

Welcome to Independence, Missouri

Landlord-Tenant Guide

Empowering Both Sides: A Resource for Landlords and Tenants



www.independencemo.org

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This Landlord and Tenant Guide is published to provide information of interest to landlords and tenants.

The Landlord-Tenant Guide can be found on the City's website (www.independencemo.org). According to Section 4.11.001 of the Independence City Code, landlords must provide a physical or electronic copy of this guide to tenants.

APPLICABLE LAWS

INDEPENDENCE CITY CODE ARTICLE 11. LANDLORD AND TENANT CODE

Sec. 4.11.001. Acts of Landlord Prohibited.

- A. It shall be unlawful for any landlord to lease or otherwise permit or allow the occupation of any dwelling unit which does not comply with the requirements of the latest adopted version of the International Property Maintenance Code.
- B. It shall be unlawful for any landlord to remove or exclude a tenant or a tenant's personal property from the premises without judicial process and court order.
- C. It shall be unlawful for any landlord to willfully diminish services to a tenant by interrupting or causing the interruption of essential services, including, but not limited to electric, gas, water, sewer, to the tenant or to the premises with the intent thereby to evict a tenant or cause a tenant to vacate said premises without judicial process and court order.
- D. The landlord shall provide the lessee or tenant an electronic or physical copy of the Independence Landlord/Tenant Guide.

Sec. 4.11.002. Acts of Tenant Prohibited.

- A. It shall be unlawful for any person, in a written application to become a tenant, to willfully misrepresent material information to the landlord with the intent to deceive the landlord and thereby acquire possession of a dwelling unit.
- B. It shall be unlawful for any tenant to willfully break, destroy, deface or injure premises, or any part thereof, leased from a landlord.
- C. It shall be unlawful for any tenant to willfully refuse to permit or allow the landlord to enter and inspect the leased premises for the purpose of making repairs, upon reasonable notice, or without advance notice if an emergency condition exists, absent a written lease which provides otherwise.
- D. It shall be unlawful for a tenant to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereof, or to fail to take reasonable steps to prevent any other person on the premises from doing so; or to take additional occupants, sublease, rent or turnover said premises to any persons without the landlord's knowledge and consent.

Sec. 4.11.003. Deficient Property.

- A. Deficient landlord. A landlord shall be designated as a deficient landlord when a dwelling unit(s) under the landlord's control is subject of three, separate, formal complaint actions by the City within a rolling twelve (12) months.
- B. For the purposes of this article, formal action shall mean the steps taken by the City after receiving a valid complaint.
- C. Periodic inspections for deficient landlords. When a landlord is determined to be deficient, the City shall furnish notice of such determination to the landlord and all tenant(s) in the dwelling unit(s) under the landlord's control.
 - 1. All dwelling unit(s) under the control of a deficient landlord shall be subject to periodic interior and exterior inspections by the City for a six (6) month period.
 - a. The City's periodic inspections identified above shall occur monthly.
 - b. All dwelling unit(s) shall be inspected with the City's latest adopted version of International Property Maintenance Code.
 - c. If violation(s) are found in any dwelling unit(s) during the City's periodic inspection, the landlord shall be given the reasonable time to cure violation(s). Failure to cure the violation(s) identified during the City's periodic inspection shall result in dwelling unit(s) under the landlord's control to remain subject to the City's periodic inspections for one (1) additional month.
 - d. To be removed from the City's periodic inspections, all dwelling units under the landlord's control shall have no violation or the landlord resolved the violation(s) outlined in subparagraph b above for six (6) consecutive months.
 - 2. Any dwelling unit(s) under the control of a deficient landlord shall not be occupied by a new tenant until the unit has been inspected by the City and determined to follow the City's latest adopted version of the International Property Maintenance Code.
 - 3. Request to inspect the deficient landlord's dwelling unit(s) shall be made by the City within a reasonable period, no less than 10 calendar days in advance of the inspection.
 - 4. The deficient landlord shall not prohibit, bar or obstruct entry by the City upon the premise or any structure therein of any dwelling unit(s) under the control of the deficient landlord.

Sec.4.11.004. Complaints.

- A. Non-critical health or life safety issues. A tenant shall first notify the landlord in writing requesting to have these issue(s) corrected and give the landlord a reasonable opportunity to make the needed repairs. If the issue(s) are not remedied, the tenant can submit a complaint to the City on the form and/or method provided by the City.

The City shall:

1. Notify the owner in writing of the complaint.
 2. Provide the owner seven (7) calendar days to address the complaint.
 3. If the complaint is not remedied within the timeframe identified in the notification letter, the City shall schedule an inspection of the unit.
 4. If the owner fails to correct cited issue(s), the City, at the discretion of the Director, may do one (1) or more of the following:
 - a. Allow additional time to correct the cited issue(s)
 - b. Initiate license suspension or revocation proceedings in accordance with the procedures outlined in Chapter 5;
 - c. Initiate ordinance violation proceedings through municipal court consistent with this Chapter.
- B. Critical health or life safety issues. A tenant shall first notify the landlord of the issue(s). The tenant can submit a complaint to the City on the form and/or method provided by the City. The City shall:
1. Notify the owner in writing of the complaint.
 2. Allow the landlord to immediately correct cited violation(s) and eliminate the critical health or life-safety violation(s). Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Director may allow a longer time frame for the owner to correct these violation(s).
 3. If the owner fails to correct the cited issue(s), the City, at the discretion of the Director, may do one (1) or more of the following:
 - a. Require the property to be vacated in accordance with the City's latest adopted version of the International Property Maintenance Code, if determined necessary by the Director.
 - b. Re-inspect the rental property, if the Director deems it necessary, to determine if the violation still exists.
 - c. Initiate license suspension or revocation proceedings through municipal court consistent with this Chapter.

Sec. 4.11.005. Complaint Retaliation Prohibited.

- A. No person shall file an action for eviction or fail to renew a lease or alter the terms of a lease because the occupant has reported a violation of this ordinance or a related provision of the city code to the City.
- B. No person shall cause any service, facility, equipment or utility required under this ordinance to be removed, shut off or discontinued in retaliation for a complaint.
- C. No person shall charge of demand reimbursement of any fees arising from this Article, including

late fees, annual permit review fees and re-inspection fees, to a tenant. The passing of fees from an owner to a tenant shall be considered retaliation.

Sec. 4.11.006. False Complaints.

- A. It shall be unlawful for any person to knowingly make a false complaint against the owner of any structure or relating to any structure subject to the inspection provisions of this article.
- B. A false complaint shall be presumed to be knowingly made where such complaint is the third or more complaint made with respect to any structure or any owner such person, in any twelve-month period, where inspections pursuant to such complaints fail to reveal any violation of the provisions of city ordinance upon inspection by housing inspectors of the city. This presumption shall be rebuttable.
- C. Any person violating the provisions of this section shall be subject to the Penalty provision of this article. Each false complaint shall constitute a separate offense.

Sec. 4.11.007. Remedy and Penalty Not Exclusive.

All remedies and penalties provided in this Article shall be in addition to all other provisions of this Code, and not in lieu or exclusive thereof; provided, however, that no action may be taken against any person in violation of that person's rights as guaranteed by the Fifth Amendment to the United States Constitution.

Sec. 4.11.008. Authority to Issue Citations.

The City is authorized to issue complaints and service citations on persons charged with a violation of this article.

Sec. 4.11.009. Penalty.

Any person, firm or corporation who shall violate a provision of this Article shall, upon conviction thereof, be subject to a fine of not less than One Hundred Fifty Dollars (\$150.00) for the first conviction, a fine of not less than Three Hundred Dollars (\$300.00) for the second conviction, and a fine of not less than Five Hundred Dollars (\$500.00) for the third and subsequent convictions or to imprisonment not exceeding a period of six (6) months, or both such fine and imprisonment. In addition to or in-lieu-of such fines, such person may be required to complete a training course regarding property maintenance and may be required to provide community service.

Sec. 4.11.010 - 4.11.999 Reserved.

MISSOURI STATUTES

Laws governing landlord and tenant relations can be found in Chapters 441 (Landlord and Tenant- general provisions, collection of rent, inadequate housing), 534 (Unlawful Detainer) and 535 (Landlord-Tenant Actions - evictions, security deposits) of the Revised Statutes of Missouri.



Missouri's Fair Housing Law can be found in Chapter 213 of the Revised Statutes of Missouri, and Chapter 8 of the Code of State Regulations. Further information about Missouri law can be obtained by contacting the Missouri Commission on Human Rights at 1-877-781-4236.



OTHER PROVISIONS OF MISSOURI STATUTES

Missouri Statutes designed to offer greater protection for residents renting from unresponsive landlords as well as more options for landlords to get rid of drug dealers and destructive residents continue provisions which:

- Authorize county courts to order the quick removal of tenants involved in criminal activity, even without a conviction.
- Allow landlords to remove abandoned personal items once they have complied with notice requirements.
- Make a landlord guilty of forcible entry for willfully interrupting utility service, unless it is done for health and safety reasons.
- Allow a tenant, under certain circumstances, to deduct one-half of a month's rent or up to \$300 (whichever is greater) for repair of code violations when a landlord neglects property. This can be done once a year.
- Allow a landlord to double the rent when a tenant lets another person take over the premises without the landlord's permission.
- Limit occupancy to two persons per bedroom except for children born during the lease period.
- Authorize a landlord-tenant court in St. Louis and Jackson County to hear felony-level cases, which can include serious property damage caused by tenants and repeat code violations by landlords.
- The new law requires a landlord give 60 days' notice before terminating leases for mobile home lots.

FEDERAL STATUTES AND REGULATIONS

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

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

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

FAIR HOUSING LAWS

The Fair Housing Act, 42 U.S.C. 3601 et seq., prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners' insurance companies whose discriminatory practices make housing unavailable to persons because of:

- race or color
- religion
- sex
- national origin
- familial status, or
- disability.

For more information regarding The Fair Housing Act please visit [Civil Rights Division | The Fair Housing Act](#)



Rental Ready Program Information

What is the rental ready program?

Rental ready is a rental inspection program that requires residential rental units to pass a basic health and safety inspection every two (2) years.

What is the purpose of the program?

The goals of the program are to protect the health, safety and welfare of the residents, maintain attractive and desirable neighborhoods, and ensure minimum standards for the interior of residential buildings.

Who performs the inspections?

The landlord will be required to hire a qualified housing inspector from the City's approved list. The qualified housing inspector will inspect each unit for the sixteen (16) basic health and safety items.

What are the inspection items?

The rental unit inspection include:

- **Electrical Systems:** Properly maintained and covered.
- **Smoke Detectors:** Must be operable and installed per adopted building code.
- **Handrails:** Secure and functional.
- **Property Address:** Street number visible.
- **Plumbing Fixtures:** Maintained in a sanitary and good working condition.
- **Water Supply:** Hot and cold running water to all pipes.
- **Carbon Monoxide Detectors:** At least one installed in all multi-family units and new or remodeled homes.
- **Egress:** Safe, continuous, and unobstructed means from the interior to a public way.
- **GFCI Outlets:** Required within six feet of any water source.
- **Furnaces & Water Heaters:** Furnaces and water heaters must be safely installed, maintained, and function as intended. Water heating facilities should work properly, providing adequate water at required points. Exhaust systems must be sealed and operational.
- **Heating Facilities:** Good working condition to safely maintain room temperature.
- **Cooling System:** If provided, in good working order for all bedrooms.
- **Mechanical and Cooking Appliances:** Properly installed, maintained, and functional.
- **Exterior:** Roofs, windows, and doors must be adequate to prevent dampness or deterioration.
- **Interior:** Seal all holes in walls, ceilings, and subfloors that expose systems.
- **Window Fall Protection:** Required for certain window heights above the floor and ground.

How do I contact a qualified housing inspector?

The City has six (6) qualified rental housing inspectors. A list of those six companies, with contact information, can be found by visiting the Rental Ready website at www.indep.us/rentalready.

What happens if a unit fails an inspection?

If a unit fails an inspection, the landlord will be required to resolve any deficiencies and have the unit re-inspected. No unit can be rented without an approved inspection form.

The City of Independence can only assist with property maintenance violations and can not intervene on civil matters including rent payments and evictions.

For more Landlord/Tenant information:



Landlord/Tenant Complaint Form:



For more information about the rental ready program, see the City of Independence website at www.indep.us/rentalready.



Identifying Lead-Based Paint and Lead-Based Paint Hazards

For detailed information, please click the link or scan the QR code below:

[Lead in Your Home Portrait Color](#)



Mold

If you have any mold concerns, these should be addressed as a civil matter between you and your landlord.

AGENCIES THAT CAN HELP

IN CASE OF EMERGENCY, DIAL 9-1-1

Independence Community Development Department
111 E. Maple Avenue
Independence, MO 64050
www.independencemo.org

- Neighborhood Services Division
325-7193 opt 5 - Property and health hazards
- Regulated Industries Division
325-7083 - Rental Ready questions
- Building Inspections Division
325-7401 – Construction permits, structural hazards

Independence Water Department
17221 E. 23rd Street
Independence, MO 64057
325-7658 - www.independencemo.org
325-7640 after hours
(Water service hazards)

Independence Power & Light
17221 E. 23rd Street
Independence, MO 64057
325-7550 – www.independencemo.org
(Electrical hazards, power outage)

Independence Water Pollution Control
14909 E. Truman Road
Independence, MO 64050
325-7727 – www.independencemo.org
(Sewer backups)

Independence Fire Prevention
950 N. Spring Street
Independence, MO 64050
325-7123 – www.fireonline@indepmo.org
(Fire hazards)

Independence Animal Services Division
21001 MO-78
Independence, MO 64057
325-7207 – www.independencemo.org
(Animal issues)

Legal Aid of Western Missouri
4001 Dr. Martin Luther King
Jr., Suite 300
Kansas City, MO 64130
474-6750 - www.lawmo.org
(Free legal advice to low income qualifying persons)

Human Relations Commission
Attn: Human Resources Department
111 E Maple Avenue
Independence, MO 64050
325-7390 - www.independencemo.org
(Discrimination disputes between landlords and tenants)

Housing Authority of Independence
Central Office
4215 S. Hocker Dr.
Bldg. 5
Independence, MO 64055
836-9200 – www.independenceha.com
(Low rent and public housing)

Community Services League
404 N. Noland Road
Independence, MO 64050
254-4100 - www.communityserv.org
(Winterization & utility assistance)

U.S. Department of Housing & Urban Development
400 State Avenue #200
Kansas City, KS 66101
(913) 551-5462 - www.hudgov.gov
800-669-9777 Discrimination Hotline