

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 180726

Developing a safe harbor program allowing for temporary stay of code enforcement on residential properties newly acquired for rehabilitation and reoccupation.

WHEREAS, in November, 2017, the City Council passed Resolution No 170825 that directed the City Manager to provide information on the overall state of housing policy at the federal, state and local levels and, based on this information, develop a local five-year policy; and

WHEREAS, Resolution No. 170825 also directed the development of a report on the overall state of housing resources, housing policy, programs and funding options including the rehabilitation of existing housing stock, both vacant and occupied; and

WHEREAS, the proposed City's Housing Policy identifies the rehabilitation of vacant residential structures as both a significant source of new housing units and stabilizing elements for the neighborhoods in which they are located; and

WHEREAS, fines and assessments on property owners that have newly acquired property for the purpose of rehabilitation increases their project costs and can jeopardize the financial viability to undertake the required improvements; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

That the City Manager will develop a safe harbor program by establishing the scope, rules and requirements related to the program subject to City Council approval with the following requirements:

- (a) The period of time for property owners that have acquired property for rehabilitation to be eligible for the safe harbor program must not exceed thirty (30) calendar days from the date they acquired the property; and
- (b) The safe harbor program must exclude emergency actions pursuant to Chapter 56 and related to public health, welfare and safety; and
- (c) The ability for property owners to have their newly acquired property eligible for the safe harbor program will be based upon submission to and acceptance by the city of a project rehabilitation plan; and
- (d) Execution of project rehabilitation plans must be completed within one-hundred and twenty (120) days of approval unless an extension is granted for good cause by the Director of Neighborhoods and Housing Services Department or his designee and the execution of the plan is within a reasonable time; and
- (e) The safe harbor program excludes code enforcement of Chapter 48 nuisance violations unless the remedy of any nuisance violation substantially impacts the rehabilitation of any structure being rehabilitated in accordance with the project rehabilitation plan; and

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- (f) Any project rehabilitation plan of a designated historic structure shall be subject to the requirements of the Historic Preservation Commission and relevant historical guidelines.

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Approved as to form and legality:

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Martha S Means  
Assistant City Attorney