



## Agenda

### Special Committee for Legal Review

Chairperson Quinton Lucas

Vice Chair Melissa Robinson

Councilmember Andrea Bough

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**Tuesday, December 12, 2023**

**1:00 PM**

**26th Floor, Council Chamber**

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#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/85624825067>

\*\*\*Public testimony is limited to 2 minutes\*\*\*

1:00 pm Docket

#### **Bough, Rea, Duncan and Bunch**

**231032**

Sponsors: Councilmembers Andrea Bough, Crispin Rea, Johnathan Duncan, and Eric Bunch

Amending Chapter 50, Code of Ordinances, by enacting a new Section 50-176, Hate Offenses, to establish a sentence enhancement for certain municipal offenses.

#### **Lucas**

**231036**

Sponsor: Mayor Quinton Lucas

RESOLUTION - Approving the appointments of Steven Anthony, Matthew Oates, and Anthony Williams to the Board of Directors of the Central City Economic Development Sales Tax Board of the City of Kansas City, Missouri and appointing Steven Anthony as its Chairperson.

**Lucas**

**231038** Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to negotiate and execute an agreement with the Department of Housing and Urban Development for the acquisition, sale, and development of property referred to as Parade Park Homes; authorizing the City Manager to accept deeds, without warranties or covenants of title, from the Department of Housing and Urban Development for the same; authorizing the City Manager to negotiate and execute sale and development agreements with a developer to be named for the sale and redevelopment of such parcels; and authorizing the City Manager to execute a deed and related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing or planned City owned sewer, storm water, and water line infrastructure on said property, subject to the terms of the executed development agreement.

**Lucas**

**231040** Sponsor: Mayor Quinton Lucas

RESOLUTION - Appointing Janae Nauser and Jamie Belew as successor directors to the Metro North Crossing Community Improvement District.

**O'Neill**

**230741** Sponsor: Councilmember Kevin O'Neill

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; and Directing the City Manager to begin transition of these permits from the City Planning and Development Department to the Water Services and Public Works Departments, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and appropriating \$ \_\_\_\_\_ from the \_\_\_\_\_ fund.

**Robinson, Patterson Hazley and Bough**

**230977** Sponsor: Councilmember Melissa Robinson

Authorizing the City Manager to execute a Lease Agreement with Community Builders of Kansas City, a Missouri, a nonprofit corporation, for the "Offices at Overlook" located on Dr. Martin Luther King Jr. Boulevard within the Overlook Tax Increment Financing redevelopment area and the offices at Overlook Planned Industrial Expansion Authority General Development Plan area.

**Patterson Hazley**

**231017** Sponsor: Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances, by deleting Section 3-457, "Procedures for all other contracts," and inserting in lieu thereof a new Section 3-457 of like title, for the purpose of giving the Director of the Civil Rights and Enforcement Opportunity ("CREO") Department the discretion to allow certain request for proposal ("RFP") documents to be submitted prior to a notice to proceed on Housing and Community Development Department or other incentive projects.

1:30 pm Docket

**Lucas, Parks-Shaw, Bunch, Curls, Bough and Duncan**

**231019** Sponsor: Mayor Quinton Lucas

Amending various sections of Chapter 38, "Civil Rights," and Chapter 34, "Health and Sanitation," for the purpose of classifying source of income as a protected trait in regard to housing discrimination, requiring an annual report on source of income discrimination complaints and enforcement, and requiring standard language in rental applications; and directing the City Manager to provide notification of this ordinance through various communication channels and identify an annual source of funding to implement the provisions of this ordinance.

**Willett**

**231039** Sponsor: Councilmember Nathan Willett

RESOLUTION - Directing the City Manager to research and present municipal programmatic opportunities that encourages landlords to participate in housing incentive programs with the goal of offering financial assistance and/or technical assistance to landlords who will rent to families with a federally funded voucher for available units, thus increasing the availability of affordable housing units and the number of vouchers accepted by landlords in Kansas City, Missouri.

**ADDITIONAL BUSINESS**

1. There may be a general discussion regarding current Special Committee for Legal Review issues.

2. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or

3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org). Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: [http://kansascity.granicus.com/ViewPublisher.php?view\\_id=2](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



Legislation Text

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**File #: 231032**

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ORDINANCE NO. 231032

Sponsors: Councilmembers Andrea Bough, Crispin Rea, Johnathan Duncan, and Eric Bunch

Amending Chapter 50, Code of Ordinances, by enacting a new Section 50-176, Hate Offenses, to establish a sentence enhancement for certain municipal offenses.

WHEREAS, the Kansas City Police Department's Bias Incident Report reported 24 bias-motivated offenses in 2022 and 23 bias-motivated offenses so far this year; and

WHEREAS, the Council of Kansas City believes it is the right of every person, regardless of race, color, religion, national origin, sex, sexual orientation, gender identity or disability to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups; and

WHEREAS, the Council desires that the Kansas City Police Department has the resources available for the prosecution of hate offenses in the Kansas City Municipal Division of the Circuit Court so hate-motivated offenses can be better deterred and penalized; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting a new Section 50-176 to establish an enhancement penalty for certain hate-motivated offenses to read as follows:

**Sec. 50-176. Hate-motivated Offenses—enhancement penalty for motivational factors in certain offenses.**

(a) For all violations listed in section 38-61 which the City believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation, gender identity or disability of the victim or victims, the City may seek an enhancement of up to sixty (60) days to run consecutive with a conviction of an underlying offense.

(b) The court shall assess punishment in all cases in which the City pleads and proves any of the motivating factors listed in this section.

..end

Approved as to form:

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Andrew Bonkowski  
Assistant City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: 231032

Submitted Department/Preparer: Please Select

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Amending Chapter 50, Code of Ordinances, by enacting a new Section 50-176, Hate Offenses, to establish a sentence enhancement for certain municipal offenses.

### Discussion

This ordinance would amend Chapter 50 to include an enhancement penalty of up to 60 days for offenses which the City believes to be knowingly motivated by race, color, religion, national origin, sex, sexual orientation, gender identity or disability of the victim or victims. Punishment shall be assessed in all cases in which the City pleads and proves any of the motivating factors listed above.

### Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?  
N/A
3. How does the legislation affect the current fiscal year?  
N/A
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
N/A

**Office of Management and Budget Review**

(OMB Staff will complete this section.)

- |   |                              |  |
|---|------------------------------|--|
| 1. This legislation is supported by the general fund. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. This fund has a structural imbalance.              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Account string has been verified/confirmed.        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**Additional Discussion (if needed)**

There is no account string to verify as this ordinance has no fiscal impact.

### Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Public Safety (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - ☐ Engage the community and community partners to reimagine the system of public safety with a focus on evidence-based approaches for crime prevention, treatment of mental health, emergency response time, and the criminal justice system.
  - ☐ Focus on violence prevention among all age groups, placing an emphasis on youth.
  - ☒ Increase fairness, justice, and responsiveness of our municipal criminal justice system to support the best possible outcome for offenders and victims of crime.
  - ☐ Reduce recidivism through prevention, deterrence, including detention, and re-entry services.
  - ☐ Enhance employee recruitment, succession planning, and retention in the police and fire departments with a continued emphasis on diversity.
  - ☐

### Prior Legislation

N/A

### Service Level Impacts



Kansas City Police Department reported 24 bias-motivated offenses in 2022 and 23 incidents so far this year.

## Other Impacts

1. What will be the potential health impacts to any affected groups?  
N/A

2. How have those groups been engaged and involved in the development of this ordinance?  
N/A

3. How does this legislation contribute to a sustainable Kansas City?  
N/A

4. Does this legislation create or preserve new housing units?  
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

No contracts to be entered

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)





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**File #:** 231036

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### RESOLUTION NO. 231036

Sponsor: Mayor Quinton Lucas

RESOLUTION - Approving the appointments of Steven Anthony, Matthew Oates, and Anthony Williams to the Board of Directors of the Central City Economic Development Sales Tax Board of the City of Kansas City, Missouri and appointing Steven Anthony as its Chairperson.

#### BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following persons are hereby appointed to the Board of Directors of the Central City Economic Development Sales Tax Board of the City of Kansas City, Missouri ("CCED") to serve such terms as provided herein:

Name: Steven Anthony  
Term Expires: December 14, 2027

Name: Matthew Oates  
Term Expires: December 14, 2027

Name: Anthony Williams  
Term Expires: December 14, 2027

Section 2. That Steven Anthony is hereby appointed as the Chairperson of CCED.

..end

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**No Docket Memo  
Provided for  
Resolution No.  
231036**



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**File #: 231038**

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### ORDINANCE NO. 231038

Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to negotiate and execute an agreement with the Department of Housing and Urban Development for the acquisition, sale, and development of property referred to as Parade Park Homes; authorizing the City Manager to accept deeds, without warranties or covenants of title, from the Department of Housing and Urban Development for the same; authorizing the City Manager to negotiate and execute sale and development agreements with a developer to be named for the sale and redevelopment of such parcels; and authorizing the City Manager to execute a deed and related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing or planned City owned sewer, storm water, and water line infrastructure on said property, subject to the terms of the executed development agreement.

WHEREAS, the Secretary of the Department of Housing and Urban Development (“HUD”) is prepared to foreclose upon the properties known as Parade Park Homes, generally located at 1701 Woodland Avenue, 1501 Woodland Avenue, 1801 E. 15th Terrace, 1560 Garfield Avenue, 1519 Garfield Avenue, 2020 E 17th Street, 1756 Michigan Avenue, and 1727 Michigan Avenue in March of 2024; and

WHEREAS, HUD has requested assistance from the City in selecting a developer for Parade Park Homes; and

WHEREAS, the City issued a Request for Proposals on October 27, 2023, soliciting proposals for the purchase and development of Parade Park Homes, and received four submissions; and

WHEREAS, in the near future, the City’s selection committee is anticipated to recommend a winning proposal submitted in response to the Parade Park Request for Proposal by a respondent (“Developer”); and

WHEREAS, the City’s acquisition and subsequent transfer is contingent upon HUD’s acquisition of Parade Park Homes by way of foreclosure sale; and

WHEREAS, any conveyance by HUD would be subject to certain equity participation requirements, which would be reflected in the Deed and assumed by Developer or any subsequent purchasers; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby authorized to negotiate and execute a purchase and sale agreement with the Department of Housing and Urban Development for the properties located at 1701 Woodland Avenue, 1501 Woodland Avenue, 1801 E. 15th Terrace, 1560 Garfield Avenue, 1519 Garfield Avenue, 2020 E 17th Street, 1756 Michigan Avenue, and 1727 Michigan Avenue, hereinafter referred to as the “Properties” and legally described as follows:

Tract 1: Tracts A and B, Parade Plaza Resurvey, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, recorded October 17, 1960 in the Office of the Recorder of Deeds of Jackson County, Missouri, in Book 31 page 76.

Tract 2: Tracts F and G, Parade Plaza Resurvey, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, recorded October 17, 1960 in the Office of the Recorder of Deeds of Jackson County, Missouri, in Book 31 page 76.

Tract 3: Tracts C, D, H and all that part of Tract E lying East of Woodland Avenue as now established by Ordinance No. 29022, Parade Plaza Resurvey, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, recorded October 17, 1960 in the Office of the Recorder of Deeds of Jackson County, Missouri, in Book 31 page 76.

Section 2. That, in the event HUD acquires title to the Properties, the City Manager is hereby authorized to purchase for a nominal amount and accept deed(s) to the Properties on behalf of the City.

Section 3. That the City Manager is hereby authorized to negotiate and execute sale and development agreements with Developer or an affiliated entity for the sale and redevelopment of the Properties, with such conveyance being contingent upon HUD’s acquisition and subsequent transfer to the City.

Section 4. That the City Manager is hereby authorized to execute a deed and related documents to complete the transfer of the Properties while reserving easements, as necessary, for any existing or planned City-owned sewer, storm water, and water line infrastructure on the Properties, subject to the terms of the executed development agreement.

..end

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Approved as to form:

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Abigail Judah  
Assistant City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: 231038

Submitted Department/Preparer: Mayor/Council's Office

Revised 10/23/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Authorizing the City Manager to negotiate and execute an agreement with the Department of Housing and Urban Development for the acquisition, sale, and development of property referred to as Parade Park Homes; authorizing the City Manager to accept deeds, without warranties or covenants of title, from the Department of Housing and Urban Development for the same; authorizing the City Manager to negotiate and execute sale and development agreements with a developer to be named for the sale and redevelopment of such parcels; and authorizing the City Manager to execute a deed and related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing or planned City owned sewer, storm water, and water line infrastructure on said property, subject to the terms of the executed development agreement.

### Discussion

This legislation authorizes the City Manager to negotiate and execute a purchase and sale agreement with the Department of Housing and Urban Development for Parade Park Homes, and authorizes the City Manager to negotiate and execute sale and development agreements with developers for the sale and redevelopment of Parade Park Homes.

### Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?  
N/A
3. How does the legislation affect the current fiscal year?  
N/A
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
No



5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- |   |                              |  |
|---|------------------------------|--|
| 1. This legislation is supported by the general fund. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. This fund has a structural imbalance.              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Account string has been verified/confirmed.        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

### Additional Discussion (if needed)

## Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - ☒ Maintain and increase affordable housing supply to meet the demands of a diverse population
  - ☐ Broaden the capacity and innovative use of funding sources for affordable housing
  - ☒ Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
  - ☐ Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
  - ☐ Address the various needs of the City's most vulnerable population
  - ☐ Utilize planning approaches to improve the City's neighborhoods

## Prior Legislation

N/A

## Service Level Impacts

N/A

## Other Impacts

1. What will be the potential health impacts to any affected groups?  
N/A
2. How have those groups been engaged and involved in the development of this ordinance?  
N/A
3. How does this legislation contribute to a sustainable Kansas City?  
This legislation would allow for the redevelopment of existing housing.
4. Does this legislation create or preserve new housing units?  
No
5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.  
  
No - CREO's review is not applicable (Press tab after selecting)  
Please provide reasoning why not:
6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?  
  
No(Press tab after selecting)
7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?  
Yes(Press tab after selecting)



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**File #: 231040**

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### RESOLUTION NO. 231040

Sponsor: Mayor Quinton Lucas

RESOLUTION - Appointing Janae Nauser and Jamie Belew as successor directors to the Metro North Crossing Community Improvement District.

WHEREAS, the Metro North Crossing Community Improvement District ("District") was established by petition of the property owners ("Petition") and approved by City Council by Ordinance No. 170975; and

WHEREAS, the Petition provides for successor directors to be appointed by the Mayor, with the consent of the City Council, according to slates submitted by the District; and

WHEREAS, the Board of Directors of the District has submitted a slate to the City Clerk as provided by the Petition; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the following persons are hereby appointed to the Board of Directors of the Metro North Crossing Community Improvement District to serve such terms as is provided for by the Petition, each term to commence the date upon which the preceding term shall have expired:

Janae Nauser  
Jamie Belew

..end

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**No Docket  
Memo Provided  
for Resolution  
No.  
231040**



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**File #: 230741**

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### ORDINANCE NO. 230741

**Sponsor: Councilmember Kevin O'Neill**

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; and Directing the City Manager to begin transition of these permits from the City Planning and Development Department to the Water Services and Public Works Departments, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and appropriating \$\_\_\_\_\_ from the \_\_\_\_\_ fund.

#### BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60, Code of Ordinances is hereby amended, by repealing Section 60-32 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

#### **Sec. 60-32. Construction of private sewage disposal systems.**

(a) *Permit required.* No person shall construct a private sewage disposal facility or system on any individual lot or lots in any subdivision of land located in the city, or on any single parcel or tract of land under common ownership, where such sewage disposal facility or system is not intended to be part of the city's sewage system, without first procuring from the water services department a permit for such construction.

(b) *Survey fee; inspection fee.* Where the water services department deems that a survey of the property in question is necessary before such permit can be issued, a private sewage disposal system survey fee of \$25.00 shall be assessed. The private sewage disposal construction inspection fee shall be \$25.00.

(c) *Construction standards.* The plans and construction of the private waste disposal system shall be in accord with the regulations of the state division of health, state department of natural resources and state clean water commission, except as modified by the building code

engineer to conform with conditions common to the city and applicable to city standard specifications.

(d) *Penalty for failure to obtain permit.* Any person who shall construct a private sewage disposal system without first having procured a permit shall be guilty of a violation, and upon conviction thereof shall be fined not less than \$25.00 and not more than \$500.00 for each separate violation.

Section 2. That Chapter 61, Code of Ordinances is hereby amended, by repealing Section 61-20 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 61-20. Enclosing natural drainage ditches.**

(a) *Permit required.* No person shall enclose any natural drainage ditch abutting against or traversing his property without having first obtained a permit from the water services department for such enclosure.

(b) *Filing of plans.* Prior to the issuing of the permit, the permittee shall file plans showing the method of construction of the enclosure with the water services department and obtain its approval of such methods and materials, and the size of the structure or pipe.

(c) *Materials.* Any pipe, culvert, box enclosure or similar mechanism employed to contain any such creek, creek bed, natural drainage ditch or other stream shall be of a material meeting requirements as set forth in the general specifications entitled "Pipes, Sewer," on file in the department of water services.

(d) *Issuance of permit; inspections.* The permit issued for such enclosure shall be at no charge. The permittee shall notify the water services department when the enclosure is complete and prior to the placing of backfill or topsoil cover over the enclosure, so that the water services department may inspect the work and material in place in order to ensure conformance with this section.

(e) *Noncompliance with specifications.* Should such materials or methods employed by a permittee not be in conformance with the specifications for such work as furnished by the department of water services, then the water services department may order the removal of such enclosure, pipe or conduit.

(f) *Responsibility for maintenance and repair.* Nothing contained in this section shall increase the liability of the city for future maintenance or repair of any such pipe, conduit, culvert or enclosure placed in any stream, creek bed or drainage ditch, such maintenance and repair being and remaining the sole responsibility of the property owner upon whose property such ditch or creek bed lies.

Section 3. That Chapter 63, Code of Ordinances is hereby amended, by repealing Sections 63-21 and 63-24 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 63-21. Title and authority.**

This article shall be known as the Kansas City, Missouri Erosion and Sediment Control Regulations and may be cited as "erosion and sediment control regulations" or "regulations". The

director of water services shall be responsible for the administration and enforcement of this article.

**Sec. 63-24. Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

*Adopted standards* means any design or construction specification, including the erosion and sediment control design criteria and specifications, adopted in writing by the director of public works or director of water services.

*Agricultural crop management practices* means all land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

*Applicant* means the person who owns the affected property or the person's authorized agent who submits or is required to submit an application to the director of water services for a site disturbance permit.

*Best management practices (BMPs)* means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Building permit* means any permit issued by the director of codes administration.

*Clearing* means any activity which removes the vegetative ground cover including, but not limited to, root removal or top soil removal.

*Code* means the Code of Ordinances for the city.

*Construction activity* means activities subject to national pollutant discharge elimination system permits issued by the Missouri Department of Natural Resources or EPA ("NPDES construction permits") or city land-disturbance permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Director* means the director of water services of the city or the director's authorized representative.

*Earth materials* means any rock, natural soil or combination thereof.

*Erosion* means the wearing away of land by the action of wind, water, gravity, or a combination thereof.

*Erosion and sediment control plan* means a set of measures designed to control runoff and erosion, and to retain sediment on a particular site during pre-construction, construction, and after all permanent improvements have been erected or installed.

*Erosion and sediment control regulations* means this article in its entirety.

*Erosion and sediment control specifications* means the erosion and sediment control design criteria and specifications adopted in writing by the director of public works.

*Engineer* means a civil engineer that is registered as a professional engineer with the Missouri Board of Architects, Professional Engineers and Land Surveyors.

*Excavate* means the mechanical removal of earth materials.

*Fill* means the deposit or stockpiling of earth materials.

*Grading* means any excavating or filling of earth materials or any combination thereof.

*Inspection* means the periodic field review of erosion and sediment control measures as defined in the erosion and sediment control plan for the purposes of determining compliance.

*Land disturbance/land disturbance activity* means any activity that changes the physical conditions of landform, vegetation, and hydrology. Such activities include, but not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

*Land fill* means any human activity depositing soil or other earth materials.

*Nuisance* means any act or situation as defined in section 48-3 of the Code of Ordinances for the city.

*Occupant* means any person who has a legal or equitable interest in any land, building or structure other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of such land, building or structure as the agent or personal representative of the person holding legal title to a fee interest.

*Owner* means any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any land, building or structure, or part thereof, with or without having actual possession thereof; or
- (2) Shall have charge, care or control of any land, building or structure, or part thereof; or



- (3) Shall have possession or right to possession of any land, building or structure under contract for deed.

*Person* means any individual, firm, partnership, corporation, association, organization, or legal entity of any kind including governmental entities.

*QCR* means quality control review, a process of checking a plan submittal application or resubmitted for completeness against a certified submittal checklist that the applicant has prepared and attached to the plan prior to acceptance for technical review.

*RCR* means review comment resolution, a service provided to communicate and clarify review deficiencies.

*Regulations* means the Kansas City, Missouri Erosion and Sediment Control Regulations in its entirety.

*Sampling* means the procedures associated with the determination of settleable solids and may include suspended solids in a discharge sample of water.

*Sediment* means any solid material, mineral or organic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, or gravity as result of soil erosion.

*Site disturbance permit* means authorization given by the director of water services noted in section 63-34, to perform land disturbance activities.

*Soil* means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

*Soil storage* means any human activity depositing soil or other earth materials for later use or disposal.

*Timbering* means the act of cutting and removing trees without disturbing the root or adjacent vegetation.

*Vegetative cover* means any grasses, shrubs, trees and other vegetation which hold and stabilize soils.

*Water bodies* means surface waters including rivers, streams, lakes and wetlands.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include the following surface waters of the state intentionally constructed from sites that are not wetlands: drainage ditches, grass-lined swales, and landscape amenities.

*Work* means any activity that involves construction or preparation for construction of an improvement.

Section 4. That Chapter 64, Code of Ordinances is hereby amended, by repealing Section 64-4 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 64-4. Construction or repair by property owner of facilities in adjacent right-of-way.**

(a) *Definitions.* As used in this section:

*Director* means the director of public works of the city for work including improvements to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way. *Director* means director of water services for work including grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers, unless otherwise defined herein.

*Improvement* means new or a modification of existing curbs, gutters, driveways from curb to property line, sidewalks, sewers, street lighting systems, stream buffer protection requirements and appurtenances by a change in grade, construction, repair or reconstruction authorized under this section.

*Owner* means the person, persons, or any legally recognized entity holding title to real property.

*Permittee* means an owner of private property, or the owner's representative or contractor a holding a special permit issued pursuant to this section.

*Plan* means a drawing, sketch, report, or document prepared in accordance with adopted city standards and codes to convey a design, improvement or repair, and submitted for review and permitting pursuant to this section.

*QCR* means quality control review, a process of checking a plan submittal application or resubmittal for completeness against a certified submittal checklist that the applicant has prepared and attached to the plan prior to acceptance for technical review.

*RCR* means review comment resolution, a service provided to communicate and clarify review deficiencies.

*Special permit* means a permit issued by the director pursuant to this section for the construction or preparation for construction and maintenance thereto of an improvement, including site disturbance activities that are performed in accordance with chapter 63 of the Code under this permit.

*Work* means any activity that involves construction or preparation for construction of an improvement.

(b) *Permit required: issuance of permit.* The director is hereby authorized to issue a special permit, upon request, to owners of private property, or their representatives or contractors, to make improvements, at their own expense, in the public streets or alleys adjacent to or running through their property, if the director determines that such improvements are reasonably necessary. No person shall begin any such work until such permit therefor has been issued.

(c) *Authorization of work under building permit.* Authorization for construction of such sidewalks and driveways within street rights-of-way adjacent to any lot on which a

residential building is proposed may, at the option of applicant, be included in the building permit for that structure.

- (d) *Application, review process and fees.*
- (1) *Application.* Each applicant for a special permit shall complete an application in the form provided by the director. The name of the applicant and lead contact shall appear on the application. The applicable fees pursuant this section shall be paid at the time of filing for review, resubmittal, and permit issuance. After review of an application, the director shall notify the applicant of such further action and reviews as necessary. If an application is approved, the applicant may procure all required permits for the work within 365 days. If all required permits for the work have not been procured, then the approval of the application shall be null and void, provided that the director may waive reapplication for plan review or may extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant if the director determines that there exist circumstances beyond the control of the applicant preventing procurement of permits for the work. Not more than one extension shall be allowed. Thereafter, a new application and new fee shall be required. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the director.
- (2) *Estimated cost of construction.* The determination of the estimated cost of construction under any provision of this section shall be made by the director. The estimated cost of construction to be used in computing the special permit fee and associated review fees shall be based on the total costs of similar construction at the time of application for review or permit issuance.
- (3) *Major infrastructure reviews and permit fees.* As a condition for issuance of a special permit pursuant this section for grading, improvements to streets, alleys, streetlights, streetlight signals, storm sewers, stream buffer protection requirements, and sanitary sewers, the applicant shall pay a basic plan fee in an amount equal to 8.40 percent of the estimated cost of the construction, and such other fees as set forth herein, to defray the cost of plan review services, quality control review (QCR) services, review comment resolution (RCR) services, resubmittal review services, permitting services, supervision, and inspection services. The basic plan fee shall be composed of both an initial technical plan review fee for plan review services, (QCR) services, and (RCR) services in an amount equal to 3.65 percent of the estimated cost of the construction, and a permitting fee for permitting services, supervision and construction inspection in an amount equal to 4.75 percent of the estimated cost of the construction. In no case shall the basic plan fee be less than \$1,000.00 per permit per month of permit duration, or any extension thereof.

An applicant shall submit a plan for QCR and certify that all of the necessary plan components are contained in the plan as required by the special permit submittal checklist. If, as certified, all of the plan components have been submitted, but the submittal fails QCR for other omissions or deficiencies not set out in the checklist, no additional fee will be charged for subsequent QCR submissions by the applicant, if any, required by the director. If any QCR determines that plan

does not contain all of the components certified by the applicant, then the applicant shall pay the city an additional fee of \$70.00 for each subsequent submittal for QCR made necessary by applicant's failure to satisfactorily cure the deficiencies.

If the plan passes QCR, then the plan shall be submitted for technical review of the plans and applicant shall pay the initial technical plan review fee in an amount equal to 3.65 percent of the estimated construction cost. If after the initial technical review the director determines that there are technical deficiencies in the plan, the director shall notify applicant of the deficiencies and offer RCR services, and applicant may resubmit the plan for a second technical review without an additional review fee. Prior to a second technical review the applicant shall submit a revised plan for QCR and certify that all of the necessary plan components, additions, or changes previously noted by the director are contained in the plan. If any QCR determines that plan does not contain all of the revised components certified by the applicant, then the applicant shall pay the city an additional fee of \$65.00 for each subsequent QCR made necessary by applicant's failure satisfactorily cure the QCR deficiencies. On second technical review and all technical reviews thereafter, if the director determines that the applicant has failed to satisfactorily cure the technical deficiencies previously noted on prior technical reviews, then the applicant shall pay the city an additional resubmittal technical review fee in an amount equal to 0.30 percent of the estimated cost of construction for each subsequent technical review made necessary by applicant's failure to satisfactorily cure such deficiencies.

If after the technical review the director determines that the plan application is in substantial compliance with city's regulations and adopted standards, the director shall notify applicant of application approval for permit issuance. The applicant shall pay the permitting fee in an amount equal to 4.75 percent of the estimated cost of construction and procure all required permits as provided in subsection (h)(1). The determination that the plan is in compliance with city regulations does not imply that the city is guaranteeing specific outcomes nor is the city accepting any responsibility for the plan.

- (4) *Minor infrastructure reviews and permit fees.* As a condition for issuance of any permit pursuant to this section for new sidewalks, driveways, curbs and gutter sections, the basic plan, permitting services, supervision and inspection fee shall be an amount equal to seven percent of the estimated cost of the new work, but in no case shall the fee be less than \$155.00. As a condition for issuance of any permit under this section for the repair or replacement of existing sidewalks, driveways, curbs and gutter sections, the basic plan fee for initial permitting services, supervision, and inspection services shall be an amount equal to five percent of the estimated cost of the repair or replacement, but in no case shall the fee be less than \$155.00.
- (5) *Sidewalks and driveways.* Where authorization for the construction of sidewalks and driveways within street rights-of-way. required by ordinance, adjacent to any lot for which a residential building is proposed, is included in a building permit,

such fee shall be \$81.00 for interior lots and \$122.00 for corner lots. Such fees shall be collected as part of the building permit fee.

- (6) *Supplementary fees.* The fee for a supplementary review and special permit to cover any additional value or scope of work not included in the original permit shall be the difference between the fee paid for the original application or permit and the fee which would have been required had the original application or permit included the entire value and scope of the work. The minimum supplemental special permit fee assessed shall be \$1,036.00.
- (7) *Optional preliminary code review meetings or consultation services.* When requested by the applicant, meetings may be conducted to review the requirements and/or codes pertaining to the applicant's project and a fee shall be assessed at the time of the meeting based on the value of the infrastructure improvement as follows:
  - a. Project total value less than or equal to \$2,000 ..... no fee
  - b. Project total value greater than \$2,000 and less than or equal to \$10,000 ..... \$69.00
  - c. Project total value greater than \$10,000 and less than or equal to \$50,000 ..... \$136.00
  - d. Project total value greater than \$50,000 .... \$205.00

These fees shall be in addition to any other fees required.

- (8) *Priority project review fee.* When priority status is requested by the applicant, a fee of two times the fee shall be assessed. Eligibility for priority status shall be determined by the director, or director's designate, based on the complexity of the project and availability of staff. These fees shall be in addition to any other fees required.
- (9) *Changes to reviewed plans.* Review of such changes shall be assessed a fee at the time of the review based on the scope of the review as follows:
  - a. Minor reviews - changes requiring limited review .... \$54.00
  - b. Major reviews - changes requiring review of design elements...½ of basic plan fee

The director or designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.

- (10) *Permit extension fee.* Applicant may request an extension of a permit duration and pay a fee sufficient to cover the additional administrative and inspection costs associated with the extension. Extension fees shall be individually calculated based on staff estimates for each permit extension requested.
- (11) *Reinspection fees.* When testing of infrastructure does not pass on the first inspection, a fee of \$75.00 shall be assessed and no further inspections shall be completed until such fee is paid.
- (12) *Enforcement fees.* When enforcement actions are necessary above normal notification of deficiencies, a fee shall be assessed to cover the additional

administrative, review and inspection costs of enforcement actions. The enforcement fees shall be individually calculated based on staff estimates for each permit and the additional costs spent on the enforcement. This shall include enforcement actions taken to acquire as-built records required on sewer permits. These fees shall be in addition to any other fees required or court fines imposed and paid to the Court.

- (13) *Payment of fees.* All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the director during times of declared emergency.
- (14) *Fee refunds.* For fees specified in this section, if no portion of the application for plan review or permit inspection has commenced, the applicant may request in writing that the application be canceled. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. If plan reviews or permit inspections have commenced prior to receipt of a written request for cancellation of the application for a special permit, then a refund will not be made. No refund will be made if a request for a refund has been made more than 30 days after the special permit has expired and no work has commenced.
- (15) *Plans and specifications.*
  - a. Plans for the work shall be prepared by such owners and submitted to the director for his approval. The plans shall indicate the location, extent and character of the proposed work, and include an estimate of the amount of the various materials, installation and services to be incorporated in the work. The plans shall have cross sections, profiles and other information as are ordinarily included in plans prepared in the office of the director for like work. The plans and work shall conform to the standard specifications of the city for public work of like character.
  - b. All work shall be subject to the direction and supervision and to the satisfaction of the director.
- (e) *Sewer construction.*
  - (1) The grant of a special permit and the construction of the sewers or appurtenances by owner pursuant to this section does not exempt the property served by such improvements from any special assessment issued for the construction of sewers by the city in the districts or in the joint districts now or hereafter established by the city, and the city shall not be bound by the owner's construction of any sewerage improvements to determine whether the properties served by owner's improvements constitute a separate sewer district or districts. All sewers constructed by owner pursuant to this section shall become the property of the city upon acceptance by the director, and the city shall have the right and power to make use of, to reconstruct or to change such sewers to provide for the proper sewerage of the drainage area.

- (2) Nothing in this subsection shall be construed to mean that the owner or owner's assigns shall be denied the right to use the sewers up to the approved designed capacities, as approved by the director of health and the director. Acceptance of the completed improvements by the director shall be made only after receipt of reproducible as-built plans.
  - (3) The director is hereby authorized to refuse the issuance of building permits or sewer construction permits for any residence, building or structure where such an addition, as determined by the director, would result in exceeding the design capacities of the sewers or sewerage facilities authorized in the special permit. The director may charge appropriate fees for evaluation of sewer connection requests and issuance of sewer connection permits to cover the additional administrative review and permit issuance costs associated with the connection. Connection fees shall be individually calculated based on staff estimates for each permit connection requested.
- (f) *Performance and maintenance bond.*
- (1) The director shall require the permittee to furnish a performance and maintenance bond, approved by the director of finance, equal to the estimated cost of the work; unless authorization for the construction of sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by inclusion of those improvements in the building permit; and unless the requirement is waived as provided in subsection (f)(2) and (f)(3) of this section. The bond shall guarantee performance and completion of the work to the satisfaction of the director, within a time limit specified on the special permit. The following types of work shall also require the bond to guarantee maintenance without the need of any repair for two years:
    - a. Grading.
    - b. Curb, gutters, sidewalks and driveways.
    - c. Portland cement concrete and asphaltic concrete pavement, and other street appurtenances.
    - d. Sewers and appurtenances.
    - e. Stream buffer protection requirements.
  - (2) No maintenance bond is required for street lights or site disturbance activities.
  - (3) No performance and maintenance bond is required for the repair or replacement of existing sidewalks, curbs or driveways provided the sidewalks, curbs or driveways being permitted are not associated with improvement obligations established under chapter 88 of the Code.
  - (4) The director shall accept a single bond in accordance with the above for a two-year period, when said bond covers all required improvements and guarantees thereto in accordance with section 88-405-21.

- (5) The director may take action against the security if the applicant fails to install, complete or maintain the improvement in accordance with the special permit and the city's adopted standards for the duration of the permit. The director will provide the applicant with ten days written notice before any action is taken against the security.
- (g) *Indemnification of city during construction.* Before any permit is issued pursuant to this section, the permittee shall file a bond conditioned to protect and save harmless the city from all claims for damage or injury or death to other persons by reason of such construction work; or in lieu of such bond the permittee may file with the city a certificate of public liability insurance in favor of the city, indemnifying the city for claims for damage or injury. The limits and liability of the bond or insurance shall not be less than the following:
  - (1) Personal injury, each person: \$100,000.00;
  - (2) Personal injury, each occurrence: \$300,000.00;
  - (3) Property damage, each occurrence: \$50,000.00; and
  - (4) Property damage, aggregate: \$100,000.00;with the bond or insurance sureties to be approved by the director of finance.
- (h) *Commencement of work without permit.* Whenever any work for which a special permit is required by this section has commenced without first obtaining a special permit, a special investigation may be made before a special permit is issued for such work and all fees specified for obtaining such permit shall be tripled. This provision shall not be construed as permission to begin work without the required permit.
- (i) *Penalty.*
  - (1) Any person, whether owner, representative, contractor, subcontractor or foreman, who shall grade, construct, repair, reconstruct or alter any public street, pavement, curb, gutter, driveway, sidewalk or sewer within any public way, or any public sewer adjacent to or running through any private property within a public right-of-way, without first securing a special permit therefore, issued by the director, shall be deemed guilty of an ordinance violation, and upon conviction thereof shall be fined in an amount not less than \$52.00 and not more than \$518.00.
  - (2) For every day after the conviction of any person for the violation, failure, neglect or refusal to comply with any provision, regulation or requirement of this section, that such violation is continued, such person shall be deemed and taken to be guilty of a separate and distinct offense, for which he may be again arrested and tried, and, upon conviction, be punished as in the first offense.
- (j) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed above, except in subsection (d)(3), to reflect the change in the consumer price index (all items/all urban consumers/Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments,



if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

Section 5. That the City Manager is hereby directed to begin transition of authorization, enforcement, and regulatory duties concerning the issuance of permits related to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way to the Public Works Department and permits related to grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers to the Water Services Department, including hiring any additional staff, making any other necessary personnel changes, and securing any necessary funding.

Section 6. Section 1. That sum of \$\_\_\_\_\_ is hereby appropriated from the unappropriated fund balance of the \_\_\_\_\_ to the following account:

XXXXXXXXXXXXX                      XXXXXXXXXXXXXXXXXXXX                      XXXXXXXXXXXXXXX

..end

\_\_\_\_\_

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

\_\_\_\_\_  
Tammy L. Queen  
Director of Finance

Approved as to form:

\_\_\_\_\_  
Dustin E. Johnson  
Associate City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: 230741

Submitted Department/Preparer: Please Select

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Amending Chapters 60, 61, 63, and 64 of the Code of Ordinances for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments, directing the City Manager to begin transition of such services, and take steps to address staffing, financial, and legislative changes, and appropriating an unidentified amount of money from an unidentified fund.

### Discussion

Summary of changes:

Section 60-32: Construction of private sewage disposal systems

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 61-20: Enclosing natural drainage ditches

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 63-21: Title and authority

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 63-24: Definitions

- Changes the definition of "Applicant" to specify that an individual must submit an application to the Director of Water Services for a site disturbance permit, from the Director of City Planning
- Changes the definition of "Director" to specify the Director of Water Services rather than the Director of City Planning
- Changes the definition of "Site disturbance permit" to reference the Director of Water Services rather than the Director of City Planning

Section 64-4: Construction or repair by property owner of facilities in adjacent right-of-way

- Changes the definition of “Director” from the Director of City Planning to either the Director of Public Works OR the Director of Water Services dependent on the type of work performed
  - Public Works: improvements to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way
  - Water Services: grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers

This ordinance also directs the City Manager to transition work duties from the City Planning and Development department to either the Public Works or Water Services departments, dependent on the scope of work identified above.

The ordinance does not specify funding levels or account strings.

## Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?  
Click or tap here to provide fund name(s) and the full account string.
3. How does the legislation affect the current fiscal year?  
Click or tap here to enter text.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
Click or tap here to enter text.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
Click or tap here to enter text.

## Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☐ No
2. This fund has a structural imbalance. ☐ Yes ☐ No

3. Account string has been verified/confirmed.

☐ Yes ☒ No

### **Additional Discussion (if needed)**

There has been no funding amount or account string provided to complete a fiscal analysis of this ordinance.

## **Citywide Business Plan (CWBP) Impact**

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Please Select (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

## **Prior Legislation**

Click or tap here to list prior, related ordinances/resolutions.

## **Service Level Impacts**

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

## **Other Impacts**

1. What will be the potential health impacts to any affected groups?  
Click or tap here to enter text.
2. How have those groups been engaged and involved in the development of this ordinance?  
Click or tap here to enter text.

3. How does this legislation contribute to a sustainable Kansas City?

Click or tap here to enter text.

4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

Please Select (Press tab after selecting)

Click or tap here to enter text.

5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)



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**File #: 230977**

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### ORDINANCE NO. 230977

Sponsor: Councilmember Melissa Robinson

Authorizing the City Manager to execute a Lease Agreement with Community Builders of Kansas City, a Missouri, a nonprofit corporation, for the “Offices at Overlook” located on Dr. Martin Luther King Jr. Boulevard within the Overlook Tax Increment Financing redevelopment area and the offices at Overlook Planned Industrial Expansion Authority General Development Plan area.

WHEREAS, Community Builders of Kansas City, a minority-led nonprofit corporation (“Nonprofit Redeveloper”), engages in charitable community development activities to assist vulnerable populations in very low, low, and moderate-income areas and in historically distressed urban core neighborhoods in the City of Kansas City, Missouri; and

WHEREAS, Nonprofit Redeveloper, by and through a wholly owned affiliate, OZ Development Company, LLC, is the owner of an approximately 11-acre parcel of real property located generally adjacent to and south of Dr. Martin Luther King Jr. Boulevard in Kansas City, Missouri; and

WHEREAS, an urban redevelopment district plan described in and approved by City Ordinance No. 200858 dated November 5, 2020, as amended, referred to as the “Offices at Overlook,” contemplates a plan for a 60,000 square foot, three-story office building and 185 surface parking spaces, interior driveways, a health fitness trail, a public plaza and various other improvements (the “Redevelopment Project”);

WHEREAS, the Redevelopment Project is located within a continuously distressed census tract and an area (the “TIF Plan Area”) described by the Tax Increment Financing Commission of Kansas City, Missouri (the “TIF Commission”) as the Offices at Overlook Tax Increment Financing Plan (the “TIF Plan”), which TIF Plan was filed by Nonprofit Redeveloper’s Development Entity and approved by the City by its passage of Ordinance No. 200942, and subsequent ordinances (each and collectively, the “TIF Ordinance”); and

*WHEREAS, pursuant to the TIF Ordinance, the City committed, subject to actual collection, that the earnings taxes, utility taxes and the capital improvements portion of sales taxes generated by the TIF Plan Area which are not subject to capture and that would otherwise be deposited into the City’s general fund (the “Additional City EATs”) would be allocated to Nonprofit Redeveloper, to pay up to \$2,995,838 in certified Redevelopment Project costs; and*

WHEREAS, the Redevelopment Project is also located within an area (the “PIEA Plan Area”) described by the Planned Industrial Expansion Authority of Kansas City (the “PIEA”) as the Offices at Overlook General Development Plan (the “PIEA Plan”), which PIEA Plan was filed by Nonprofit Redeveloper’s Development Entity and approved by the City pursuant to its passage of Ordinance No. 200990; and

WHEREAS, the foregoing agreements and Nonprofit Redeveloper’s obligations concerning the implementation of the Redevelopment Project are outlined in (a) an agreement (the “Tax Contribution and Disbursement Agreement”) dated July 9, 2021 by and among the City, the TIF Commission, the PIEA, Nonprofit Redeveloper’s Development Entity and the Cost Certifier (as defined therein), as amended; (b) the agreement (the “Development Agreement”) dated July 29, 2021, among Nonprofit Redeveloper’s Development Entity, the TIF Commission, and the PIEA, as amended (a Memorandum of which is recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, as Document No. 2021E0080049); and

WHEREAS, on December 10, 2020, the City, by Ordinance No. 200996, agreed to provide additional financing in the amount of \$4,000,000 in its fiscal year 2020-21 for certain Redevelopment Project costs associated with regrading, parking, curbs and sidewalks, retaining walls, lighting, landscape, stormwater management, Health and Wellness Trail and seven market driven pad sites, which are defined as “Central City EDI” in the TIF Plan, by committing funds previously appropriated to Account No 21-2200-575998-B-57, the Central City Economic Development Sales Tax Fund (the “Central City Sales Tax”), and expressed its intent to appropriate an additional \$1,000,000 in its fiscal year 2021-22; and

WHEREAS, by separate letters both dated April 28, 2020, the Public Improvements Advisory Committee of the City approved funding for the Redevelopment Project in the amount of \$188,000 and \$47,000 from the sales tax for public improvements (the “PIAC Grant”); and

WHEREAS, the City, pursuant to Ordinance No. 220563 dated July 14, 2022, allocated an additional \$150,000 of Central City Sales Tax to Nonprofit Redeveloper’s Development Entity, to assist with infrastructure preparedness for the Redevelopment Project; and

WHEREAS, by approving the Offices at Overlook TIF Plan Area and the PIEA Plan Area in the City’s East Side on Dr. Martin Luther King Jr. Boulevard, and by executing various agreements allocating the Additional City EATs, the PIAC Grant, and the CCED Grant, the Council recognized its substantial and ongoing commitment to financially support the implementation of the Redevelopment Project; and

WHEREAS, in doing so, the Council also recognized that substantial investment in the City’s East Side on Dr. Martin Luther King Jr. Boulevard serves multiple public purposes in that it, among other things, allows the City to generate additional new tax revenues; and

WHEREAS, there has not been a multi-tenant office building developed within this area of the City’s East Side on Dr. Martin Luther King Jr. Boulevard for decades, and, due to the extent of the longstanding blight and disinvestment in the City’s East Side and, specifically,

along Dr. Martin Luther King Jr. Boulevard, Nonprofit Redeveloper's ability to secure revenue-producing occupants for the Redevelopment Project and financing on favorable terms may be prevented, delayed or inadequate to achieve the objectives set forth in the TIF Plan and the PIEA Plan, and therefore requires additional support from the City; and

WHEREAS, the City desires to lease approximately 40,000 total square feet of the Redevelopment Project (a) in furtherance of the public purposes achieved from supporting Nonprofit Redeveloper's charitable purpose and its community mission to implement the Redevelopment Project in the PIEA Plan Area and the TIF Plan Area, (b) to enable Nonprofit Redeveloper to secure financing for the Redevelopment Project in a severely distressed census tract which is plagued by discrimination, disinvestment and perceptions of investment risk, (c) to maximize the impact of the City's investment in the Redevelopment Project through the TIF Plan, the PIEA Plan, and (d) to leverage the City's investments made by the Additional City EATs, the PIAC Grant, and the CCED Grant; and

WHEREAS, by entering into a lease agreement with the Nonprofit Redeveloper, the foregoing challenges of Nonprofit Redeveloper and the Redevelopment Project will be mitigated and the public benefits of the City's investments in the Redevelopment Project will be realized.

WHEREAS, in furtherance of the foregoing, the City desires to enter into a lease agreement with Nonprofit Redeveloper pursuant to which (a) the City will lease two-thirds (2/3rds) of the Redevelopment Project from Nonprofit Redeveloper at a market rate of \$33.00 per square foot, for a period not to exceed fifteen (15) years; (b) the City will pay commercially reasonable common area maintenance and ancillary costs associated therewith; and (c) the City's financial obligations will be reduced in proportion to, as and when the lease area of the Redevelopment Project is leased by Nonprofit Redeveloper to third-party lessees; and;

WHEREAS, the public participation provisions contemplated herein are reasonable and in furtherance of a substantial public purpose; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby authorized to execute the Lease Agreement with Community Builders of Kansas City, a nonprofit corporation, the substantial form of which is attached hereto as Attachment A.

Section 2. That the City Manager is further authorized to execute any and all other related documents necessary for the City's performance of its obligations set out in the above Lease Agreement.

..end

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Approved as to form:



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Abigail Judah  
Assistant City Attorney

**No Docket  
Memo Provided  
for Ordinance  
No.  
230977**



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**File #: 231017**

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### ORDINANCE NO. 231017

Sponsor: Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances, by deleting Section 3-457, “Procedures for all other contracts,” and inserting in lieu thereof a new Section 3-457 of like title, for the purpose of giving the Director of the Civil Rights and Enforcement Opportunity (“CREO”) Department the discretion to allow certain request for proposal (“RFP”) documents to be submitted prior to a notice to proceed on Housing and Community Development Department or other incentive projects.

WHEREAS, Section 3-457 sets out MBE/WBE document procedures required for certain City contracts to be executed, including when a notarized contractor utilization plan (“CUP”), letter of intent to subcontract (“LOI”) and request for waiver of contract goals must be submitted; and

WHEREAS, Section 3-457 requires CUPs, LOIs and request for waiver of contract goals be submitted; and

WHEREAS, the nature of Housing and Community Development Department incentive contracts, such as Central City Economic Development and Housing Trust Fund contracts, necessitates discretion by the Director of CREO to allow for submission of those documents at a later time, but before a notice to proceed is issued; and

WHEREAS, requiring these documents prior to contract award of Housing and Community Development Department incentive contracts has caused issues due to several reasons, such as:

1. many projects have multiple capital stacking applications in the pipeline, and some incentive funds can be used for predevelopment costs, which would need to be available sooner, rather than later;
2. the current requirement can prevent or hold up closings due to financial contract requirements from lenders; and
3. many projects have federal funds included in their capital stack and include prohibitions of bidding until after final closing since bid shopping is prohibited; and

WHEREAS, a later timeline for these documents will help facilitate movement of projects in areas with much need for economic development; and

WHEREAS, such flexibility may prove beneficial to similar contracts from other departments;  
NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 3, Code of Ordinances, is hereby amended by deleting Section 3-457, "Procedures for all other contracts," and inserting in lieu thereof a new Section 3-457 of like title and subject matter, said section to read as follows:

**Sec. 3-457. Procedures for all other contracts.**

The following procedures shall apply to all contracts not covered by Section 3-455 and 3-456, and for which goals have been established:

- (1) For contracts awarded pursuant to competitive bidding, bidders shall submit an affidavit of intended utilization with their bid. Within 48 hours after bid opening, they shall submit the following additional documentation:
  - a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
  - b. Letters of intent to subcontract; and
  - c. A request for waiver of contract goals pursuant to subsection 3-437(a) if the bidder failed to meet or exceed the goals.
- (2) For contracts awarded pursuant to requests for proposals, proposers shall submit an affidavit of intended utilization with their proposal. Prior to the award of any contract, they shall submit the following additional documentation:
  - a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
  - b. Letters of intent to subcontract; and
  - c. A request for waiver of the contract goals pursuant to subsection 3-437(a) if the proposer fails to meet or exceed the goals.

The Director is authorized to allow the award of a Housing and Community Development Department or other incentive contract without the additional documentation listed in items (a), (b), & (c) above, as long as they are submitted prior to the issuance of a notice to proceed.

- (3) Timely submission of the contractor utilization plan is a material element of the bid submission. The director is authorized to extend the 48-hour deadline for the letters of intent to subcontract but not the deadline for submission of the contractor utilization plan.
- (4) Documentation of good faith efforts shall be submitted when requested by the city or the incentive agency.
- (5) Any increase in the amount of MBE/WBE participation after submission of the contractor utilization plan shall not count toward meeting the contract goals, unless otherwise permitted under section 3-443 hereof.

..end

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Approved as to form:

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Joseph A. Guarino  
Senior Associate City Attorney

**No Docket  
Memo Provided  
for Ordinance  
No.  
231017**



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**File #: 231019**

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### ORDINANCE NO. 231019

Sponsor: Mayor Quinton Lucas

Amending various sections of Chapter 38, “Civil Rights,” and Chapter 34, “Health and Sanitation,” for the purpose of classifying source of income as a protected trait in regard to housing discrimination, requiring an annual report on source of income discrimination complaints and enforcement, and requiring standard language in rental applications; and directing the City Manager to provide notification of this ordinance through various communication channels and identify an annual source of funding to implement the provisions of this ordinance.

WHEREAS, discrimination on the basis of cash income, such as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), child support, tipped wages, and rental assistance is also rampant; and

WHEREAS, nearly half of residents residing in voucher-based households are children; and

WHEREAS, the Housing Choice Voucher Program, codified at 42 U.S.C. §1437f and often referred to as Section 8 of the Housing Act of 1937, was designed to increase opportunities for poor families and reduce the concentration of poverty by neighborhood; and

WHEREAS, the program does not work as intended for many participants, primarily because property owners will not accept their vouchers, leading to tenants not being able to utilize the voucher; and

WHEREAS, a growing number of states and localities have enacted laws, known as source of income protection laws, that can increase voucher acceptance, including the other Missouri cities of St. Louis, Webster Groves, and Clayton; and

WHEREAS, the City has substantial interest in reducing homelessness by increasing housing opportunity for renters regardless of lawful source of income; and

WHEREAS, the number of property owners who accept renters regardless of lawful source of income is significantly increased when a source of income protection law is in place, and the likelihood of a voucher holder finding housing in a higher-income, higher opportunity area increases; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 38 of the Code of Ordinances entitled “Civil Rights” is hereby amended by repealing Sections 38-1, 38-23, 38-101 and 38-105, and enacting in lieu thereof new sections of like number and subject matter to read as follows:

**Sec. 38-1. Definitions.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or an alternative definition has been provided:

- (1) *Age* means an age of 40 or more years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of 85 and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least \$344,000.00.
- (2) *City* means the City of Kansas City, Missouri.
- (3) *Commission* means the city human rights commission.
- (4) *Complainant* means any person claiming injury by the alleged violation of Chapter 213, RSMo, or of this Chapter, including persons who believe they will be injured by an unlawful discriminatory practice that is about to occur.
- (5) *Complaint* means a verified written statement of facts and circumstances, including dates, times, places and names of persons involved in any alleged violation of any provision of Chapter 213, RSMo, or of this Chapter.
- (6) *Contract* means any contract to which the city shall be a contracting party, except the following:
  - a. Personal services contracts.
  - b. Emergency requisitions for goods, supplies or services.
  - c. Impressed accounts in the nature of petty cash funds.
  - d. Contract or lease, the cost of which will not exceed \$300,000.00.



- (7) *Covered multifamily dwelling* means a building consisting of four or more units if the building has one or more elevators or a ground floor unit in a building consisting of four or more units.
- (8) *Department* means the department of civil rights and equal opportunity.
- (9) *Director* means the director of the civil rights and equal opportunity department or their delegate.
- (10) *Disability* means with respect to employment, a person who is otherwise qualified and who, with reasonable accommodation, can perform the essential functions of the job in question. Generally, a person with a disability is any person who:
  - a. Has a physical or mental impairment which substantially limits one or more major life activities;
  - b. Has a record of having such impairment; or
  - c. Is regarded as having such an impairment.
- (11) *Dwelling* means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
- (12) *Employee* means any individual employed by an employer, but does not include an individual employed by his parents, spouse or child or any individual employed to render services as a domestic in the home of the employer.
- (13) *Employer* includes any person employing six or more employees.
- (14) *Employment agency* means any person, agency or organization, regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (15) *Familial status* means one or more individuals, who have not attained the age of 18 years, being domiciled with:
  - a. A parent or another person having legal custody of such individual or individuals; or
  - b. The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. No provision in

this chapter regarding familial status shall apply to housing for older persons, as defined in section 3607 of title 42 of the United States Code Annotated.

- (16) *Family* includes a single individual.
- (17) *Franchise holder* means any individual, partnership, corporation, association or other entity, or any combination of such entities, holding a franchise hereafter granted or renewed by the city.
- (18) *Gender identity* means the actual or perceived appearance, expression, identity or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
- (19) *Labor organization* means any organization which exists for the purpose in whole or in part of collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (20) *Owner* means any person who:
  - a. has legal title to any building or structure with or without accompanying actual possession thereof; or
  - b. has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or
  - c. is an agent or designee of a person listed in subsections 1 or 2 herein; or
- (21) *Performance of work* means the furnishing of any personal service, labor, materials or equipment used in the fulfillment of a contractor's obligation under a city contract.
- (22) *Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and other organizations; except the term "person" does not include any local, state or federal governmental entity.
- (23) *Prohibited dress code* means a set of rules governing, prohibiting or limiting access to a place or business, or portion thereof, defined herein as a "public accommodation" because of any of the following:

- a. The wearing of jewelry, the manner in which jewelry is worn or the combination of items of jewelry worn,
  - b. The wearing of a garment or headdress which is generally associated with specific religions, national origins or ancestry,
  - c. The length of the sleeve of a shirt or the leg of a pair of pants or shorts is too long, except that nothing herein shall be construed to prohibit a dress code that requires the wearing of a shirt,
  - d. The style, cut or length of a hair style,
  - e. The colors of the garments,
  - f. In conjunction with a major Kansas City sporting event the wearing of athletic apparel which displays either a number, a professional or college team name or the name of a player;
  - g. The wearing of tee-shirts, except that nothing herein shall be construed to prohibit a dress code that requires such tee-shirts to have sleeves, or to prohibit a dress code that does not allow undershirts, undergarments, or tee-shirts of an inappropriate length. Designer tee-shirts, which are fitted and neat, cannot be banned.
- (24) *Public accommodation* means any place or business offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public, or providing food, drink, shelter, recreation or amusement, including but not limited to:
- a. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.
  - b. Any restaurant, tavern, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including but not limited to any such facility located on the premises of any retail establishment.
  - c. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof.
  - d. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.

- e. Any public facility owned, operated or managed by or on behalf of this city or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds.
  - f. Any establishment which is physically located within the premises of any establishment otherwise covered by this definition or within the premises in which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.
  - g. Any institution, association, club or other entity that has over 250 members, provides regular meal service, and regularly receives payment for meals, beverages, dues, fees, the use of its facilities or services directly or indirectly from or on behalf of nonmembers in furtherance of trade or business.
- (25) *Redevelopment area* means a tax increment redevelopment area as defined in section 99.805(11); RSMo, a planned industrial expansion project area as defined in section 100.300, et seq., RSMo; an urban renewal project area or land clearance project area as defined in section 99.300, et seq., RSMo; any area under the control of the port authority of Kansas City, Missouri, or subject to a contract, lease or other instrument to which the port authority is a party; or an area determined by the city to be blighted pursuant to chapter 353, RSMo.
- (26) *Rent* means to lease, sublease, let or otherwise grant for a consideration the right to occupy premises not owned by the occupant.
- (27) *Respondent* means any person against whom it shall be alleged by complaint or identified during the course of an investigation that such person has violated, is violating or is about to violate any provision of Chapter 213, RSMo, or this Chapter.
- (28) *Screening Practices* means the standard manner by which an owner evaluates and assesses prospective tenants prior to entering into a rental agreement.
- (29) *Sex* shall include sexual harassment.
- (30) *Sexual orientation* means actual or perceived heterosexuality, homosexuality or bisexuality.
- (31) *Source of income* means the type of income or finances used by an individual to acquire goods and services for themselves, their dependents, or others. It includes reasonably verifiable and lawful income from any occupation, profession, contract, agreement, activity, any type of private, non-profit, or government assistance or payment such as federal Housing Choice Vouchers as authorized by Section 8 of the Housing Act of 1937, military pension payments, disability payments, court ordered payments, or any other form of reasonably verifiable and

lawful income, including cash or tipped wages and payments from strike funds. Source of income includes the program requirements for any type of private, non-profit, or government assistance or payment.

- (32) *Subcontractor* means any individual, partnership, corporation, association or other entity, or other combination of such entities, which shall undertake, by virtue of a separate contract with a contractor, to fulfill all or any part of any contractor's obligation under a contract with the city, or who shall exercise any right granted to a franchise holder, and who has 50 or more employees exclusive of the parents, spouse or children or such subcontractor.
- (33) *Systematic investigation* means a series of investigations, as defined in section 38-23, sufficient to understand an owner's common and usual screening practices and determine whether those practices violate any Ordinance.
- (34) *Unlawful discriminatory practice* means any discriminatory practice as defined and prohibited by sections 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113.

#### **Sec. 38-23. Complaint procedure.**

(a) *Filing of complaint.*

- (1) Any person claiming injury by an allegedly unlawful discriminatory practice may, by himself, a designated representative or by a city official, submit a complaint with the director by calling 311, emailing an email address designated by the Civil Rights Enforcement Office, or visiting the Civil Rights Enforcement Office in person during business hours. This complaint shall state the name and address of the person or business entity alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the director for the investigation of the complaint.
- (2) Any complaint filed pursuant to Chapter 213, RSMo, or this chapter must be filed within 180 days after the alleged unlawful discriminatory practice—could have been discovered through reasonable diligence.
- (3) The city shall provide interpretation and translation services to any person attempting to submit a complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et. seq. and Ex. Ord. No. 13166.

(b) *Investigation.* After the filing of any complaint other than complaints solely pertaining to source of income discrimination, the director shall:

- (1) During the period beginning with the filing of such complaint and ending with the notice of public hearing before the commission, to the extent possible, engage in conciliation with respect to such complaint. Any agreement reached during these

conciliation efforts shall conform to the requirements of subsection (e) of this section.

- (2) Promptly serve notice upon the complainant acknowledging and advising the complainant of the time limits and choice of forums provided under Chapter 213, RSMo, and this chapter.
- (3) Promptly serve notice on the respondent or the person charged with a discriminatory practice advising of his or her procedural rights and obligations under this chapter, together with a copy of the complaint.
- (4) Commence investigation of the complaint within 30 days of the receipt of the complaint.
- (5) For housing and public accommodation complaints, complete the investigation of the complaint within 100 days unless it is impracticable. If the director is unable to complete the investigation within 100 days, the director shall notify the complainant and the respondent in writing of the reasons for not doing so.
- (6) Make final administrative disposition of a housing or public accommodations complaint within one year of the date of receipt of a complaint unless it is impracticable to do so, in which case the director shall notify the complainant and respondent in writing of the reasons for not doing so.

(c) *Source of Income Investigation.* After the filing of any complaint solely pertaining to source of income discrimination, the director shall:

- (1) During the period beginning with the filing of such complaint and ending with the issuance of a fine or any other punitive measures by the city, to the extent possible, engage in conciliation with respect to such complaint. Any agreement reached during these conciliation efforts shall conform to the requirements of subsection (e) of this section.
- (2) Promptly serve notice upon the complainant acknowledging and advising the complainant of the time limits and choice of forums provided under this chapter.
- (3) Promptly serve notice on the respondent or the person charged with a discriminatory practice advising of his or her procedural rights and obligations under this chapter, together with a copy of the complaint.
- (4) Commence investigation of the complaint within 10 business days of the receipt of the complaint.
  - a. If the department receives three or more complaints against the same owner regarding three unique instances of alleged discrimination, it will

commence a systematic investigation of all said owner's rental properties in Kansas City and their screening practices.

- (5) Complete the investigation of the complaint within 30 days of the receipt of the complaint. If the director is unable to complete the investigation within 30 days, the director shall notify the complainant and the respondent in writing of the reasons for not doing so.

(d) *No probable cause finding.* If it shall be determined after such investigation that no probable cause exists for crediting the allegations of the complaint, the director shall cause to be issued and served upon all parties written notice of such determination.

(e) *Probable cause finding; conciliation.*

- (1) If it shall be determined after such investigation that probable cause exists for crediting the allegations of the complaint, the director shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. Each conciliation agreement shall include provisions requiring the respondent to refrain from the commission of such allegedly unlawful discriminatory practice in the future and may contain such further provisions as may be agreed upon by the complainant and the respondent subject to the approval of the director. The director shall not disclose what has transpired in the course of such endeavors and shall not make or maintain a public record of such endeavors as the term "public record" is defined in Chapter 610, RSMo.
- (2) If the respondent, the complainant and the director agree upon conciliation terms, the director shall compile the terms of the conciliation agreement for the signature of the complainant, respondent and director. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the director determines that disclosure is not legally required and is not required to further the purposes of this chapter.

(f) *Failure to conciliate; hearing or prosecution.* If the director believes that they have failed to eliminate an allegedly unlawful discriminatory practice through conciliation, the director shall cause to be issued and served a written notice thereof. If the complaint alleges a discriminatory practice prohibited by this chapter, the director shall refer the matter to the city counselor for possible prosecution in municipal court or administer an administrative citation pursuant to Section 38-101. If the complaint alleges a discriminatory practice prohibited by Chapter 213, RSMo, the director shall refer the matter to the commission for hearing.

(g) In the event any section, paragraph, sentence, clause, phrase or portions of this section is declared invalid for any reason, the remainder of this section shall remain in full force and effect.

## **Sec. 38-101. Prohibition and penalties**

(a) Discriminatory practices, as defined in sections 38-102, 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113, are prohibited. Any person who engages in a prohibited discriminatory practice other than source of income discrimination shall be guilty of an ordinance violation, punishable by a fine of not more than \$500.00, by imprisonment of not more than 180 days, or by such fine and imprisonment.

(b) Any person found in violation of a prohibited discriminatory practice or retaliation based on source of income, which includes, among other things, all violations of Section 38-105(d), shall be subject to a fine of \$1000.00.

- (1) The director shall refer any person found in violation of a prohibited discriminatory practice or retaliation based on source of income more than once within a 12-month period to the director of the health department and recommend that the person's rental permits be placed on Special Probationary Status pursuant to Section 34-855(6) of the City's Code of Ordinances pending the completion of a corrective action plan prescribed by the director.
- (2) The provisions of this subsection (b) shall not apply to an owner who rents, owns, operates, oversees, or advertises for rent a total of five or fewer dwellings or units individually rented within the same dwelling. All other provisions of this section 38-101, including all penalties for discriminatory practices as defined in the sections identified in 38-101(a), shall apply to such owners.

(c) Any respondent found in violation of any portion of the terms included in a conciliation agreement signed by the respondent and the director shall be guilty of an ordinance violation and subject to a fine of \$1000.00.

(d) Nothing in sections 38-102, 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113 shall be read or interpreted to require the imposition of quotas or any form of affirmative action to remedy any past practices.

(e) Any fine which is not paid on or before its due date shall accrue a one-time penalty in an amount equal to the original fine. Said penalty shall be collected in the same manner as the underlying fine.

(f) Revenue from fines incurred pursuant to Section 38-105(d) shall be allocated to a Tenant Support Fund, which shall distribute funds to support complainants of Section 38-105(d) complaints, the Right to Counsel program, and the Civil Rights Department to carry out enforcement.

(g) In the event any section, paragraph, sentence, clause, phrase or portions of this section is declared invalid for any reason, the remainder of this section shall remain in full force and effect.

### **Sec. 38-105. Housing.**



(a) It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the corporate limits of the city.

(b) Within this section “protected trait” shall mean actual or perceived race, color, religion, national origin, sex, mental or physical disability, marital status, familial status, age sexual orientation or gender identity, gender expression, ethnic background, being a victim of domestic violence, sexual assault or stalking, or source of income.

(c) If the director finds probable cause of a violation of this section, the director shall notify the director of health of the violation and assist the director of health in any related investigation, in addition to pursuing any enforcement authorized by Chapter 213 RSMo, this chapter or other city ordinances.

(d) The following discriminatory housing practices shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of property offered for sale or rental, or otherwise make unavailable or deny a dwelling to any person, because of a protected trait.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of a protected trait.
- (3) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference or limitation based on a protected trait or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person, because of a protected trait, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular protected trait.
- (6) For a person in the business of insuring against hazards to refuse to enter into or discriminate in the terms, conditions or privileges of a contract of insurance against hazards to a dwelling because of a protected trait pertaining to persons owning or residing in or near the dwelling.
- (7) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:
  - a. That buyer or renter;

- b. A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
    - c. Any person associated with that buyer or renter.
  - (8) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
    - a. That person;
    - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
    - c. Any person associated with that person.
  - (9) To sexually harass a property owner or tenant.
  - (10) To refuse to rent to a tenant solely on the basis of a rent-to-income ratio requirement if that calculation does not adjust the contract rent for the unit based upon a reasonably verifiable and lawful source of income, such as vouchers, maintenance, disability payments, pensions, or other income supports.
  - (11) To refuse to rent to a tenant solely because of an adverse credit report or lack of credit history without reference to additional information provided pursuant to Section 38-105(e).
  - (12) To refuse to rent to a tenant solely because of prior evictions or alleged damages without reference to additional information provided pursuant to Section 38-105(e).
  - (13) To refuse to rent to a tenant solely because of prior convictions or arrests without reference to additional information provided pursuant to Section 38-105(e).
  - (14) To increase charges, reduce services, or require the tenant bear financial or other responsibility for any penalties imposed as a result of violating sections 38-105, 38-111 or 38-113.
- (e) While a person may examine a criminal background check or rental history in reviewing an application for rental housing, the person shall review additional information provided by the rental applicant, including, but not limited to, personal references, recency and severity of any convictions, recency and status of any evictions, and any actions taken by the rental applicant to resolve past evictions, credit challenges, or alleged damages.
- (f) Anytime a person denies an application for rental housing, said person must inform the prospective tenant that their application was denied.

- (1) If a prospective tenant requests the rationale for their denied application, the person who denied their application must affirmatively state that it was not on the basis of their membership of a protected class as defined by this chapter, and inform the prospective tenant in writing of their rights as defined by this chapter.
- (g) For purposes of this section, the term "discrimination" includes:
  - (1) A refusal to permit at the expense of the disabled person reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  - (2) A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
  - (3) In connection with the design and construction of covered multifamily dwellings for first occupancy, a failure to design and construct those dwellings in a manner that:
    - a. The public and common use portions of such dwellings are readily accessible to and usable by disabled persons. This shall include at least one building entrance on an accessible route unless it is impracticable to do so because of the terrain or unusual characteristics of the site;
    - b. All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
    - c. All premises within such dwellings contain the following features of adaptive design:
      1. An accessible route into and through the dwelling;
      2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
      3. Reinforcements in bathroom walls to allow later installation of grab bars; and
      4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled persons, commonly cited as ANSI A1 17.1, suffices to satisfy that the requirements of subsection (b)(3)a of this section are met.

- (4) For purposes of subsections (a)(7) and (8) of this section, discrimination includes any act that would be discrimination under 42 USC 3604(f)(3) through (9).

(h) Nothing in this section shall apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains or occupies one of such living quarters as the owner's residence, and if the dwelling contains any rooms, except hallways, which are shared by the families or the owner.

(i) Nothing in this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from discriminating in the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose on the basis of religion, sexual orientation or gender identity, or from giving preference to persons on those bases.

(j) The provisions of this section relating to source of income shall not apply to an owner who rents, owns, operates, oversees, or advertises for rent a total of five or fewer dwellings or units individually rented within the same dwelling. All other provisions of this section, including all other traits defined as a "protective trait" by 38-105(b), shall apply to such owners.

(k) In the event any section, paragraph, sentence, clause, phrase or portions of this section is declared invalid for any reason, the remainder of this section shall remain in full force and effect.

#### **Sec. 38-106. Report on source of income discrimination.**

(a) The director shall submit to the Mayor and City Council, on June 1 of each year, a report detailing the investigation and prosecution of complaints of source of income discrimination.

(b) Such annual report shall include, among other things:

- (1) The number of discrimination complaints that were filed;
- (2) The number of complaints that resulted in a conciliation agreement, an ordinance violation, a referral to the director of the Health Department or a rental permit being placed on Special Probationary Status;

- (3) The number of fines issued, the number of fines collected, and the amount of each fine;
- (4) The names of property owners found in violation of this chapter, and the amount of complaints that resulted in a conciliation agreement, an ordinance violation, a referral to the director of the Health Department or a permit being placed on Special Probationary Status associated with said property owners;
- (5) The total number of individuals who filed complaints, disaggregated by the following characteristics of such individuals:
  - a. Postal code of residence;
  - b. Age of head of household;
  - c. Household size;
  - d. Racial and ethnic identity;
  - e. Gender and sex identity;
  - f. Estimated length of tenancy;
  - g. Approximate household income;
  - h. Tenancy in rent-regulated housing;
  - i. Tenancy in housing operated by the Housing Authority of Kansas City;
  - j. Survey results indicating satisfaction of representation service and process; and
  - k. Postal code of residence post-proceeding.

(c) The director will ensure that at the time the report is submitted, disaggregated data at the address level are made available on Open Data KC, of which includes attributes for each address as specified in Sec. 38-106(b).

(d) The director shall also conduct random audits four times per month of rental advertisements for discriminatory language against any protected group. The director shall also randomly conduct four fair housing testing audits per year, utilizing testers employed by the City or a third-party contracted with the City. A tester is a person who, without any bona fide intent to rent housing, poses as a prospective tenant for the purpose of gathering information. If the director finds discriminatory behavior in these investigations, they will pursue action accordingly.

(e) In the event any section, paragraph, sentence, clause, phrase or portions of this section is declared invalid for any reason, the remainder of this section shall remain in full force and effect.

Section 2. That Chapter 34 of the Code of Ordinances entitled “Health and Sanitation” is hereby amended by repealing Sections 34-831, 34-834, 34-837, 34-855, 34-856, and 34-857, and enacting in lieu thereof new sections of like number and subject matter to read as follows:

**Sec. 34-831. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Direct family member* means one's child, grandchild, mother, father, sibling, mother-in-law, father-in-law, grandparent, or the step equivalent of each of those.

*Director* means the director of health.

*Hazardous area* means areas of structures or buildings posing a degree of hazard greater than normal to the general occupancy of a building or structure, such as areas used for the storage or use of combustibles or flammable, toxic, noxious or corrosive materials, or heat-producing appliances.

*Health hazard violation* means a violation when in noncompliance, is more likely than other violations to contribute to injury, illness, or environmental health hazards.

*Non-health hazard violation* means a violation that poses a lesser threat to health and safety, but negatively affects health, and if left unaddressed, could become a health hazard violation.

*Offer to rent* means to extend an offer to enter into a written or oral agreement with a prospective tenant under which the prospective tenant shall occupy rental property as the tenant's residence.

*Owner* means any person not a tenant who, acting alone or jointly or severally with others:

- (1) Has legal title to any building or structure with or without accompanying actual possession thereof;
- (2) Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure of part thereof; or

- (3) Is an agent or designee of a person listed in subsections (1) or (2) herein.

*Permit* means a permit issued by the director for making an offer to rent to a prospective tenant or owning, operating or managing rental property. The terms "permit" and "rental permit" are used interchangeably.

*Permit holder* means a person who is responsible for the operation of the rental property, such as the owner or the owner's agent, and who possesses a valid permit to operate a rental property.

*Person* means an association, corporation, individual, firm, partnership, other legal entity, government, governmental subdivision or agency.

*Prospective tenant* means a person who inquires about or applies to rent a rental property or rental unit from an owner for residential purposes

*Re-inspection* means an inspection conducted by the director to ensure corrective action is taken by fee permit holder subsequent to a previous inspection where noncompliance or violations of this article were found.

*Rental property* means a structure which consists of one or more rental units, where none of the tenants are owners or direct family members of owners. Duplexes in which one of the rental units is owner-occupied and rental units within an owner-occupied, single-family dwelling that is in compliance with the city's zoning codes shall not be considered rental property.

*Rental unit* means a rental property or part of a rental property used as a home, residence, or sleeping unit by a single person or household unit, or any grounds, or other facilities or area promised for the use of a tenant and includes, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces, and single and two-family dwellings.

*Tenant* means:

- (1) A person, not the legal owner, occupying a building or portion thereof as a rental unit; or
- (2) For purposes of this article, a purchaser under a contract for deed, rent-to-own agreement, or comparable executory agreement, where the purchaser resides in the premises and is not the legal owner of record, unless any such instrument or affidavit of equitable interest which specifically identifies the instrument is properly executed and filed of record with the recorder of deeds for the applicable county and a file stamped copy thereof, along with a copy of the referenced instrument, is provided to the director.

*Utilities* means all services necessary for a property to have lawful heat, lighting, wastewater, and potable hot and cold water, in accordance with habitability standards.

**Sec. 34-834. - Duties of permit holder.**

Upon receipt of a permit issued by the director, in order to retain the permit, the permit holder shall:

- (1) Comply with all provisions of this article and the rules and regulations promulgated by the director, as such provisions, rules and regulations may be amended from time to time, and also each and every condition and requirement endorsed upon such permit or any renewal thereof issued, as such conditions and requirements may be amended by the director;
- (2) Immediately notify the director if a life-threatening violation may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, gross insanitary occurrence or condition, or other circumstance that may endanger health;
- (3) Subject to subsection 34-846(d), allow representatives of the director access to the rental property for inspections and in emergencies when a life threatening violation may exist;
- (4) Comply with directives of the director including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the director in regard to the permit holder's rental property, or in response to community emergencies;
- (5) Accept notices issued and served by the director according to law;
- (6) Be subject to the regulatory, civil, injunctive, and criminal remedies authorized in law for failure to comply with this article or a directive of the director, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and
- (7) Submit annual permit review documentation and health and safety inspection report that is in compliance with the requirements of the director with appropriate fee as required by director. No person shall submit a materially inaccurate inspection report.
- (8) Within 60 days following: a. Issuance of a permit or permit renewal by the director; and b. The commencement of a new tenancy, either: 1. Furnish a full copy of the permit to the each tenant subject to the permit, or 2. For the full remaining term of the permit period post a full copy of the permit at the rental property in a conspicuous location reasonably calculated to come to the attention of each tenant subject to the permit.
- (9) Include a disclosure to all prospective tenants that informs prospective tenants of their rights against discrimination as defined in both the tenant's bill of rights and



Chapter 38 of the Code of Ordinances entitled “Civil Rights” Sections 38-1, 38-23, 38-101 and 38-105, and Code of Ordinances Section 34-857.

**Sec. 34-837. - Fees.**

(a) *Initial application fee.* A fee of \$20.00 for each rental property is due at time of submission of the initial application for the permit.

(b) *Rental property annual permit fee.* A fee of \$20.00 per rental unit is due annually. All permits are annual permits and shall be valid from January 1 through December 31. The fee is due at the time of submission of the initial or renewal application for a permit, which shall be on or before December 31.

(c) *Inspection fee.* No fee shall be assessed for an initial inspection of a rental unit a re-inspection fee of \$150.00 shall be assessed for the re-inspection of the first rental unit; a \$100 re-inspection fee shall be assessed at the time of the re-inspection for every additional unit requiring re-inspection. The re-inspection fee shall be due 30 days after the director gives written notice to the permit holder as provided in section 34-866.

(d) *Payment of fee.* All fees must be paid when due by the permit holder.

(e) *Late fee.* A late fee equal to ten percent of the amount due shall be assessed per month for fees not paid when due. The director is authorized to create a fund using fees generated from late fees to assist tenants with tenant relocation costs.

(f) *Permit renewals.* Permit holders that have not paid fees within 90 days of the date due may be subject to permit suspension until all fees have been paid.

(g) *Reinstatement fees.* For properties that have had a permit suspended following action taken by a provision of this article, a \$300.00 reinstatement fee shall be assessed to reinstate the permit.

(h) *Special Probationary Status cost assessment.* For properties that have a permit placed on Special Probationary Status, a \$500.00 payment shall be required to cover the costs of the City-approved classes on housing discrimination, the Special Probationary Status program, and investigative costs of Section 38-105 investigations.

(i) *CPI adjustments.* The director shall have the authority to annually adjust all fees in this article to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. The authorization for the director to annually increase fees shall be cumulative and the failure of the director to raise fees in any one year shall not waive the director's authority to cumulatively raise fees by the consumer price index for missed years. The adjustments, if made, shall be made by the director of health in conjunction with the adoption of the annual budget of the city.

(j) *Renewals.* The director will renew an existing permit once a permit fee has been received by the director regardless of whether an inspection has occurred. Suspended permits shall not be renewed until all conditions that warranted the suspension are abated. Revoked permits cannot be renewed.

(k) *Refunds.* There shall be no refund of any fee paid pursuant to this section.

(l) Remaining funds for childhood lead prevention and tenant relocation. One hundred percent of any funds remaining after administrative program expenses shall be allocated to the prevention of childhood lead poisoning and relocation costs for low-income tenants required by the director to move out of their home due to health or safety threats.

**Sec. 34-855. - Notice of suspension; with prior warning.**

Pursuant to this article and with prior warning, the director may suspend a permit for reasons such as:

- (1) Nonpayment of fees;
- (2) Denial of access to the director;
- (3) Life-threatening violations;
- (4) Violations still in existence at a third re-inspection; or
- (5) The director determines that a permit holder or representative at the inspection is in violation of the city Code of Ordinances.
- (6) The director has received notice from the Civil Rights Enforcement Office that, after an investigation, the Civil Rights Enforcement Office has found that a permit holder is in violation of the city Code of Ordinances.

**Sec. 34-856. - Notice of suspension; without prior warning.**

The director may suspend a permit by providing written notice to the permit holder or representative at the inspection, without prior warning, notice of hearing, or a hearing, if and when:

- (1) The director determines through inspection or other means as specified in this article, that a life-threatening violation or a life-threatening violation exists;
- (2) The director determines that permit holder or representative at the inspection is ignoring or refusing to correct a health-hazard violation that can be quickly remediated;

- (3) The director determines that permit holder or representative at the inspection is in violation of the city Code of Ordinances;
- (4) The permit holder or representative interferes with the director in the performance of his or her duties.
- (5) The director has received notice from the Civil Rights Enforcement Office that, after an investigation, the Civil Rights Enforcement Office has found that a permit holder is in violation of the city Code of Ordinances.

**Sec. 34-857. - Term of suspension; reinstatement of permit.**

(a) A suspension not related to violations of section 38-105 of this code shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the director through re-inspection or other means as appropriate. The director may initiate any one, or a combination of, compliance methods that include, but are not limited to:

- (1) Holding a regulatory conference with the permit holder; and/or
- (2) Placing the rental property on probation to allow for a reinstatement of permit with corrective action plan;

(b) When the director issues a suspension related to violations of section 38-105 of this code, the director shall declare that the permit holder's rental permits within the affected rental property are placed on Special Probationary Status, and notify the permit holder. This Special Probationary Status shall remain in effect until the permit holder has completed a corrective action plan as defined by the director of the Civil Rights Enforcement Office. Any corrective action plan shall include, but not be limited to:

- (1) Completing a mandatory three hour class regarding housing discrimination laws, which shall be made available by the City or a third-party approved by the City, as necessary.
- (2) Paying a Special Probationary Status program cost assessment as defined by this chapter.
- (3) Paying a permit reinstatement fee as defined by this chapter.

(c) While a permit is on Special Probationary Status, the permit holder shall agree to do the following:

- (1) Refund application fees, or waive fees for renewing a previously submitted application, for prospective tenants who, as a result of violations of section 38-105 of this code, had their rental application denied

- (2) Submit all rental advertisements for any rental units within the affected rental property to the Civil Rights Enforcement Office prior to publication
- (3) Maintain a record of all denied rental applications in the affected dwelling and share them with the Civil Rights Enforcement Office upon request
- (4) Notify all prospective tenants of the affected rental property that the permit for the property is on Special Probationary Status pending completion of a corrective action plan
- (5) Refrain from initiating eviction proceedings against any tenant living in the affected rental property who, as a result of violations of section 38-105 of this code, were denied the opportunity to renew their original lease unless otherwise required to do so by law
- (6) Comply with all other obligations of existing leases, contracts, covenants, and other agreements with current tenants.

Section 3. That the City Manager is directed to:

(a) Provide notification of this ordinance to tenants through, among other things, City websites, city government television and video services, notices on City property, City communications, community events, and to conduct outreach with neighborhood associations, apartment buildings and tenant unions. This effort will exist in perpetuity and will not be exclusive to the first year of the ordinance's passage.

(b) Identify an annual source of funding to implement the provisions of this ordinance, including establishing a reasonable number of investigator positions within the Civil Rights and Equal Opportunity Department.

(c) Affix the substantive changes made by this Ordinance as an addendum to the Tenant Bill of Rights.

..end

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Approved as to form:

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Joseph A. Guarino  
Senior Associate City Attorney

**No Docket  
Memo Provided  
for Ordinance  
No.  
231019**



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**File #: 231039**

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### RESOLUTION NO. 231039

Sponsor: Councilmember Nathan Willett

RESOLUTION - Directing the City Manager to research and present municipal programmatic opportunities that encourages landlords to participate in housing incentive programs with the goal of offering financial assistance and/or technical assistance to landlords who will rent to families with a federally funded voucher for available units, thus increasing the availability of affordable housing units and the number of vouchers accepted by landlords in Kansas City, Missouri.

WHEREAS, the Mayor and Council has identified Housing + Affordability as a priority; and

WHEREAS, central to this mission is ensuring that every family in Kansas City can afford a home where they can safely raise a family on their budget; and

WHEREAS, some landlords may be ill equipped to navigate the regulations that many voucher programs require including home renovations prescribed therein; and

WHEREAS, a child with stable housing does better in school, and affordable homes can attract and retain employees, making Kansas City even more appealing to businesses that want to expand or relocate to the area; and

WHEREAS, Kansas City is working with civic leaders and developers to put incentives in place to produce housing so that every Kansas Citian has a chance to have a dignified home; and

WHEREAS, the City Council fiscal year 2022-2023 budget fully funds the Housing and Community Development Department, and includes a focus on retention of affordable housing. This includes \$12.5 million for the Housing Trust Fund (the second half of the promised \$25 million); and

WHEREAS, we have local examples of programmatic efforts by the Johnson County Kansas Housing Authority, Johnson County Mental Health Department and the Olathe Housing Authority that recently created an incentive-based pilot program to increase housing affordability in their communities; and

WHEREAS; the Johnson County program recruited 24 new housing providers and housed 83 voucher holders, a program that could be scaled to our city; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. Directing the City Manager to study voucher incentive programs and other applicable strategies in other urban municipalities that have similar residential needs and citizen profiles as Kansas City, Missouri.

Section 2. That the City Manager is directed to engage with relevant stakeholders to outline a Voucher Incentive Program unique to the needs of Kansas City that offers technical assistance and/or financial incentives to landlords who accept rental property applicants with federally funded vouchers, and identify a potential funding source for the program.

Section 3. That the City Manager is hereby directed to report back to the City Council within 60 days of the passage of this Resolution.

..end

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# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: 231039

Submitted Department/Preparer: Mayor/Council's Office

Revised 10/23/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Directing the City Manager to research and present municipal programmatic opportunities that encourages landlords to participate in housing incentive programs with the goal of offering financial assistance and/or technical assistance to landlords who will rent to families with a federally funded voucher for available units, thus increasing the availability of affordable housing units and the number of vouchers accepted by landlords in Kansas City, Missouri.

### Discussion

This legislation directs the City Manager to study voucher incentive programs and other strategies from urban municipalities and to engage with stakeholders to outline a voucher incentive program that would offer technical assistance and/or financial incentives to landlords to accept rental property applications with federally funded vouchers.

### Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?  
N/A
3. How does the legislation affect the current fiscal year?  
N/A
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
N/A



**Office of Management and Budget Review**  
(OMB Staff will complete this section.)

- |   |                              |  |
|---|------------------------------|--|
| 1. This legislation is supported by the general fund. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. This fund has a structural imbalance.              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Account string has been verified/confirmed.        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**Additional Discussion (if needed)**

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - ☒ Maintain and increase affordable housing supply to meet the demands of a diverse population
  - ☒ Broaden the capacity and innovative use of funding sources for affordable housing
  - ☐ Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
  - ☒ Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
  - ☐ Address the various needs of the City's most vulnerable population
  - ☐ Utilize planning approaches to improve the City's neighborhoods

### Prior Legislation

N/A

### Service Level Impacts

N/A

### Other Impacts

1. What will be the potential health impacts to any affected groups?  
A program or strategy created through this legislation could potentially provide more residents with access to affordable housing in Kansas City, reducing the negative impacts to social determinants of health seen in families and individuals with poor access to stable living conditions.
2. How have those groups been engaged and involved in the development of this ordinance?  
No
3. How does this legislation contribute to a sustainable Kansas City?  
N/A
4. Does this legislation create or preserve new housing units?  
While this legislation does not create affordable housing, it explores strategies to development more affordable housing.
5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.  
  
No - CREO's review is not applicable
6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?  
  
No
7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?  
No