

1. Question: Will the landlord's screening requirements for tenants be restricted with the adoption of Ordinance 9960 and amendments to Chapter 10?

Answer: Landlords can set any screening criteria they want to allow renting of the unit, as long as it is not discriminatory. This includes the protected classes already in the ordinance as well as the criteria that would be added by this ordinance: source of income.

2. Question: Would this ordinance require landlords to accept a tenant with a voucher over a tenant without a voucher?

Answer: The ordinance would not force a landlord to rent to a particular tenant. Any landlord could choose a tenant without a voucher over a tenant with a voucher, but a repeated behavior could potentially be considered a discriminatory action if that was why the landlord was choosing non-voucher tenants.

3. Question: Does this ordinance change the ability of a landlord to evict a tenant?

Answer: No. Both Landlord and tenants have rights under the Kansas Residential Landlord and Tenant Act (K.S.A. 58-2540 *et seq*). So, in the example provided where a tenant was told by the landlord to leave but did not, this may have been protected under the Act. Landlords have to go through the courts to evict people. The Housing Authority collaborates with both the landlords and tenants.

4. Question: How would a violation of Chapter 10 be enforced?

Answer: Prior to reaching the Court, any alleged violation of Chapter 10 goes through a complaint process with the Human Relations Commission. This entails a series of meetings and conciliations to try to resolve the situation. This does not go to court until after the City processes the violation as it would any other violation of Chapter 10.

5. Question: If this ordinance were passed, would landlords still be able to ask about someone's source of income before the lease is signed?

Answer: There is no restriction on asking questions. If you are asking all questions uniformly of all applicants, that is acceptable. If there is discrimination based on the source of income of the applicant, then it would be a violation.

6. Question: In future revisions to Chapter 10, will there be restrictions for running credit checks on rental unit applicants or turning an applicant away because of a bad credit check?

Answer: That is not a part of this ordinance. Credit checks are not prohibited by this proposed ordinance. There is no prohibition of looking at rental references as a part of this ordinance.

7. Question: How does a voucher, as a source of income, work with regards to lease terms?

Answer: A voucher is a subsidy. A subsidy is received on a monthly basis based on several factors including income and household size. The Housing Authority asks for the initial lease to be 12 months. After that, if tenant and landlord agree on something else, the HA reconsiders that. The Housing Authority does not dictate a lease. A landlord will sign a housing assistance payment contract that is a contract between all three parties (Housing Authority, tenant, and landlord). It essentially states that there is a subsidy that the landlord will get on a monthly basis and that both parties should uphold and maintain the lease. With this the landlord will receive a subsidy every month on the first of the month. The payment is guaranteed in the form of check or direct deposit.

8. Question: When a landlord accepts a tenant with a voucher, is there a guarantee in damages over the deposit rate? Does the Housing Authority act as guarantor?

Answer: The Housing Authority does not act as a guarantor. The Housing Authority treats the tenants on subsidized housing the same as they would those without. Accordingly, the risk factor that a landlord takes is the same with any tenant regardless of voucher status. However, the Housing Authority has funding to incentivize landlords as well as programming around damage mitigation.

9. Question: Why and how was this ordinance proposed?

Answer: The proposal came up from the Human Relations Commission, and the City Commission decided to take up the issue of Source of Income as a protected class to Chapter 10. The City Commission asked for a draft of the ordinance.

Housing issues in Lawrence became apparent to the Human Relations Commission. When the City Commission and other groups studied the issue of housing, this was one of the solutions that were proposed, that other West Coast and central states have done. The Human Relations Commission found that 50% of tenants are renters in the City of Lawrence, and 80% of landlords do

not accept vouchers. The Human Relations Commission researched the housing issue and decided to move forward with a proposed change to Chapter 10.

10. Question: Why might a landlord, previously accepting of vouchers, decide not to?

Answer: The Housing Authority sees landlords come of the program and go back on the program due to cyclical reasons such as landlord changes of the rental units. When such transitions happen owners may say “no” to continue vouchers or will continue. This is the biggest loss of landlords accepting vouchers.

11. Question: With accepting vouchers, what happens when the tenants allocations of subsidy changes or rent increases?

Answer: Landlords are able, during the renewal period, to ask for an increase in rent. The landlord is asked to provide comparable rental data to support the increase in rent, and Housing Authority inspectors will also research the typical renting prices. If the increase is determined to be reasonable, the subsidy will be increased. Tenants still may have a portion to pay out of pocket. If the Housing Authority does not find the increase reasonable and does not provide the subsidy, landlords have the right to a mutual termination or non-renewal of lease. In either case, the landlord can then increase the price of the rent if they so choose.

12. Question: Why didn't the Human Relations Commission provide a public meeting, similar to the one held for landlords, and reach out to the landlords in a similar way in the past two years of researching the proposed ordinance for housing relief?

Answer: The meetings around Lawrence held with regards to the topic of housing were promoted and open to the general public – not specifically for tenants or landlords.

13. Question: What is the timeline (history/future) of Chapter 10 with regards to the City Commission?

Answer: In reference to the timeline of this ordinance being passed – this was first heard by the City Commission at their December 13, 2022 meeting. At that time, the City Commission passed the ordinance on first reading and directed staff to have public engagement. The landlord/public meeting was held, and the ordinance will be back on the City Commission's agenda on the January 17 meeting. At the time, the commission has several options: pass the ordinance as it is drafted, ask for amendments to the ordinance for further consideration, or vote down the ordinance.

14. Question: If landlords do not accept the voucher from the applicant, and the applicant complains, can landlords get a \$10,000-\$50,000 fine?

Answer: The way source of income would be enforced through the Chapter 10. This would go through a complaint process with an investigation by the Human Relations Division. The investigation process proceeds as follows: if there is a finding of probable cause that the landlord performed some discriminatory action, the complaining party has option to elect whether to have the matter decided by the Human Relations Commission or go to District Court to have the matter decided there. If discrimination exists, there are fines as well as damages that could possibly awarded under Chapter 10. Penalties will not be imposed until there is due process and an investigation. Sometimes complaints are filed, and there is no evidence to support the allegation.

15. Question: From a local standpoint, is there anything legally that prevents Lawrence from creating a neighborhood revitalization area based on a housing type – where we could do a tax abatement based on houses that are Section 8?

Answer: It is possible that the City Commission can look at an incentive program along with the proposed Chapter 10 revision or instead of passing this ordinance.

16. Question: Of the other states and cities that have implemented Source of Income as a protected class, how long have they implemented it for and how long has the study been going with them?

Answer: The very first source of income non-discrimination ordinance was in 1971. More research and information is available on the research packet attached to the December 13, 2022 City Commission meeting.

17. Question: What are the various types of vouchers in the Housing Authority's program?

Answer: Within the program there are various reasons behind vouchers (homelessness, disability, fixed-income, etc.). The most important piece with regards to landlords is that it is a subsidy regardless of the program. There is no difference in how the contract or payment occurs. There is just one subsidy/voucher.

18. Question: Are landlords of lower priced units the target of this ordinance?

Answer: The ordinance is not targeting any specific type of landlord. The Housing Authority provides subsidy at about 40% of the fair market rental rate.

Therefore, there is a payment limit set by the federal government of what can be subsidized. Due to this, vouchers are typically for what can be considered affordable housing.

19. Question: How are payments of vouchers made to landlords via the Housing Authority?

Answer: Housing assistance payments process through direct deposit and check. With direct deposit, the voucher processes on the 1st of the month. With check, it is mailed out no later than the 2nd of the month.

20. Question: Is the Housing Assistance Payment Contract available for viewing?

Answer: Yes. It is available for viewing on the [LDCHA website](#).

21. Is there a new landlord incentive program already in place with the Housing Authority?

Answer: Yes. The Housing Authority has funding available for incentivizing landlords.

22. Question: Can you clarify how zoning affects occupancy restrictions?

Answer: Rentals in single-family or unplanned zoning can have no more than three unrelated people in a unit. Rentals in multi-family zoning can have up to four unrelated people in a unit. When the number of people in a unit is calculated for these purposes, minors are not included in the number.

23. Question: How does the Housing Authority guide the tenants with voucher use?

Answer: Generally, it is advised not to pay more than 30% of income on housing. Not being "housing burdened" is promoted.

Real estate agent questions:

24. Question: Would this prohibit real estate agents from advertising or selling properties as cash-only sales?

Answer: Real estate could still be sold as cash-only sales. While there are some similarities between real estate financing and financing for rentals, there is no prohibition on specifying a type of payment received because it is not reliant on the source of income. If, for example, a buyer requested a cash-only sale but refused to accept cash from a person of a particular profession or job, then it could be unlawful under this act.

25. Question: There are some real estate transactions that, because of some aspect of the property, cannot be sold to any government-backed entity, and that could include vouchers. How would that work?

Answer: While federal and state law would supersede any City ordinance, that is a consideration for any possible amendments to ensure that there is not a violation of City ordinance as the parties involved in the sale attempt to comply with state and federal law.



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These answers were compiled by the **Lawrence-Douglas County Housing Authority, the City's Planning and Development Services Department, and the City Attorney's Office.**

1. All my rentals currently are enrolled in the City's rental license program and are inspected in accordance with the program. How much more frequently are properties inspected if vouchers are used as a form of payment?

Properties on the voucher program are inspected by LDCHA at initial lease signup and then annually thereafter as part of participant recertification. If a voucher is issued by LDCHA, the City of Lawrence does not conduct inspections during the time the dwelling unit is under the voucher program. However, the property must maintain an annual license (no fees) with the City of Lawrence.

2. My properties consistently pass the city mandated inspections. Are the HUD inspections the same? If not, please specify all the differences.

Housing Quality Standards (HQS) is not a code, but a standard, and is less stringent than the International Property Maintenance Code (IPMC) that regulates the inspection criteria for the rental assistance program. However, HQS does adopt city variances that are health, life and safety in nature. For instance, requiring carbon monoxide detectors in the unit where required and smoke alarms in all sleeping areas – which is not required in HQS, but is in IPMC. The inspections do mirror each other in the sense that if a property passes IPMC consistently it will have no issues in passing the HQS inspection. In summary, the inspections closely mirror City of Lawrence Rental Licensing inspections.

3. Assuming there are differences between the City and HUD inspections, what happens if a property of mine, which meets the City requirements, does not pass a HUD inspection? Is an owner required to modify the house to make it compliant? For instance, if I saw correctly, the requirements mentioned by HUD is that there must be a working ceiling light in the living room. I'll use my personal house as an example which was built in the late 50s. My living room has zero ceiling lights, and I must rely on lamps. My interpretation is that this doesn't meet the HUD requirements but given that the City inspection seems to be focused on safety items, I'm willing to bet this still passes the City inspection requirements. Would an owner be expected to add a ceiling light at the owner's expense?



**Housing Quality Standards (HQS) is not a code, but a standard, and is less stringent than the International Property Maintenance Code (IPMC) that regulates the inspection criteria for the rental assistance program. If a unit is deemed to meet city requirements, HQS will not be an issue in meeting the standard unless deficiencies were not identified or developed between the two inspections. Fixed lights are not required in a living room, but rather:
A living room for HQS requires: Two outlets, OR one outlet and one permanently installed ceiling or wall light.**

4. What other instances of differences between the city inspections and the HUD inspections do you see potential issues?

Housing Quality Standards (HQS) is not a code, but a standard, and is less stringent than the International Property Maintenance Code (IPMC) that regulates the inspection criteria for the rental assistance program. The inspections do mirror each other in the sense that if a property passes IPMC consistently it should have no issues in passing HQS. It is also important to mention that inspectors from LDCHA and the City have had, and continue to have a collaborative working relationship and communicate regularly on code compliance issues respective to both the HQS and City's rental licensing and inspection program.

5. 2023 Fair Market Rent according to HUD for a 3 bedroom is \$1458. If the rent is over that amount for a 3-bedroom property, what happens then? Does this mean the property is not eligible for a voucher payment?

LDCHA Payment Standards are higher than FMR. The LDCHA adopts a payment standard of 110% of the FMR. If the rent charges exceed the LDCHA payment standard, the participant can elect to pay the overage outside the payment standard if the unit meets the rent reasonableness standard.

6. I have some tenants that have previously preferred to sign leases for longer than a year. How would the tenant and I know what an acceptable rent increase would be for the second year of the lease without HUD data if they were paying with a voucher?

Initial leases are only required to be at least 12 months and may be longer if desired and agreed upon. LDCHA has comparable units in each census tract across the county to assist landlords requesting a rent increase, and to be compliant with rent reasonableness. Likewise, it is also the landlord responsibility to review and provide comparables of like units in the general area when requesting a rent increase.

7. Do current tenants not paying with a voucher have the right to refuse entry into their house for a HUD inspection that may be needed for a future tenant? What happens if they do?

The Kansas Residential Landlord and Tenant Act covers right of entry. Under K.S.A. 58-2557, landlords shall have the right to enter the dwelling unit at reasonable hours, after reasonable notice to the tenant, in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling

unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. That would include a HUD inspection.

If a tenant refuses the landlord entry under the above conditions, the landlord may seek a court order to enter the unit or evict the tenant.

LDCHA notes that usually an inspection will not be completed while a unit is occupied by someone not receiving assistance.

8. If a tenant using a voucher as a payment damages a property, what is the process to recuperate the expenses if different than that of a tenant not using vouchers? What assurances do landlords have that the funds will always be available?

There is no difference, and landlords will enforce the lease as they would with any other tenants. Currently there are incentives offered through LDCHA to support landlords in housing various clients. These funds are limited but can be utilized for potential damage mitigation. There is an assumed risk when taking on any tenant for the potential of property damage. We encourage all landlords to enforce their lease as they would any other tenant and follow the necessary steps if a violation occurs. For more information on the current incentive programs, please contact LDCHA's landlord liaison for requirements around participating.

9. Part of the testimony in the previous City Commission meeting mentioned funding available to encourage landlords to accept vouchers. In the same meeting, it was later mentioned that the number of properties accepting vouchers is on the decline. What reasons have been provided as to why fewer properties are accepting vouchers? What action items have been proposed/implemented to address the concerns raised?

LDCHA has worked diligently to bring new landlords onto the voucher program, and can only speculate what reasons as to why fewer properties are accepting vouchers. In order to better serve our participating landlords, LDCHA is committed to providing education on our programming and process, direct deposit for Housing Assistance Payments, our agency's Landlord Liaison to answer questions provide support and incentive programming.

10. Is the eviction process different since Federal funds are involved? If so, how?

Landlords will enforce the lease as they would with any other tenants. The only difference is that a landlord should also direct any notices of lease violation or eviction to the attention of LDCHA so that program obligations can be enforced, which usually assists the landlord in achieving lease compliance.

11. If I've had a City inspection in a year, are we required to have a HUD inspection in that same year if later we rent to a tenant paying with a voucher? How much does each inspection cost and is anything refunded if two inspections happen in a single year?

LDCHA is required to complete an initial inspection before a unit comes onto the program. There is no cost for Housing Quality Standards Inspections.

12. If I have paid my City rental license fee and then later in the year get a tenant paying with vouchers, will the City refund me my license fee?

The City of Lawrence does not prorate licensing fees.

13. Who is performing the HUD inspections and are there enough people currently available to perform the inspections in a timely manner if there is a large influx of required inspections?

LDCHA has two full time Housing Quality Standards Inspectors and additional certified inspector staff that can assist in cases where needed.

14. If the voucher payment is late, who is responsible for covering the late fees specified in the contract for late payments?

The Housing Assistance Payment (HAP) Contract identifies timeframes of voucher payment from LDCHA. The tenant is not responsible for any payment of rent that is LDCHA responsibility.

15. For a tenant paying with a voucher, am I still able to utilize my existing lease?

Yes. Landlords operate and enforce their lease as they would with any other resident.