



## **KC TENANTS**

# **KC TENANTS BILL OF RIGHTS OPPOSITION RESPONSES**

AS OF: NOVEMBER 5, 2019

### ***OPPOSITION SAYS: WE ARE "HOUSING PROVIDERS," PROVIDING SERVICE TO THE COMMUNITY.***

- 48 percent of Kansas City residents rent their homes, a historically high rate.<sup>1</sup> As a matter of City policy, the lives of the City's renters should be more important than the profits of small number of landlords. For too long, property owners' rights, and their profits, have been the priority. That needs to end.
- People become landlords to make money. Some of them have low margins, and some of them are trying to do good for their tenants. But others are making big profits, and still others are negligent or abusive. They wouldn't be in the business if it wasn't working for their bottom line. "Housing providers," if they want to call themselves that, should be held to certain standards for delivering services. If they cannot treat their tenants with basic dignity, and respect their rights, they should not be in business.

### ***OPPOSITION SAYS: JUST GO BUY A HOUSE IF YOU DON'T LIKE RENTING.***

- Homeownership is not accessible to everyone (and never has been). Historically, Kansas City is like many other cities around the country, and people of color have been systematically excluded from housing opportunities, especially homeownership. Poor folks, working people, and people with bad credit are still mostly unable to buy homes.
- Not everyone wants to own a home. Many tenants do not have the time or capacity to take care of gutters, fix toilets, tend to the lawn. They choose to rent, and they pay good money to do so, understanding that the landlord will take care of the property, per the terms of the lease.

### ***OPPOSITION SAYS: TENANTS ARE LAZY, TEAR UP OUR PROPERTY, AND DON'T WANT TO PAY RENT.***

- Our position is NOT that all tenants are good and right, nor that all landlords are bad and evil. Our position is that we can't rely on the good will of either party as a public policy solution. Tenants have long been disenfranchised relative to property owners. We need the City to take action to even the scales and protect tenants.
- Tenants are not lazy. In fact, tenants are some of the hardest working people in our community. Tenants are disproportionately represented in the service industry, construction, education, and health care jobs.<sup>2</sup>
- Tenants earning minimum wage have to work 92 hours a week to afford an average 2 bedroom apartment in Kansas City.<sup>3</sup> If they fall behind on rent, more often than not, it's not because they "don't want to pay," but rather because they had a competing expense like a flat tire or a sick kid. That's not an *excuse* for not paying the rent, it's just the reality for most working people.
- Some tenants have mental health, disability, and other struggles that keep them on a fixed income. Some tenants are seniors or cannot work for another reason. These tenants also deserve a place to live, and a place in our community.
- We have never seen or heard a single statistic from a trusted source about all of these "horrible tenants" who "tear up property." We know it happens in some cases, but all we have are anecdotes from angry landlords. On the other hand, on our side we have statistics from Healthy Homes, and from many national and local studies, that demonstrate landlord negligence and abuse.

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<sup>1</sup> American Community Survey. 2012-2016.

<sup>2</sup> American Community Survey. Ibid.

<sup>3</sup> National Low Income Housing Coalition. Out of Reach. 2019.

### **OPPOSITION SAYS: THEY ARE FORCING US TO RENT TO CRIMINALS.**

- Our ordinance (190935) doesn't *force* anyone to do anything. It merely requires the landlord to negotiate the rental of the dwelling, regardless of arrest and conviction history.
- This is already KCMO law. Ban the Box legislation was passed in 2018 that bars discrimination on the basis of arrest and conviction history.<sup>4</sup> We are simply upping the enforcement from a \$500 fine to a potential landlord license suspension in the instance of egregious discrimination, as determined by the Dept. Director. The license suspension could then be appealed, and the final determination would be made by the appeals board.
- People should be offered a second chance, not subjected to a double jeopardy. 6,000 people who have completed their sentences return to Kansas City every year. And given who the carceral system impacts, these are disproportionately people of color and poor folks. They need places to live. Without stable housing, people are more likely to commit crimes and/or return to prison.

### **OPPOSITION SAYS: THEY ARE FORCING US TO RENT TO PEOPLE WITH EVICTIONS.**

- Our ordinance (190935) doesn't *force* anyone to do anything. It merely requires the landlord to negotiate the rental of the dwelling, regardless of rental history. It also says that if a tenant had an eviction *filed* against them, but there was no eviction judgement made by the courts, that can't be held against them in applying for a new place.
- Discrimination on the basis of rental history, on top of the physical and mental health implications of housing insecurity, can lead someone to an inescapable downward spiral.<sup>5</sup> On average, landlords file 42 formal evictions per day in Jackson County, MO.<sup>6</sup> Without this critical protection for tenants, evictions make it almost impossible for people to find decent housing. They're subject to exorbitant security deposits and restrictions, and often the conditions of the apartments they can rent are terrible.

### **OPPOSITION SAYS: I DON'T WANT TO RENT TO SECTION 8 VOUCHER HOLDERS.**

- Housing Choice Vouchers, commonly known as "Section 8," provide housing access and stability for some vulnerable tenants. Stigma associated with Section 8 can mostly be attributed to racism and classism. Landlords will say that the program has too much red tape, but the reality is that Section 8 has an incredibly low bar for inspections (even lower than the City's Healthy Homes).<sup>7</sup>
- Allowing discrimination on lawful sources of income puts thousands at risk of chronic housing insecurity and homelessness. If people cannot secure housing with their voucher within 30 days, they lose their voucher. 13,607 are on the waiting lists for housing assistance, including over 9,000 for Section 8, in Kansas City alone.<sup>8</sup>
- Ending source of income discrimination also benefits people, like tipped workers in the service industry, and others who may have cash on hand but don't have the pay stub to show they can afford rent.

### **OPPOSITION SAYS: THESE TYPES OF REGULATIONS ARE GOING TO DRIVE US OUT OF BUSINESS.**

- We've worked with landlords on our proposal. All of them have told us a simple truth: we're not asking for anything radical. If a landlord can't comply with these regulations, they shouldn't be in business.
- Increased tenant protections shouldn't scare property owners, and they aren't what's driving them out of the market. The real enemies to local landlords are out-of-state corporate landlords. They are often the worst actors in the market, treating tenants badly, keeping their properties in poor condition, violating state and city law, obscuring their identities to evade accountability, and making a bad name for landlords in general. Corporate landlords are making it harder for local landlords to compete. That's not good for anyone, but don't take it out on us. Focus your energy on regulating out-of-state actors.

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<sup>4</sup> Fox 4. 2018.

<https://fox4kc.com/2018/01/18/ban-the-box-proposed-kc-ordinance-would-prevent-employers-landlords-from-asking-about-felony-charges/>

<sup>5</sup> Harvard University and Rice University. Eviction's Fallout: Housing, Hardship and Health. 2015.

<sup>6</sup> Kansas City Eviction Project. 2017.

<sup>7</sup> Kansas City Star. 2018. <https://www.kansascity.com/news/politics-government/article234050057.html>

<sup>8</sup> Channel 41. 2018. <https://www.kshb.com/news/local-news/more-than-13-000-waiting-for-affordable-housing-in-kansas-city>