777

1-800-927-9275 TDD Line

Missouri Statues

Laws governing landlord and tenant relations can be found in Chapters 441 (Landlord and Tenant-general provisions, collection of rent, inadequate housing) 534 (Unlawful Detainer) and 535 (Landlord-Tenant Actions – evictions, security deposits) of the Revised Statutes of Missouri. Missouri's Fair Housing Law can be found in Chapter 213 of the Revised Statutes of Missouri, and Chapter 8 of the Code of State Regulations. Further information about Missouri law can be obtained via the state website at www.dolir.state.mo.us or at www.moga.state.mo.us/STATUTES/STATUTES.HTM or by contacting the Missouri Commission on Human Rights at:

Missouri Commission on Human Rights
11601 E. 18th Street, Suite 340
Kansas City, MO 64108
(816) 472-2492

Other Provisions of Missouri Statutes

Missouri Statutes effective August 28, 1997, offer greater protection for residents renting from unresponsive landlords as well as more options for landlords to get rid of drug dealers and destructive residents. Among the new provisions of the Landlord-Tenant law passed in 1997:

- Authorizes county courts to order the quick removal of tenants involved in criminal activity, even without conviction.
- Allows landlords to remove abandoned personal items once they have complied with notice requirements.
- Makes a landlord guilty of forcible entry for willfully interrupting utility service, unless it is done for health and safety reasons.
- Allows a tenant, under certain circumstances, to deduct one-half of a month's rent or up to \$300 (Whichever is greater) for repair of code violations when a landlord neglects property. This can be done once a year.
- Limits occupancy to two persons per bedroom except for children born during the lease period.
- Authorization to establish a landlord-tenant court in St. Louis and Jackson County to hear felony-level cases, which can include serious property damage caused by tenants and repeat code violations by landlords. (This court has not been established as of September 1999.)
- The new law requires a landlord give 60 days' notice before terminating leases for mobile home lots.

You can find the statutes on the internet at:

[Http://www.moga.state.mo.us/statutes/statutes.htm](http://www.moga.state.mo.us/statutes/statutes.htm).

City of Sugar Creek Rental Property Enhancement Program

The City maintains an occupancy permit program for all residential housing within its borders. Rental property is subject to the requirements of this program. Landlords and the City will abide by the additional conditions set forth herein:

1. Owners of Rental Property must either live within the City of Sugar Creek or provide the City with the name of a person (with contact information) who lives within a 35 mile radius of the City so that a person locally will be available for the City to contact should there be an emergency and to be present during inspections should the need arise.
2. The City maintains its present occupancy inspection program, which amounts to routine and regular exterior inspections from the street of all residential units and responding to complaints regarding other possible infractions of the Property Maintenance Code.
3. The City designates an individual staff member to facilitate communication between City staff, elected officials and landlords concerning rental housing issues within the community.
4. The City charges a re-inspection fee of \$45 on all properties for a third visit by a code inspector to clear a violation.
5. The City will bring charges to municipal court on any property owner who refuses to clear a violation. The possible fine for the first offense will be \$150; the possible fine for the second offense will be \$300 and \$500 for the third offense. This may include satisfactory completion of an education program and/or community service.
6. Landlords must hand a new tenant the City's Landlord/Tenant guide at the time of renting a residential unit and retain a receipt of doing so. The landlord could be subject to a \$100 fine if not properly documented.
7. Landlords who fail to maintain a dwelling unit and causes the initiation of three, separate, formal enforcement actions within a single year (confirmed violations), the property will be subject to inspections (both interior and exterior) for a three year period. The City Inspector notifies the landlord and tenant of deficient status. The landlord must advise any future tenants of the deficient status. Property must pass interior and exterior inspection before it can be re-rented.

The City of Sugar Creek has adopted the BOCA National Property Maintenance Code of 1996. The Property Maintenance Code is designed to help revitalize and rebuild neighborhoods. The Code is a group of laws and rules governing the use of property for the purpose of maintaining public health, safety, and welfare; to improve the appearance of our community and to protect property values.

Occupancy Permit

The City prohibits any person(s) from occupying or permitting occupancy of any residential dwelling until a Certificate of Occupancy has been issued by the Building Official or his/her designate. A Certificate of Occupancy is required after any residential dwelling unit has been vacated before it is occupied again. It is not necessary to obtain an Occupancy Permit if one has been issued within the past one year from the time of re-occupancy.

Before a Certificate of Occupancy can be issued by the Building Official or his/her designate, an inspection by the City's Building Inspector must be made and it is determined that the structure(s) and land in question meets the requirements of the BOCA National Property Maintenance Code (Sec.7-6).

Weeds

Occupants of residential property, unless specified in a lease agreement, shall be responsible for the control and maintenance of the property occupied. The property owner may retain maintenance responsibility through agreement with the occupant. The City considers grass 12 inches or more in height, rank weeds and noxious plants as a nuisance and requires that it be cut and/or appropriately removed. In no way should this be construed to relieve property owners of ultimate responsibility (Sec.15-2).

Vehicles

No unregistered or unlicensed motor vehicle may be parked on any property in a residential district unless said vehicle is enclosed in a garage or a similar enclosure. No vehicle of any type may undergo major overhaul, be in a state of major disassembly or disrepair or be in the process of being stripped or dismantled in a residential district unless housed in a garage or other similar enclosure. Owner(s) of the vehicle will be held responsible for the proper maintenance and storage (Sec. 16-10).

Dogs and Cats

Dogs and cats over the age of 6 months are limited to 2 each per residential property. Any dogs and/or cats above the limits set above will be considered a nuisance. This ordinance does not guarantee an occupant a right to harbor or keep cats and/or dogs but is merely intended to establish upper limits. Property

owners may limit the number of dogs and/or cats allowed on their property up to the limits set above.

All dogs and cats over 6 months old are required to be registered with the City Collector. The Collector will issue a tag to the owner or keeper of the animal upon payment of the appropriate tax. All dogs and cats to be registered with the City Collector will have received a vaccination against rabies before registration will be accepted. A certificate attesting to the proper vaccination must be provided to the Collector at the time of registration.

All dogs are required to be physically restrained by its owner or keeper by either a chain or leash, or behind a suitable fence or other proper method preventing escape (Sec. 6-2).

If you have a question regarding the City's Property Maintenance Code, or other relevant ordinances, please call our Code Enforcement Division at 252-4400 ext. 38. You can also pick up a copy of the Brochure "Property Maintenance Is For Everyone" at City Hall (103 S. Sterling).