

MINUTES OF THE HOUSE COMMERCE, LABOR AND ECONOMIC DEVELOPMENT
COMMITTEE

The meeting was called to order by Chairperson Mark Hutton at 1:30 pm on Thursday, March 03, 2016, 346-S of the Capitol.

All members were present

Committee staff present:

Linda Herrick, Kansas Legislative Committee Assistant
Reed Holwegner, Legislative Research Department
Chuck Reimer, Office of Revisor of Statutes

Conferees appearing before the Committee:

Representative Scott Schwab
Ed Jaskinia, President, The Associated Landlords of Kansas
Luke Bell, General Counsel, Kansas Association of Realtors
Charlotte O'Hara, Overland Park
Dennis Batliner, Overland Park
Earl Long, Overland Park
Debby Graber, Rental Inspection Div., Unified Government of Wyandotte Co KC
Joseph Ledbetter, Attorney, Topeka
Danielle Murray, Interim Community Development Director
Greg Binns, President and COO, First National Bank, Hutchinson
Heidi Holliday, Executive Director, Rosedale Development Association

Others in attendance:

[See Attached List](#)

Hearing on: HB2665 — City and county inspections of rental properties; limitations.

Chairperson Hutton opened the hearing on this bill. Chuck Reimer, Revisor, gave an overview of the bill.

This bill would prevent cities and counties from enacting ordinances that require the inspection of rental properties without a valid search warrant. Tenants of rental property could request an inspection by the city or county if the tenant was not subject to eviction by the property owner. If an inspection is requested, the property owner must be notified.

Representative Scott Schwab gave testimony ([Attachment 1](#)) in support of the bill. He said he understands the need to inspect larger commercial properties, but not private homes.

Ed Jaskinia, President, The Associated Landlords of Kansas, gave testimony in support ([Attachment 2](#)).

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He said the purpose of this bill is to protect the rights of tenants from routine intrusions into their homes; forbids local government agencies from threatening to declare the tenant's home uninhabitable and forbids local government agencies from using administrative search warrants; excludes property that is privately owned; protects the tenants right to ask for an inspection; and requires the local government to contact the landlord before scheduling a tenant requested inspection.

Luke Bell, Kansas Association of Realtors, gave proponent testimony ([Attachment 3](#)) stating this bill would protect the privacy rights of Kansas property owners and tenants by prohibiting cities and counties from requiring inspections of rental properties unless a city or county has obtained the consent of the property owner for the inspection, obtained a search warrant from a court for the inspection, or the tenant has requested the inspection.

Charlotte O'Hara, Overland Park, gave supporting testimony ([Attachment 4](#)).

Dennis Batliner, Overland Park, provided proponent testimony ([Attachment 5](#)). He said citizens have a right to be free from forced searches, free from being made a criminal without a warrant and the right to be treated equally under the law.

Earl Long, Overland Park, spoke in favor of the bill ([Attachment 6](#)) and noted the bill states the concern of the citizens and urged the Committee to pass the bill.

Proponent written-only testimony was provided by: James Franko, Vice President, Policy Director, Kansas Policy Institute ([Attachment 7](#)) and Ed Geither, Geither Enterprises ([Attachment 8](#)).

Debby Graber, Rental Inspection Division, Unified Government of Wyandotte County/KC, KS provided opponent testimony ([Attachment 9](#)) stating this entity has a rental license and inspection division that has worked well for landlords, tenants, and the community. This bill would disband this division that has been working well for 20 years.

Joseph Ledbetter, Attorney, Topeka, gave testimony opposing the bill ([Attachment 10](#)) since section (c) could encourage evictions of tenants to pre-empt a code inspection and believed the bill needs some changes. He handed out ([Attachment 11](#)) a photo of a wall furnace with a safety warning noting the furnace leaked carbon monoxide and the tenants had lived in the dwelling for four years.

Danielle Murray, Interim Community Development Director, City of Mission gave opposing testimony ([Attachment 12](#)) noting a rental licensing and inspection program was developed, and this bill would eliminate the program.

Greg Binns, President and COO, First National Bank, Hutchinson, provided opposing testimony ([Attachment 13](#)). Hutchinson recently adopted a rental inspection program, and this bill would require their program to be modified to include warrants and would raise the fees to be unaffordable.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Heidi Holliday, Executive Director, Rosedale Development Association, KC, KS, provided opposing testimony ([Attachment 14](#)). The Rosedale neighborhood has worked with the rental licensing department at Livable Neighborhoods to eliminate blight in the neighborhood, and this bill could undo the partnership that has been built to achieve rental property reform over the last 20 years.

Larry Baer, League of Kansas Municipalities, provided opposing testimony ([Attachment 15](#)) noting this bill precludes cities from adopting rental property registration and licensing programs that require inspections without search warrants. He added the bill lacks clarity and some conversation and negotiation is needed.

Opponent written-only testimony was provided by:

Deniese Davis, President, North Wellborn Watch, KC, KS ([Attachment 16](#))

Louetta Braswell, Executive Director, Leavenworth Road Association ([Attachment 17](#))

Lou Braswell, Chairman, Kansas City, KS Prevention Patrol ([Attachment 18](#))

Dick Carter, City of Overland Park ([Attachment 19](#))

Mike Amyx, Mayor, City of Lawrence ([Attachment 20](#))

Mike Nolan, Assistant to the City Administrator, City of Lenexa ([Attachment 21](#))

Thomas Hongso, Chief of Police, City of Lenexa ([Attachment 22](#))

Colleen Ballard Hayes, Overland Park ([Attachment 23](#))

Kathy Axelson, City Administrator/City Clerk, Fairway ([Attachment 24](#))

Paul Soptick, Board President, Livable Neighborhoods Task Force, KC, KS ([Attachment 25](#))

Greg Talkin, President, Kansas-Heart of America Chapter, KC, KS ([Attachment 26](#))

Charles Schlittler, Director, Downtown Shareholders of KC, KS ([Attachment 27](#))

Nolan Sunderman, City of Prairie Village ([Attachment 28](#))

Skip Moon, Vice President and Executive Manager, Kansas Association of Code Enforcement, Ulysses ([Attachment 29](#))

Don Geer, D & M Capital Investments, Overland Park ([Attachment 30](#))

There was no neutral testimony. Neutral written-only testimony was furnished by Melinda Henderson, Lawrence ([Attachment 31](#)).

The proponents and opponents answered question.

The hearing on this bill was closed.

Adjournment

The meeting adjourned at 3:04 p.m.