

# *The City of Roeland Park, Kansas*



## **RENTAL LICENSE**

### **City Code and Application Form**

**Effective 1/1/04, Approved by Council 12/3/2003**

Updated by Council via Ordinance 905 approved on February 16, 2015 and Ordinance 925 approved on January 4, 2016

**(Revised Ordinance 743, Dated December 3, 2003 effective 1/1/04)**

5-104. *OCCUPATION FEE LEVIED. An annual occupation fee is levied on business categories as follows:*

(c) *Rental Property. Persons, firms, partnerships or corporations engaged in the business of owning and renting property located in the city shall pay an annual occupational fee of \$75 for each single-family or duplex dwelling unit rented. Persons, firms, partnerships or corporations engaged in the business of owning and renting property containing multiple dwelling units, regardless of the zoning district in which the property is located, shall pay an annual occupation fee of \$.04 per square foot of living space rented or subject to being rented, and the fee so determined shall be rounded to the nearest dollar. For the purpose of this section, "subject to being leased" shall mean all residential property being offered to a tenant and available for rental or lease as an apartment, duplex, or other type of residential dwelling, but shall exclude a garage, carport area and any basement, unless such basement is used as living space. The procedure for payment of occupation fees and issuance of licenses for rental property shall be set forth in Article 7 of this chapter.*

**ARTICLE 7. RENTAL HOUSING**

5-701. **RENTAL HOUSING; PURPOSE.** The purpose of this Article is to protect the public health, safety and general welfare of the people of the city with regard to nonowner occupied dwellings, including:

- (a) Protecting the character and stability of residential areas;
- (b) Correcting and preventing housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- (c) Providing minimum standards for the maintenance of existing residential buildings, thus preventing slums and blight;
- (d) Preserving the value of land and buildings throughout the city.

(Ord. 568, Sec. 2)

5-702. **SAME; DEFINITIONS.** For purposes of this article, the following terms shall mean:

- (a) "Owner" shall mean any person, partnership, firm or corporation who, alone, jointly or severally with others is the title holder of any property upon which a dwelling is located. For purposes of the article, owner shall include the titleholder, any employee or agent of the titleholder, a trustee serving for the benefit of any titleholder, a conservator of the estate of any titleholder, or an executor or administrator of the estate of any deceased titleholder.
- (b) "Property" shall mean the lot, tract, or parcel of real estate upon which a dwelling is located.
- (c) "Single family dwelling" is any dwelling located on property which has been zoned as Single Family Residence District pursuant to the zoning laws of the City.
- (d) "Dwelling" is any building or portion thereof, which is designed or used for residential dwelling purposes.
- (e) "Duplex" is a dwelling designed for or occupied exclusively by two families.
- (f) "Multi-family dwelling" is a dwelling or portion thereof designed for or occupied by three or more families, but which may have joint services or facilities for more than one family.
- (g) "Short-term rental" means any dwelling, dwelling unit, rooming unit, room or portion of any dwelling unit, rooming unit or room rented or leased for valuable consideration for periods of time less than 30 days, with six or fewer guests where the rental may only serve as an accessory use, but excludes boarding houses (as defined in Section 5-601 of the Code).

5-703. **SAME; LICENSE REQUIRED.** Commencing on the date determined under the provisions of section 5-703a hereof, it shall be unlawful for the owner of a dwelling to rent such dwelling to any person for dwelling purposes without obtaining a license as hereinafter provided and otherwise complying with the provisions of this article. (Ord. 568, Sec. 4)

5-703a. **SAME; LICENSE REQUIRED; APPLICATION DATES AND EXPIRATIONS.** It shall be unlawful for the owner of a single family dwelling or duplex to rent such dwelling to any person for dwelling purposes without first obtaining a license. The procedure for the application and the issuance of the initial license shall be the procedure set forth in section 5-704 through section 5-707 of this article. The initial license may be applied for at any time, but the date of expiration of the initial license shall be determined by the location of the single-family dwelling or duplex for which the license is required as set forth below. The date of each year upon which a person is required to make application for and obtain a renewal license under the provisions of this article shall be determined by the location of the single-family dwelling or duplex for which the license is required, as follows:

<u>Location of Property</u>	<u>Application Date</u>	<u>Expiration Date</u>
Ward 1	March 1	February 28
Ward 2	May 1	April 30
Ward 3	July 1	June 30
Ward 4	September 1	August 31

The renewal license shall be issued for a 12-month period commencing on the initial application date and ending on the expiration date set forth above. (Ord. 728)

**5-704. 5-704. Same; License Procedure.**

- (a) Any person desiring a license shall make written application to the City Clerk on a form supplied by the City and containing such information as is necessary to administer and enforce the provisions of this article. Such application shall contain as a minimum the name and address of the owner, the address of the property, a consent by the owner to receive notices as provided in this article at a specified address and a consent to the inspections provided in the article. If any rental property is offered for lease by an owner of property who is not a resident of Johnson County, Kansas, the owner shall designate a resident agent who resides in Johnson County, Kansas, who shall be responsible for the payment of all fees and penalties, receipt of notices and all other matters provided herein. The application shall be accompanied by the license fee established in [section 5-104\(c\)](#) of this Code. The licensing fee shall be prorated for the number of months always rounded up to the next whole dollar between the commencement of the licensing period and the date of the application for those applications that are submitted for dwellings that were not subject to the requirements of this article on the initial application date set forth in [section 5-703](#). No refund of the license fee shall be made to those discontinuing operation or who sell, transfer, give away or otherwise dispose of a licensed dwelling to another person.
- (b) Short-term rentals requirements:
  - (1) The rental is of the owner’s principal residence;
  - (2) The owner resides in the premises rented for a period of at least 320 days in each calendar year;

- (3) Any resident wishing to host a short-term rental must provide courtesy notices to their neighbors adjacent and across the street. Evidence of this notification must be provided to City Hall prior to approval of an application.
- (4) Any short-term rental operating within the City must include the City permit number on marketing materials and online platforms the resident is using to advertise the rental of their home.

5-705. SAME; TEMPORARY CERTIFICATE. Upon receipt of a completed application and the license fee, the City Clerk shall issue a "temporary certificate" indicating that a license has been duly applied for and the city clerk shall attach with a sample of the inspection form which will be used to inspect the property by the city official, along with a copy of Article 7 of Chapter V of the Code. A temporary certificate shall authorize the occupancy or continued occupancy of the dwelling unit in its present existence and use, pending the issuance or denial of the license. Structures to be converted to rental usage shall not be occupied for human habitation prior to issuance of a temporary certificate.

5-706. SAME; INSPECTION.

- (a) Purpose. Upon receipt of a properly completed application and license fee, the City shall cause the dwelling and the property upon which it is located to be inspected by the City Building Official or such official's designated representative. The City Building Official or his or her designated representative shall inspect the dwelling and the property upon which it is located to determine the following:
  - (1) That the use of the property is in compliance with the applicable zoning laws.
  - (2) That based upon an inspection of the exterior of the dwelling, the dwelling meets the requirements of the applicable building codes and standards contained in Chapter IV.
  - (3) That no condition exists on the exterior of the dwelling or on the property upon which the dwelling is located which constitutes a violation of any other Code section or ordinance of the City.

If the City Building Official finds that the dwelling and the property upon which it is located meets the requirements specified herein, then he or she shall approve the application and notify the City Clerk that the property has passed the inspection.
- (b) Single family dwellings and duplexes, including permissible short-term rentals. Internal and external inspections of single family dwellings and duplexes may be conducted at any time upon the request of the owner or the tenant. External inspections shall be conducted annually at the time an application is submitted for a license or a renewal license. Beginning on January 1, 2016, upon any dwelling becoming vacant, the owner shall notify the City and an internal inspection shall be conducted in the presence of the owner or the owner's representative prior to the dwelling being occupied by a new tenant, unless the dwelling has been inspected within the previous 12 months. Failure of the owner to notify the City that a dwelling has become vacant within 15 days after vacation of the dwelling shall be a public offense.
- (c) Multi-family dwellings. Internal and external inspections of multi-family dwellings may be conducted at any time upon the request of the owner or the tenant. Beginning on January 1, 2016, internal and external inspections of each dwelling unit in a multi-family dwelling shall also be

conducted by the Neighborhood Services staff without request approximately once every four years; multi-family dwelling units shall be systematically selected for such inspections.

- (d) Reinspections. If, upon inspection of a dwelling, the Neighborhood Services staff determines that the dwelling is not in compliance with applicable City ordinances, staff will discuss a schedule and process to achieve compliance with the owner or tenant. Reinspections shall be conducted to ensure that appropriate corrective action has been completed.

5-707. SAME; ISSUANCE OR DENIAL OF LICENSE. (a) The city clerk shall cause the license to be issued upon receipt of a properly completed application, the applicable license fee and the approval of the city building official. All rights granted under a temporary certificate shall expire upon the issuance of the license. Compliance with the requirements necessary to pass inspection as set forth in section 5-706 shall be a continuing condition of the license; noncompliance with any such requirements may result in a suspension of the license pursuant to section 5-709.

(b) If the city building official finds that the property does not meet the requirements of this article, a written denial specifying the defects shall be mailed or personally delivered to the applicant. At such time as the applicant has cured any defects and the city building official has verified the correction thereof, the city clerk shall cause the license to be issued in accordance with the provisions of this article. In the event the applicant has not cured all the defects specified by the city building official within 60 days of the delivery of the notice thereof, all rights granted under a temporary certificate shall expire.

(Ord. 568, Sec. 9)

5-708. SAME; RENEWAL OF LICENSE. Each initial license issued under the provisions of this article shall expire on the expiration date set forth in section 5-703a hereof. A license, other than an initial license, shall expire on the month and day set forth in section 5-703a following the date of its issuance. A license may be renewed upon the completion of the application described in section 5-704 hereof, the payment of the licensing fee, and the property passing the inspection as provided in section 5-706 hereof. If a proper application has been filed for the renewal of a license and the licensing fee has been paid before the expiration date or within 10 days following the expiration date, the owner shall be deemed to be in compliance with the licensing requirements of this article pending the inspection being made by the city pursuant to section 5-706. (Ord. 585, Sec. 3)

5-709. SAME; NOTICE OF VIOLATION; FAILURE TO REPAIR. (a) Whenever the city building official or designated representative determines that any dwelling or the property surrounding such dwelling fails to meet the requirements set forth in the article, he or she shall suspend the license previously issued and shall issue a notice that such failure must be corrected. This notice shall:

- (1) Be in writing;
- (2) Set forth the alleged violation;
- (3) Describe the dwelling or other property where the violation or violations are alleged to exist or have been committed;
- (4) Provide a reasonable time, not to exceed 60 days, for the correction of any alleged violations;

(5) Be served on the owner of the dwelling personally, or by certified mail, addressed to the last known place of residence of the owner, or the address of the owner provided on the application for license. If upon a diligent effort to locate the owner, the owner cannot be found, notice may be posted on or near the dwelling located on the property described in the notice.

(b) A license suspended pursuant to the provisions hereof shall be reinstated upon correction of the violation set forth in the notice within the time provided in the notice.

(c) Whenever an owner of a dwelling neglects or refuses to make repairs or take other corrective action called for by order or notice of violation issued by the city building official within

the time allowed by the notice, the city building official shall revoke the license previously issued and shall post a notice on the dwelling or other property stating the nature of the violation and that the license to rent the dwelling is revoked. It shall be unlawful and punishable as provided herein for any person to remove such notice posted by the city building official. The issuance of a new license shall be subject to the payment of the full application fee.

(Ord. 568, Sec. 11)

5-710. SAME; ABATEMENT. In addition to the remedies and penalties otherwise prescribed in this article, the city may abate any nuisance in the manner set forth in K.S.A. 12-1617e, or amendments thereto, providing for the abatement of nuisances and the assessment of costs, or may repair or remove any unsafe or dangerous structure in the manner set forth in K.S.A. 12-1750 et seq., or amendments thereto, providing for the repair or removal of unsafe or dangerous structures or may take such action as may otherwise be provided by law or the code of the city. (Ord. 568, Sec. 12)

SAME; ENFORCEMENT. The Neighborhood Services Staff shall enforce the provisions of this Article and are thereby authorized to make inspections on a scheduled basis or when reason exists to believe that violation of this Article has been or is being committed. Inspections shall be undertaken with the consent of the Owner, the tenant or other person exercising control of the Dwelling, or by issuance of an administrative search warrant

Updated January 8, 2016  
Ward \_\_\_\_\_

Questions? Contact City Hall at 913-722-2600

From: \_\_\_\_\_

License No. \_\_\_\_\_

To: \_\_\_\_\_

Receipt No. \_\_\_\_\_

Do Not Write Above This Line  
**APPLICATION FOR OCCUPATION LICENSE FOR  
RENTAL OF SINGLE / MULTI FAMILY RESIDENCE  
CITY OF ROELAND PARK, KANSAS**

Date of Application: \_\_\_\_\_  
**Owner of Record**

**Address of Rental Property**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

**Rental Fee \$75.00**

Phone Number: \_\_\_\_\_

**Multi Unit Rental \$0.04/sf of living space**

This application will not be processed unless all applicable information is completed.

Approx. Sq. Footage \_\_\_\_\_ (excluding basement & garage, if any)  
Number of Bedrooms \_\_\_\_\_

Is the property a short-term rental (i.e. Airbnb, VRBO, etc): \_\_\_\_\_yes \_\_\_\_\_no

- ❖ If yes, you must issue courtesy notices to your neighbors across the street and adjacent notifying them about the rental. Copies of those letters must be provided to City Hall prior to receiving a license.
- ❖ All short-term rentals must follow the provisions as outlined in 5-704 of the City's Code of Ordinance.

Internal inspections of single family rentals shall be conducted upon vacancy of the property but no more than once/year.  
**The landlord/owner MUST contact City Hall to schedule an inspection upon vacancy.**

The undersigned hereby consents to the Exterior and Interior Inspection of the Single/duplex family residence described above and the real estate upon which it is located at such reasonable times as may be necessary to carry out the provision of Article 7 of Chapter 5 of the Municipal Code.

The undersigned further agrees that any notice provided for under the provision of Article 7 of Chapter 5 of the Municipal Code may be mailed to me at the address shown for the owner(s) of this application or if not at that address then at the following address:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*If any rental property is offered for lease by an owner of property who is not a resident of Johnson County, Kansas, the owner shall designate a resident agent who resides in Johnson County, Kansas, who shall be responsible for the payment of all fees and penalties, receipt of notices and all other matters provided herein. (Section 5-704 of the Municipal Code)

Resident Agent Address (If applicable):

\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of false statement that to the best of my knowledge and belief the statements made herein are correct and true. I, the undersigned, agree to notify the City Clerk of any change of address within ten (10) days of such change.

\_\_\_\_\_

Updated January 8, 2016

Questions? Contact City Hall at 913-722-2600

\_\_\_\_\_  
Signature of Owner(s)

Make Check of Money Order payable for amount of annual fee due to the "City of Roeland Park" and mail to the City Clerk, 4600 W. 51st Street, Roeland Park, Kansas 66205