



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
February 24, 2022

Department Building Inspector

Director Approval David Cowan

AGENDA ITEM Public hearing to consider condemnation of 2009 ½ North Penn Avenue as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends rescinding condemnation of 2009 ½ N. Penn Ave.

BACKGROUND On May 14, 2020, the property located at 2009 ½ N. Penn Ave was involved in a structure fire. The original owner has worked with the City and the property was eventually sold to Omar Elshabassy who has completed the renovation of the property and passed a City HQS inspection.

SUGGESTED MOTION I move to adopt a resolution rescinding a previous resolution which set a hearing date to consider condemnation of 2009 ½ N. Penn Ave.

SUPPORTING DOCUMENTS

1. Inspection
2. Occupancy Permit
3. Resolution

Inspection Checklist

Housing Choice Voucher Program

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(Exp. 04/30/2018)

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number. Assurances of confidentiality are not provided under this collection.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program.

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of the name and address of both family and the owner is mandatory. The information is used to determine if a unit meets the housing quality standards of the Section 8 rental assistance program. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family participation.

Name of Family		Tenant ID Number	Date of Request (mm/dd/yyyy)																								
			01/24/2020																								
Inspector Erin Musgrave		Neighborhood/Census Tract	Date of Inspection (mm/dd/yyyy)																								
			01/25/2022																								
Type of Inspection Initial <input type="checkbox"/> Special <input checked="" type="checkbox"/> Reinspection <input type="checkbox"/>		Date of Last Inspection (mm/dd/yyyy)	PHA																								
A. General Information <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Inspected Unit 2009 1/2 N Penn</td> <td style="width: 50%;">Year Constructed (yyyy) 1905</td> </tr> <tr> <td colspan="2">Full Address (including Street, City, County, State, Zip) 2009 1/2 N Pennsylvania Ave Independence, KS 67301</td> </tr> <tr> <td colspan="2">Number of Children in Family Under 6</td> </tr> <tr> <td colspan="2">Owner Name of Owner or Agent Authorized to Lease Unit Inspected Omar Eishabassy / Younique LLC</td> </tr> <tr> <td colspan="2">Phone Number 917-288-4816</td> </tr> <tr> <td colspan="2">Address of Owner or Agent 2009 1/2 N Pennsylvania Ave Independence, KS 67301</td> </tr> </table>				Inspected Unit 2009 1/2 N Penn	Year Constructed (yyyy) 1905	Full Address (including Street, City, County, State, Zip) 2009 1/2 N Pennsylvania Ave Independence, KS 67301		Number of Children in Family Under 6		Owner Name of Owner or Agent Authorized to Lease Unit Inspected Omar Eishabassy / Younique LLC		Phone Number 917-288-4816		Address of Owner or Agent 2009 1/2 N Pennsylvania Ave Independence, KS 67301													
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B. Summary Decision On Unit (To be completed after form has been filled out)			
<input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail <input type="checkbox"/> Inconclusive	Number of Bedrooms for Purposes of the FMR or Payment Standard	Number of Sleeping Rooms	2 2bed 1 bath -

Inspection Checklist				Comment	Final Approval Date (mm/dd/yyyy)
Item No.	1. Living Room	Yes Pass	No Fail	In-Com.	
1.1	Living Room Present	✓			
1.2	Electricity	✓			Smart bulbs, have to use Alexa
1.3	Electrical Hazards	✓			
1.4	Security	✓			
1.5	Window Condition	✓		new	
1.6	Ceiling Condition	✓			
1.7	Wall Condition	✓			
1.8	Floor Condition	✓			

* Room Codes: 1 = Bedroom or Any Other Room Used for Sleeping (regardless of type of room); 2 = Dining Room or Dining Area; 3 = Second Living Room, Family Room, Den, Playroom, TV Room; 4 = Entrance Halls, Corridors, Halls, Staircases; 5 = Additional Bathroom; 6 = Other

Item No.	1. Living Room (Continued)	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
1.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?	✓			Not Applicable	
2. Kitchen						
2.1	Kitchen Area Present	✓				
2.2	Electricity	✓			new GFCI Outlets	
2.3	Electrical Hazards	✓				
2.4	Security	✓				
2.5	Window Condition	✓				
2.6	Ceiling Condition	✓				
2.7	Wall Condition	✓				
2.8	Floor Condition	✓				
2.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?	✓			Not Applicable	
2.10	Stove or Range with Oven	✓				
2.11	Refrigerator	✓				
2.12	Sink	✓				
2.13	Space for Storage, Preparation, and Serving of Food	✓			old cabinets	
3. Bathroom						
3.1	Bathroom Present	✓				
3.2	Electricity	✓				
3.3	Electrical Hazards	✓			no Alexa in bathroom	
3.4	Security	✓				
3.5	Window Condition				no window	
3.6	Ceiling Condition	✓				
3.7	Wall Condition	✓				
3.8	Floor Condition	✓				
3.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?	✓			Not Applicable	
3.10	Flush Toilet in Enclosed Room in Unit	✓				
3.11	Fixed Wash Basin or Lavatory in Unit	✓				
3.12	Tub or Shower in Unit	✓				
3.13	Ventilation	✓			fan	

Item No. 4. Other Rooms Used For Living and Halls	Yes Pass	No Fail	In- Conc.	Comment	Final Approval Date (mm/dd/yyyy)
4.1 Room Code* and Room Location	(Circle One) Right/Center/Left		(Circle One) Front/Center/Rear		10 Floor Level
4.2 Electricity/Illumination	✓				
4.3 Electrical Hazards	✓				
4.4 Security	✓				
4.5 Window Condition	✓				
4.6 Ceiling Condition	✓				
4.7 Wall Condition	✓				
4.8 Floor Condition	✓				
4.9 Lead-Based Paint	✓			<input type="checkbox"/> Not Applicable	
<p>Are all painted surfaces free of deteriorated paint?</p> <p>If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?</p>					
4.10 Smoke Detectors	✓				
4.1 Room Code* and Room Location	(Circle One) Right/Center/Left		(Circle One) Front/Center/Rear		1 Floor Level
4.2 Electricity/Illumination	✓				
4.3 Electrical Hazards	✓				
4.4 Security	✓				
4.5 Window Condition	✓				
4.6 Ceiling Condition	✓				
4.7 Wall Condition	✓				
4.8 Floor Condition	✓				
4.9 Lead-Based Paint	✓			<input type="checkbox"/> Not Applicable	
<p>Are all painted surfaces free of deteriorated paint?</p> <p>If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?</p>					
4.10 Smoke Detectors	✓				
4.1 Room Code* and Room Location	(Circle One) Right/Center/Left		(Circle One) Front/Center/Rear		1 Floor Level
4.2 Electricity/Illumination					
4.3 Electrical Hazards					
4.4 Security					
4.5 Window Condition					
4.6 Ceiling Condition					
4.7 Wall Condition					
4.8 Floor Condition					
4.9 Lead-Based Paint				<input type="checkbox"/> Not Applicable	
<p>Are all painted surfaces free of deteriorated paint?</p> <p>If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?</p>					

Item No.	4. Other Rooms Used For Living and Halls	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
4.1	Room Code* and Room Location	(Circle One)		(Circle One)		
		Right/Center/Left		Front/Center/Rear		Floor Level
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint	Not Applicable				
	Are all painted surfaces free of deteriorated paint?					
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?					
4.10	Smoke Detectors					
4.1	Room Code* and Room Location	(Circle One)		(Circle One)		
		Right/Center/Left		Front/Center/Rear		Floor Level
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint	Not Applicable				
	Are all painted surfaces free of deteriorated paint?					
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?					
4.10	Smoke Detectors					
5. All Secondary Rooms (Rooms not used for living)						
5.1	None	Go to Part 6				
5.2	Security					
5.3	Electrical Hazards					
5.4	Other Potentially Hazardous Features in these Rooms					

Item No.	6. Building Exterior			Comment	Final Approval Date (mm/dd/yyyy)
	Yes Pass	No Fail	In - Conc.		
6.1 Condition of Foundation				Slab	
6.2 Condition of Stairs, Rails, and Porches	✓				
6.3 Condition of Roof/Gutters	✓				
6.4 Condition of Exterior Surfaces	✓				
6.5 Condition of Chimney				NA	
6.6 Lead Paint: Exterior Surfaces Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed 20 square feet of total exterior surface area?	✓			Not Applicable	
6.7 Manufactured Home: Tie Downs				NA	
7. Heating and Plumbing					
7.1 Adequacy of Heating Equipment	✓				
7.2 Safety of Heating Equipment	✓				
7.3 Ventilation/Cooling	✓				
7.4 Water Heater	✓				
7.5 Approvable Water Supply	✓				
7.6 Plumbing	✓				
7.7 Sewer Connection	✓				
8. General Health and Safety					
8.1 Access to Unit	✓				
8.2 Fire Exits	✓				
8.3 Evidence of Infestation	✓				
8.4 Garbage and Debris	✓				
8.5 Refuse Disposal	✓				
8.6 Interior Stairs and Common Halls	✓				
8.7 Other Interior Hazards				none seen	
8.8 Elevators				NA	
8.9 Interior Air Quality	✓				
8.10 Site and Neighborhood Conditions	✓				
8.11 Lead-Based Paint: Owner's Certification				Not Applicable	

If the owner is required to correct any lead-based paint hazards at the property including deteriorated paint or other hazards identified by a visual assessor, a certified lead-based paint risk assessor, or certified lead-based paint inspector, the PHA must obtain certification that the work has been done in accordance with all applicable requirements of 24 CFR Part 35. The Lead-Based Paint Owner Certification must be received by the PHA before the execution of the HAP contract or within the time period stated by the PHA in the owner HQS violation notice. Receipt of the completed and signed Lead-Based Paint Owner Certification signifies that all HQS lead-based paint requirements have been met and no re-inspection by the HQS inspector is required.

C. Special Amenities (Optional)

This Section is for optional use of the HA. It is designed to collect additional information about other positive features of the unit that may be present. Although the features listed below are not included in the Housing Quality Standards, the tenant and HA may wish to take them into consideration in decisions about renting the unit and the reasonableness of the rent. Checklist any positive features found in relation to the unit.

D. Questions to ask the Tenant (Optional)

1. Living Room

- High quality floors or wall coverings
- Working fireplace or stove Balcony, patio, deck, porch Special windows or doors
- Exceptional size relative to needs of family
- Other: (Specify)

4. Bath

- Special feature shower head
- Built-in heat lamp
- Large mirrors
- Glass door on shower/tub
- Separate dressing room
- Double sink or special lavatory
- Exceptional size relative to needs of family
- Other: (Specify)

2. Kitchen

- Dishwasher
- Separate freezer
- Garbage disposal
- Eating counter/breakfast nook
- Pantry or abundant shelving or cabinets
- Double oven/self cleaning oven, microwave
- Double sink
- High quality cabinets
- Abundant counter-top space
- Modem appliance(s)
- Exceptional size relative to needs of family
- Other: (Specify)

5. Overall Characteristics

- Storm windows and doors
- Other forms of weatherization (e.g., insulation, weather stripping) Screen doors or windows
- Good upkeep of grounds (i.e., site cleanliness, landscaping, condition of lawn)
- Garage or parking facilities
- Driveway
- Large yard
- Good maintenance of building exterior
- Other: (Specify)

3. Other Rooms Used for Living

- High quality floors or wall coverings
- Working fireplace or stove Balcony, patio, deck, porch Special windows or doors
- Exceptional size relative to needs of family
- Other: (Specify)

Carport - Storage Shed -

6. Disabled Accessibility

Unit is accessible to a particular disability. Yes No
Disability

1. Does the owner make repairs when asked? Yes No
2. How many people live there?
3. How much money do you pay to the owner/agent for rent? \$ _____
4. Do you pay for anything else? (specify) _____
5. Who owns the range and refrigerator? (insert O = Owner or T = Tenant) Range _____ Refrigerator _____ Microwave
6. Is there anything else you want to tell us? (specify) Yes No

E. Inspection Summary/Comments (Optional)

Provide a summary description of each item which resulted in a rating of "Fail" or "Pass with Comments."

Tenant ID Number	Inspector	Date of Inspection (mm/dd/yyyy)	Address of Inspected Unit
Type of Inspection	Initial	Special	Reinspection
Item Number	Reason for "Fail" or "Pass with Comments" Rating		

Omar and his girlfriend are living there, it is not a rental property at this time.

The part that was on fire, formerly the garage area. The south end of the building is being used as storage. Siding is finished the inside work is not complete. He is planning on putting in a new sliding door and larger fenced in area for the dog.

Omar has plastic over door into that room due to it not being used until it is finished.

No issues at this time. Told him we need to reinspect if he decides to turn into a rental when finished.

Continued on additional page

Yes No



"Delivering Excellence"

CERTIFICATE OF OCCUPANCY/COMPLETION

DATE: 1/25/2022

AGENCY: CITY OF INDEPENDENCE, KANSAS

PROJECT TITLE: 2009 ½ NORTH PENN. AVE.

LOCATION: INDEPENDENCE, KANSAS 67301

BUILDING PERMIT: N/A

CONTRACTOR/ OWNER: OMAR ELSHABASSY
YOUNIQUE LLC

2009 ½ NORTH PENN. AVE.

INDEPENDENCE, KANSAS 67301

DESCRIPTION: CONDEMNED HOUSE REMODEL, PASSED HQS INSPECTION 1/25/2022

LOCALITY: SUB BLKS 5,6 HIGHLND PRK, S19, T32, R16, 10615 SQUARE FEET, BEG 183' W SE COR
LT 2 W 80' N 146.3' E 80' S TO POB BLK 1; LOT WIDTH 146.3 LOT DEPTH: 080.0 Plat
Book/Page A /19 Deed Book/Page 701 /1017 677 /652 648 /986 626 /1091 481 /316
409 /419 373 /062

This Certificate represents an approval that is valid only when the building and its facilities are used as stated and is conditional upon all building systems being maintained and tested in accordance with the applicable Board of Building Standards rules and applicable equipment or system schedules.

Tyler Henry
Tyler Henry, Building Official
City of Independence, Kansas

2/18/22

RESOLUTION NO. 2022-005

A RESOLUTION RESCINDING A PREVIOUS RESOLUTION WHICH SET A HEARING DATE TO CONSIDER CONDEMNATION

WHEREAS, the Governing Body of the City of Independence, Kansas, previously adopted a resolution setting a hearing to consider condemning certain property located within the City as being dangerous and unsafe;

AND WHEREAS, the owner of said property has taken steps to make repairs and/or improvements to the property.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The resolution setting a hearing to consider condemning the following described property as being dangerous and unsafe is hereby rescinded and the property is released from all condemnation proceedings:

Legal Description

SUB Blocks 5 & 6; Highland Park Addition to the City of Independence, Montgomery County, Kansas

Common Address

2009 ½ N. Pennsylvania Ave.

Mortgage

Adopted this 24th day of February, 2022.

(SEAL)

Mayor

City Clerk