

An Ordinance
ESTABLISHING LANDLORD LIABILITY
FOR UNPAID UTILITY BILLS OF TENANTS

WHEREAS, the city of _____ has significant losses in unpaid utility bills, and

WHEREAS, Missouri statute specifically allows the city to provide utility service to landowners only, or to impose liability on landlords for bills incurred by their tenants,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF _____, MISSOURI, AS FOLLOWS:

Section One. Landlords Responsible for Utility Bills. Every property owner shall be responsible for any utility charges or fees left unpaid by any tenant of the premises served by the water or sewer utility. However, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service. Further, where the landlord or property owner fails to pay the utility charges, the city may refuse to provide any water service to the property with the delinquent charge even in the name of a subsequent tenant or new owner of the property.

Section Two. Delinquent accounts. When a tenant is delinquent in payment for thirty days, the city shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service. When an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service.

Section Three. Penalty; Severability; Effective Date. This ordinance shall be in full force and effect upon its passage and approval, except that landlords will not be liable for unpaid delinquent utility bills incurred before the effective date of this ordinance, unless the utility customer remains a tenant of the landlord for 90 days past the effective date of this ordinance. The provisions of this ordinance are severable, as provided in Section 1.140 of the Revised Statutes of Missouri. Those provisions of this ordinance which establish an offense, are subject to the general penalty provisions provided by law, that is a penalty of \$0 to \$500 or 0 to 90 days in jail or both a fine and a jail sentence.

([Optional Provisions])

Section Two. Landlord Options. To assist landlords in determining that their tenants have responsibly paid their obligations, the city offers property owners the following options, which a landlord may select provided he does so in writing sent directly to the city hall. In the absence of a written exercise of any of these options, the city shall continue its present billing and collection practices.

A. Deposit. The city normally charges a utility deposit of _____. Any landlord may require that the deposit for his tenants be increased by 100% to _____ or by 200% to _____ and that utility service not be provided until the entire deposit is paid. (If the city should raise its utility deposit in the future, the 100% or 200% increases would be adjusted accordingly). If the city should fail to follow this instruction, the landlord shall be relieved of that portion of the charge that would have been paid if the correct deposit had been charged.)

B. The city normally permits a delinquent utility account to accumulate for weeks or even months past the due date, if it appears that the customer is making a reasonable effort to pay the account. Any landlord may request that any or all of his tenants be immediately disconnected from utility service upon failure to pay an account by the due date. If the city should fail to follow this request, the failure will not relieve the landlord of his obligation to pay the delinquent account. However, the landlord may elect option C below, and determine for himself that the city has followed his direction and notify the city of any failure.

C. Duplicate billing. Normal city practice is to only bill the tenant for the utility service provided. Upon written request the city will send a duplicate bill each month to the landlord, so the landlord can determine to his satisfaction that the bill is paid. It is the responsibility of the landlord to notify the city if this direction is not being followed. In absence of a prior complaint of no duplicate billing, the landlord shall not be excused from liability if the tenant fails to pay.

D. Written introduction of tenants. The city normally accepts oral instructions from a tenant directing that utility service be turned on at a landlord's property. Any landlord may instruct that no utility service will be provided unless the landlord sends with the tenant a written introduction and instruction to turn on the utility service.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF _____, 2002.

Mayor

Attest:

City Clerk