

Approved March 3, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at
Chairperson

9:10 a.m./p.m. on Thursday, February 20, 1992 in room 531-N of the Capitol.

All members were present except: Senator Frahm was excused and Senator Gaines absent

Committee staff present: Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative Research
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

Sally Thompson, State Treasurer
Ernie Mosher, League of Kansas Municipalities
Janet Stubbs, Home Builders Association of Kansas
Cathie Holdeman, City of Wichita

Request for Introduction of Bills

Sally Thompson, State Treasurer, appeared before the committee requesting introduction of a bill amending KSA 12-4116 regarding the remittance of fees to the state treasurer for the municipal judge training fund annually, instead of monthly, unless the amount exceeds \$250.00. (ATTACHMENT 1)

Senator Daniels moved the introduction of this bill. Motion seconded by Senator Burke. Motion carried.

SB 586 Storm shelters for mobile parks

Ernie Mosher, League of Kansas Municipalities, appeared as an opponent to SB 586 considering the regulation of mobile home parks to be a matter of "local affairs and government" or Home Rule. He stated this is a similar bill to HB 2936 which was heard in the House Local Government Committee, except HB 2936 requires only 10 square feet per mobile home. SB 586 requires 18 square feet per mobile home. If the state concludes that storm shelters must exist in some or all mobile home parks across the state, a state law should be enacted creating such a legal duty upon park owners and operators which would eliminate the need for several hundred local ordinances or resolutions. (ATTACHMENT 2)

Senator Montgomery asked if there is a definition of a storm shelter and does it have to be underground? Mr. Mosher said "no". Senator Montgomery asked if the law could be written to say if there are existing facilities in the area, could they be used and the storm shelters not required. Mr. Mosher said in the very small cities, it is asking quite a bit. He said you would need a statewide approach. This should be integrated in emergency preparedness. Senator Montgomery also asked about shopping centers, and stated maybe this could be added to the bill.

Senator Daniels stated she is a proponent of Home Rule and many cities do have this requirement. Those mobile home parks that do not have the storm shelters would be grandfathered in. She also asked if the League could develop a model act? He said it could but they don't have the expertise in the construction code.

Senator Lee said the bill should be expanded to include apartment complexes. She also requested some statistics in the history of deaths in mobile parks, in apartments and in other complexes. Senator Daniels said she had the statistics.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,

room 531-N, Statehouse, at 9:10 a.m./p.m. on Thursday, February 20, 1992

Senator Montgomery asked if there is a civil defense regulation that may have some requirements that could be look at. Senator Daniels stated there will be someone from civil defense at the next hearing on this bill.

Senator Webb said somethings we cannot legislate. He doubted if everyone in the capitol could get in to the basement if a storm was imminent.

Senator Langworthy said this bill will be addressed again next Thursday, February 27, 1992.

SB 604 - Housing impact statements - state and local laws and regulations

Janet Stubbs, Kansas Home Builders Association, appeared as a proponent for **SB 604**. In her testimony (**Attachment 3**) she wants the elected officials and bureaucrats to know the effect of proposed legislation and regulations on housing costs. She referred to the report of the Advisory Commission on Regulatory Barriers to Affordable Housing. She listed several complaints of builders in Kansas with problems being faced in building affordable housing. With the passage of SB 23 last year, it added \$2,000 to the cost of housing in Salina. This bill would encourage local government to relook at some of its requirements.

Senator Langworthy passed out written testimony from Karen France, Kansas Association of Realtors as a proponent of **SB 604**. (**Attachment 4**)

Cathie Holdeman, City of Wichita appeared as an opponent of **SB 604**. She said the city of Wichita passed 500 ordinances a year and they would have a real problem with doing an impact statement on each of these ordinances. In condemnation cases, this requirement could add 60 days to the process. Wichita has done a number of things to help make housing affordable and they do want to work with the homebuilders. (**Attachment 5**)

Ernie Mosher, League of Kansas Municipalities, will be asked to testify next Wednesday, February 26, 1992 as an opponent to this bill.

The minutes of February 11 and 12, 1992 were approved. Motion made by Senatdor Burke and seconded by Senator Daniels. Motion carried.

The meeting adjourned at 10:00 a.m.



STATE OF KANSAS

Sally Thompson

TREASURER

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Request for introduction of bill
by State Treasurer Sally Thompson
before Senate Local Government Committee
February 20, 1992

Madam chairperson, Sen. Langworthy, and members of the committee. I respectfully request an amendment to KSA 12-4116 regarding the remittance of fees to the state treasurer for the municipal judge training fund. We are finding that a number of the municipal courts have very small remittances--see chart. We suggest that the requirement for remittance be amended to read that the municipal courts remit at least annually or when fees collected reach \$250.

*Attachment 1-1
Senate Local govt
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Municipal Court Judge's Fees

Collections per Qtr in Dollars	1st Qtr '92		2nd Qtr '92	
	#	\$	#	\$
-----	-----	-----	-----	-----
\$00-\$50	303	\$2,159	307	\$2,352
\$51-\$100	25	1,879	22	1,607
\$100-\$250	23	3,575	23	3,558
\$251-\$999	17	7,668	19	9,939
>\$1000	8	24,113	5	18,251
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	376	\$39,394	376	\$35,707

Attachment 1-2
 Seville Social govt
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carry out the duties of such office. Such examination and training shall be administered without charge and such examination shall be given at least once each six months at a time and place designated by the supreme court. If a municipal judge fails to successfully complete such examination within 18 months after the date such judge takes office, such judge shall forfeit such judge's office and the municipal judge position previously held by such judge shall be vacant at the expiration of such eighteen-month period. A municipal judge who fails to successfully complete any examination may take such examination again at the next time it is offered prior to the expiration of such eighteen-month period. Any municipal judge who fails to successfully complete the examination within the prescribed time shall be ineligible to be a municipal judge, unless such person subsequently meets all the qualifications prescribed by K.S.A. 12-4105 and amendments thereto.

(b) Any person who successfully completes the examination administered under this section or who meets all of the qualifications prescribed by K.S.A. 12-4105 and amendments thereto, shall be certified by the supreme court as being qualified to hold such office. In order to continue to hold such office, such judge must attend at least 10 hours of continuing judicial education as approved by the supreme court in each calendar year. A continuing judicial education program offering at least 10 hours of credit shall be provided at least once each year at no expense to either the municipal judge or the municipality.

(c) The supreme court shall administer the training, testing and continuing judicial education provided for in this section, which shall be funded by the municipal judge training fund as provided for in K.S.A. 12-4115 or may contract with another person or organization for that service.

History: L. 1989, ch. 66, § 1; July 1.

12-4115. Municipal judge training fund; expenditures from. (a) There is hereby created in the state treasury the municipal judge training fund. All moneys credited to the fund shall be used solely for the purpose of administering the training, testing and continuing judicial education of municipal judges as provided in K.S.A. 12-4114 and for continuing judicial education of all other municipal judges who have been admitted to practice law in Kansas by the supreme court.

(b) All expenditures from the municipal judge training fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person or persons designated by the chief justice.

History: L. 1989, ch. 66, § 2; July 1.

12-4116. Same; assessments against municipal cases. In each case filed in municipal court where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in an amount not to exceed \$1 shall be assessed for the training, testing and continuing judicial education of municipal judges as provided in K.S.A. 12-4114. The judge or clerk of the municipal court shall remit at least monthly all assessments received pursuant to this section to the state treasurer for deposit in the state treasury to the credit of the municipal judge training fund. The specific amount of the assessment shall be fixed by order of the supreme court and shall apply uniformly to all cities. For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case. For the purpose of this section, parking violations shall not be considered as cases.

History: L. 1989, ch. 66, § 3; July 1.

Article 42.—CODE FOR MUNICIPAL COURTS; PROSECUTION AND ARREST

12-4201. Commencement of prosecution. The prosecution for the violation of municipal ordinances shall be commenced by the filing of a complaint with the municipal court.

History: L. 1973, ch. 61, § 12-4201; April 1, 1974.

Source or prior law:
13-605, 14-804, 15-504.

Cross References to Related Sections:

See similar provisions in code of criminal procedure. 22-2301.

Attorney General's Opinions:

Municipal courts; arrest and prosecution; complaint; issuance and service. 85-67.

CASE ANNOTATIONS

1. Filing of complaint mandatory in municipal court; no duplicate, amendment or refile of that which never existed. *Seaton v. City of Coffeyville*, 9 K.A.2d 760, 761, 688 P.2d 1240 (1984).

12-4202. Complaint; requirements; form. A complaint shall be in writing and shall



**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Local Government
FROM: E.A. Mosher, Research Counsel, League of Kansas Municipalities
RE: SB 586--Mobile Home Park Storm Shelters
DATE: February 20, 1992

While the League fully acknowledges the meritorious object of SB 586, it must appear in opposition to its passage, on the basis of preservation of Home Rule and the alternative approach available.

SB 586 is a state mandate to all city and county governing bodies to enact local laws requiring owners of mobile home parks to construct or otherwise provide storm shelters. The bill is similar, but not identical to, HB 2936 which was heard in the House Local Government Committee on Wednesday. The League has the same position on both bills.

Home Rule. We consider regulation of mobile home parks to be a matter of "local affairs and government"--properly within the scope of the Constitutional Home Rule Amendment. The League believes that discretionary local authority should not be converted into a uniform, statewide mandate to enact local laws.

League Proposal. The League offers the following approach, consistent with the action of our Finance and Taxation Policy Committee, taken on February 14: If the Legislature concludes that storm shelters must exist in some or all mobile home parks across the state, a state law should be enacted creating such a legal duty upon park owners and operators. This would be similar to the tie down requirements of K.S.A. 75-1226 et seq.. The state law should set clear standards as to where those shelters should be located and how they should be constructed. Like other laws of the State, enforcement responsibilities will fall upon local law enforcement personnel, most likely using local building inspectors where those people are available.

Summary. We acknowledge the merits of the objective of HB 2936. Protecting the public safety is a responsibility of both State and local government. If the Legislature determines that concerns for public safety require storm shelters to be available to residents of mobile home parks, that duty should be created by a state law requiring park owners and operators to so provide them, eliminating the need for several hundred local ordinances or resolutions.

*Attachment 2-1
Senate Local Govt
Feb 20, 1992*

SENATE

LOCAL GOVERNMENT COMMITTEE

February 20, 1992
SB 604

MADAM CHAIR AND MEMBERS OF THE COMMITTEE:

My name is Janet Stubbs appearing today on behalf of the Home Builders Association of Kansas to request your support for SB 604.

Our purpose in requesting introduction of SB 604 was to get elected officials and bureaucrats focused on the effect of proposed legislation and regulations on housing costs. We want to make certain that policy makers are aware, as we in the home building industry are, that regulations impact on housing costs. There seems to be a basic lack of understanding of the effect of government's actions on housing affordability and how the increased cost of a new home affects the person's ability to afford a home.

The HBA of Kansas continues to be concerned about the cost of housing for ALL citizens of Kansas. We want all government officials to understand that for every \$1,000 a home's price is increased, at least 1% of the homebuying public is eliminated because they do not have the additional capital necessary to afford the higher price. It is politically popular to verbally support "affordable housing" and be opposed to any citizen of Kansas falling into the "homeless" category. Yet actions are taken regularly by "Government" which increases the cost of housing.

When I appeared before you to request introduction of this bill, I referred you to the report of the Advisory Commission on Regulatory Barriers to Affordable Housing made to President Bush and Secretary Kemp. This report is entitled "Not in My Back Yard" Removing Barriers to Affordable Housing and is often referred to as "NIMBY". I referenced the 31 recommendations of the Kemp Advisory Commission in their report and want to expand on those to make the Committee aware of the thoughts of the Commission.

Recommendations 2 and 3 refer to the CHAS (Comprehensive Housing Assistance Strategy) and the barrier-removal plan it should contain. The Kansas plan does not contain such a section. #3 states that the authority for MRB's and Low Income Housing Tax Credit be contingent upon the CHAS containing a barrier removal plan.

In 1991, the Kansas Legislature passed SB 23 which addressed the planning and zoning laws in the State. The HBA of Kansas worked with the Kansas APA on these revisions to achieve a compromise which we believe to be a significant improvement at the State level. Numbers 17 through 23 of the Report makes suggestions

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which urge states to implement on going action program of regulatory barrier removal and reform at the State and Local levels.

The Report states that the barriers to affordable housing have been in place for many years and the evidence is overwhelming that these barriers are unlikely to disappear, absent significant incentives and effort. It further states that all levels of government need to work at removing barriers in conjunction with private interests. "Because States delegate authority to local governments to regulate land use and development, States should take the lead in removing regulatory barriers to affordable housing. What each State should do depends upon its own circumstances and situation, but there is no question that State leadership is the only path likely to bring about desired change."

"A few States have been substantially involved in attempting to promote affordable housing through the removal of regulatory barriers. Their efforts include recognizing affordable housing as a formal State goal, creating procedures for reconciling local regulations with State goals, eliminating redundant regulations, developing procedures for resolving development disputes, setting statewide standards in support of affordable housing, eliminating discrimination against certain types of affordable housing, and providing State financial incentives for affordable housing and local regulatory reform. Clearly, however, more effort on the part of more States is called for."

In Kansas, the members of the HBA of Kansas believe that regulations only add to the cost of housing. Therefore, we are not appearing to ask that Kansas implement restrictions on Local units of government which will create additional difficulty for our membership in providing housing for potential homeowners. What we do want is the contents of SB 604 which requires elected officials to make decisions which affect housing based upon information which clearly indicates the effect it has on the cost of housing for everyone who owns or rents a house. We believe education of the elected officials, regarding the problems of the developer when he attempts to provide housing for the prospective customer, is the key to solving the problem of affordability.

In preparing for the presentation this morning, I called the former planning director of Phoenix, Arizona, with whom I became acquainted a few years ago when I conducted Affordable Housing seminars in Topeka and Wichita. Rick Counts was a trend setter in those days for his willingness to work with builders and developers to try innovative cost cutting measures on projects in Phoenix. For this, he received recognition throughout the country.

Rick reminded me of the 4 points he always made in his presentation to attendees of his seminars. Quite simply they are as follows:

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1. Administrative streamlining of the development process. The jurisdiction and the HBA should be on the same wave length and work together to make development happen more rapidly which cuts the holding costs to the developer.

2. Reduce unit land costs by encouraging cluster development, etc. The more yield per acre the more each unit cost is reduced. He found that in Phoenix they reduced the cost per house some \$6,000 or 7,000.

3. Off-site and in-home reduction of costs must be considered and cut the cost of housing in Phoenix some 8 years ago by \$2,000.

4. Financing in the area of special assessments. Respreading of special assessment refinancing advantages in order to give homeowner's every advantage possible.

I contacted builders in Wichita, Manhattan, Topeka and Salina to determine their thoughts and the problems being faced in those areas. The complaints were more lengthy than can be reviewed here this morning but could all be put into the 4 categories that Mr. Counts worked from.

--The inspection process needs to be modified by combining/crosstraining of inspectors to avoid costly delays during construction and combining of city and county departments.

--Delays in securing of permits due to process utilized.

--Delays in inspections during construction which are costly.

--Minimum lot size requirements which equates to more costs for the land, more costs for utility and infrastructure installations, as well as higher general and special taxes.

--Using building permits as a revenue generator for units of government.

--Inflexible landscaping requirements for specific type plants, and the numbers of plants.

--Standup curbs vs roll curbs which require curb cuts for driveways plus the additional initial costs.

--Inflexible procedures for installation of sidewalks.

--Excessive design standards for streets, sidewalks and infrastructure installations.

--Impact fees and excise taxes.

--Reluctance on the part of government to consider advancements in technology regarding water and sewer facilities.

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In cities across Kansas which have active Associations, the leadership of those groups attempt to work with city officials to make changes to reduce costs in their area. Developers are accused of being motivated to cut costs to increase their profit margin. Actually, I represent small business people who are interested in the ability to produce a product which is affordable to more prospective purchasers.

At the State level, I work with lawmakers and regulatory agencies to alleviate unnecessary additional costs. I previously mentioned to this Committee the regulation promulgated by one agency here in Kansas which the City of Salina estimated would add \$2,000 to the cost of a house in specific areas. On Tuesday, after working for over 6 weeks on this problem, we have reached a compromise which will be given an opportunity to work for the next year.

The Rule and Regulation process in State government creates situations of this type. Revisions need to be made in the process which involves affected industries so they can have the opportunity to have input prior to the public hearing without exercising political pressure. If this agency had been required to prepare a housing impact analysis prior to the public hearing, the reviewing officials would have been more acutely aware of the effect of their actions.

One model building code is developing a form which must be completed and presented by those proposing modification of that national building code. It will require anyone who proposes an amendment to the code to state the reason for the change and the cost associated with the proposed change. We support this process.

Senator Langworthy and Members of the Committee, I have attempted to advise you of our interests and concerns without presenting you with numerous horror stories which could have been paraded before you. I have examples of proposals which could have increased the cost of housing had they been implemented. However, it is our intention to bring about a renewed awareness in government, at all levels, as you enact laws and write regulation which affect housing. We urge your support for SB 604.

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COMMISSION RECOMMENDATIONS

The Commission proposes 31 recommendations for Federal, State, and local government and private action. These recommendations are intended to be a total package of actions and, if implemented, will provide the legislative and administrative tools for a comprehensive program directed at reducing regulatory impediments to affordable housing.

1. Congress amend the National Affordable Housing Act of 1990 to authorize HUD to condition assistance to State & local governments based upon their barrier-removal strategies.

2. States be offered the opportunity and encouragement to review and comment upon the local barrier-removal plan of the Comprehensive Housing Assistance Strategy (CHAS) mandated by the National Affordable Housing Act of 1990.

3. Congress make permanent the authority for both mortgage revenue bonds and Low Income Housing Tax Credit and that this State authority be contingent upon it having an approved barrier-removal plan in CHAS.

4. A variety of administrative and regulatory incentives be provided to States that establish and implement satisfactory barrier-removal strategies.

5. Congress enact legislation to provide States with funding assistance on a cost-sharing basis for 3 to 5 years to plan and initiate comprehensive programs of barrier removal and reform at both the State and local levels.

6. Passage of a Congressional requirement for a Housing Impact Analysis before any Federal agency promulgates any major rule or rule revision.

7. HUD and the Federal financial regulatory agencies develop means to ensure reinvestment in older urban communities and protect these communities from racial discrimination in lending and disinvestment.

8. Congress amend the Paperwork Reduction Act to clarify that it applies to all Federal paperwork requirements including the submission of paper to a government agency.

9. Congress amend the Davis-Bacon Act to: (1) raise the threshold of covered projects from the present level of \$2,000 to \$250,000, and (2) treat lower income multifamily housing as residential rather than commercial property.

10. A comprehensive assessment of existing wetlands legislation and regulations to eliminate excessive or unnecessary barriers while protecting essential wetlands resources.

11. A thorough review of both statutory and administrative provisions regarding protection of endangered species to ensure an adequate balance between protection and other essential social goals.

12. The executive branch become an active and continuing participant in seeking increased Federal and State judicial review and scrutiny of excessive and discriminatory development controls and regulations through active legal intervention, technical assistance, and participation as a friend of the court.

13. HUD initiate a cooperative program with public-interest organizations, industry groups, and State and local governments to build public support and consensus for regulatory reform.

14. HUD assume a leadership role and work with government and private-industry groups to develop consensus-based model codes and statutes for use by State and local governments.

15. HUD work with and support organizations that currently collect information on State and local regulatory developments to create a centralized, single-source database and clearinghouse for use by those interested in regulatory reform and barrier removal.

16. The Secretary of HUD establish a separate Office of Regulatory Reform funded and staffed to implement the Federal recommendations of the Report and to assist States and localities in initiating comprehensive programs of barrier removal.

17. That each State undertake an ongoing action program of regulatory barrier removal and reform at the State and local levels.

18. States should review and reform their zoning and land-planning systems to remove all institutional barriers to affordability.

19. States establish or sponsor neutral third-party conflict-resolution and mediation procedures to resolve conflicts between developers and local governments.

20. States consolidate and streamline their multiple regulatory responsibilities by giving authority to a single agency to shorten and improve both State and local approval processes.

21. States enact legislation that establishes time limits on building code, zoning, and other approvals and reviews.

22. States either enact a statewide subdivision ordinance and mandatory land-development standards or formulate a model land-development code for use by localities.

23. States continue and accelerate the progress made in the building code regulatory system and either adopt CABO or require localities to do so, adopt the latest version of the applicable model code without technical modification, review their codes to eliminate obsolete or unnecessary prescriptive requirements, and the public and private sectors work to create a building product and evaluation and approval system.

24. Establish a uniform national regulatory program for modular housing.

25. State and local governments develop and implement necessary policy and funding plans to provide and maintain adequate infrastructure in support of affordable housing and growth.

26. States enact legislation establishing mandatory standards and uniform procedures for imposing impact fees.

27. States initiate actions to end discrimination against certain types of affordable housing options.

28. Local governments undertake educational programs to help the public become aware of the economic effects of local regulations, of the need for regulatory reform and the value of affordable housing.

29. Government leaders and concerned organizations and individuals build coalitions to support regulatory reform and affordable housing.

30. Employers and other private industry leaders recognize the importance of affordable housing and work with housing advocates, local government officials, and others interested in regulatory reform to lower the barriers to affordable housing.

31. Local governments initiate a strategy of barrier removal. (The Commission specifies recommendations in the Report.)

EDITORS NOTE: This is a brief portion of this extensive report and certainly does not cover all aspects of the report. It is included to give the reader a sampling of what might be expected regarding housing legislation at every level of government in the next few years.

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Executive Offices:
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Telephone 913/267-3610

TO: THE SENATE LOCAL GOVERNMENT COMMITTEE
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 20, 1992
SUBJECT: SB 604, HOUSING IMPACT STATEMENTS

I apologize for not presenting this testimony in person. However, I have a schedule conflict and need to be in another committee.

The Kansas Association of REALTORS® supports SB 604. We believe that the "Not in My Back Yard" NIMBY report to President Bush and Secretary Kemp by the Advisory Commission on Regulatory Barriers to Affordable Housing verifies what we in the housing industry have known for some time, namely, well-intentioned government regulations at all levels have had a very serious impact on the availability of affordable housing.

We believe that SB 604 is a good step towards making sure that when the state or a city or a county make new laws, rules or regulations, they do so on an informed basis. This legislation will assist the governmental process in arriving at reasonable regulations which do not negatively impact the availability of affordable housing.

This bill clearly falls in line with the NIMBY recommendation that, "States can have a major impact upon the provision of affordable housing by becoming active participants in setting standards and requirements for development regulations. States must also ensure that enabling legislation--the basic authority

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by which they delegate regulatory powers to localities--guarantees that local regulatory actions address the housing needs of all the citizens of the state and provide for maximum housing choice and opportunity." (p. 15)

We believe that legislation such as this could save the state money down the road in terms of the affordable housing issue. We urge your support. Please feel free to contact me if you have any questions.

Attachment 4-2
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SENATE LOCAL GOVERNMENT COMMITTEE
TESTIMONY REGARDING SENATE BILL 604
THURSDAY, FEBRUARY 20, 1992

CHAIRPERSON LANGWORTHY, AND MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE, I AM CATHY HOLDEMAN, INTERGOVERNMENTAL RELATIONS DIRECTOR FOR THE CITY OF WICHITA. THE CITY OF WICHITA WOULD LIKE TO EXPRESS OPPOSITION TO SENATE BILL 604.

SENATE BILL 604 REQUIRES THAT AT LEAST 30 DAYS PRIOR TO ADOPTING ANY ORDINANCE, RESOLUTION, OR REGULATION, THE GOVERNING BODY OF A CITY SHALL PREPARE A STATEMENT ON THE IMMEDIATE AND LONG-RANGE IMPACT SUCH AN ORDINANCE, RESOLUTION OR REGULATION WOULD HAVE UPON THE COST OF HOUSING IN THE CITY. IT IS ESTIMATED THAT ON THE AVERAGE, THE CITY COUNCIL ADOPTS OVER 500 ORDINANCES AND RESOLUTIONS EACH YEAR. PROVIDING A STATEMENT ON HOW EACH OF THESE ORDINANCES AND RESOLUTIONS AFFECTS THE COST OF HOUSING WOULD GREATLY SLOW DOWN OUR COUNCIL'S ABILITY TO DO BUSINESS IN A TIMELY MANNER.

IN CITY GOVERNMENT, THERE IS OFTEN THE NEED TO TAKE RAPID ACTION ON ISSUES THAT AFFECT OUR CITY. A RECENT EXAMPLE IS THE ACTIONS TAKEN BY THE WICHITA CITY COUNCIL REGARDING DRUGS AND GANG VIOLENCE. IN A TIME PERIOD OF LESS THAN A MONTH, THE COUNCIL ADOPTED FIVE NEW ORDINANCES RELATING TO THIS PROBLEM. IT WAS THE STRONG DESIRE OF THE GOVERNING BODY TO PUT IN PLACE A NUMBER OF LEGISLATIVE ACTIONS THAT SENT THE MESSAGE TO CERTAIN MEMBERS OF OUR COMMUNITY THAT DRUGS AND GANG VIOLENCE WILL NOT BE TOLERATED. IF THIS LEGISLATION HAD BEEN IN EFFECT, OUR CITY'S ABILITY TO MAKE AN ANTI-DRUG AND GANG VIOLENCE STATEMENT THAT RESPONDS IN A TIMELY WAY TO THE PROBLEM AT HAND WOULD HAVE BEEN SEVERELY DIMINISHED.

ONE AREA OF CITY OPERATIONS WHERE THIS BILL WOULD HAVE A DRAMATIC AFFECT RELATES TO HOUSING CONDEMNATION CASES. EACH MONTH CENTRAL INSPECTION BRINGS BEFORE THE COUNCIL APPROXIMATELY 12-15 SUCH CASES. CITY STAFF WORKS WITH THE OWNERS ON AN AVERAGE OF AT LEAST FOUR TO SIX MONTHS TO EITHER REPAIR OR REMOVE THESE STRUCTURES BEFORE A RESOLUTION IS ADOPTED BY THE COUNCIL WHICH SETS THE THE PUBLIC HEARING DATE. ONCE THE COUNCIL HAS ACTED UPON THE CASE, A SECOND RESOLUTION IS PUBLISHED. SENATE BILL 604 COULD LENGTHEN OUR ABILITY TO DISPOSE OF SUCH CASES BY AS LONG AS 60 DAYS. (IT COULD ADD A 30-DAY PERIOD BEFORE THE RESOLUTION IS PUBLISHED SETTING THE HEARING DATE, AND ANOTHER 30-DAY PERIOD BEFORE THE RESOLUTION IS PUBLISHED WHICH DOCUMENTS THE ACTION TAKEN BY THE GOVERNING BODY.) GIVEN OUR CITY'S STRONG DESIRE TO REMOVE DILAPIDATED STRUCTURES IN A MORE TIMELY MANNER, THIS BILL IS COUNTER-PRODUCTIVE TO THAT GOAL. IN FACT, THE CITY OF WICHITA IS A STRONG SUPPORTER OF SENATE BILL 57 WHICH WAS PASSED BY THE FULL SENATE LAST YEAR AND IS NOW IN THE HOUSE LOCAL GOVERNMENT COMMITTEE. THIS BILL ADDRESSES SHORTENING AND STREAMLINING THE PROCEDURES RELATING TO CONDEMNATION CASES.

THE CITY RECOGNIZES THAT AFFORDABLE HOUSING IS, AND WILL BE, A MAJOR ISSUE FOR THE 1990s. WE ARE ATTEMPTING TO ADDRESS THIS PROBLEM IN A COMPREHENSIVE MANNER. IN OCTOBER OF 1991, THE CITY COUNCIL ADOPTED A COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) FOR THE CITY WHICH IS A FIVE-YEAR PLAN. THIS PLAN WAS APPROVED IN JANUARY BY HUD. PROGRAMS TO ADDRESS AFFORDABLE HOUSING CURRENTLY UNDER WAY INCLUDE: ADMINISTERING A SECTION 8 PROGRAM; WORKING WITH AND PROVIDING FUNDING TO MENNONITE HOUSING, A COMMUNITY BASED NON-PROFIT ORGANIZATION WHICH PROVIDES AFFORDABLE HOUSING; AND

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ADMINISTERING THE HOME PROGRAM WHICH IS A HOUSING REHABILITATION PROGRAM WITH THE GOAL OF HOME OWNERSHIP FOR LOW-TO-MODERATE INCOME PERSONS. FINALLY, THE CITY OF WICHITA HAS ESTABLISHED A HOUSING CONSERVATION TASK FORCE TO EXAMINE THE ISSUE OF PRESERVING EXISTING HOUSING.

IT IS THE CITY OF WICHITA'S BELIEF THAT WE ARE TAKING APPROPRIATE ACTIONS TO ADDRESS THE NEED FOR AFFORDABLE HOUSING IN OUR COMMUNITY, AND THAT THE PROPOSED BILL IS NOT NEEDED. WE VIEW HOUSING AS A VERY IMPORTANT ISSUE FOR OUR COMMUNITY AS INDICATED IN OUR PAST AND CURRENT ACTIONS.

Attachment 5-2
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