

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on February 16, 1995 in Room 531-N of the Capitol.

All members were present except: Senator Tillotson

Committee staff present: Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Robert Vancrum
Lynn Gansert
Debbie Sickler
Mary Tayler
Don Moler, League of Kansas Municipalities
Janet Stubbs, Kansas Building Industry Association
Tom Shafer
Joan Cole, City Council Member, City of Wichita

Others attending: See attached list

SB 224--Concerning cities; prohibiting issuance of certain certificates of occupancy or otherwise permitting occupancy of certain dwellings.

Ms. Kiernan explained that the bill prohibits a city from issuing a certificate of occupancy if the building does not meet applicable building codes of that particular city.

Senator Vancrum, author of the bill, testified in support. (Attachment 1)

Senator Ramirez inquired as to why legislation is needed to deal with the problem described by Senator Vancrum. Senator Vancrum responded that the number of new homes being constructed in Johnson County is so great that there is not enough inspectors to keep up with the growth, and many people have suffered because of this lack of inspection.

Lynn Gansert, a homeowner from Overland Park, testified in support of the bill. (Attachment 2)

Senator Gooch stated that, although he can very much sympathize with Mrs. Gansert, he does not feel this bill will help her. Ms. Gansert responded that she was interested in preventing the same thing happening to others which happened to her, and she feels that the ability to rescind a temporary occupancy permit if the structure does not meet standards is a first step.

Debbie Sickler, also a resident of Overland Park, testified further in support of the bill. (Attachment 3) Mrs. Sickler emphasized the emotional trauma the situation has brought to her family. Her husband had lost his job because of the time it took dealing with the situation. The home has such serious structural problems that it is appraised at only slightly more than the value of the land.

The Chairman commented that a claim can be brought against a home builder, but attorney's fees and damages would be so high that one would never be whole again. He felt that perhaps another remedy would be in the Consumer Protection Act. Senator Vancrum informed the committee that he has introduced another bill dealing with the Consumer Protection Act. However, he feels the only way to prevent unscrupulous home builders from closing with persons is by not issuing a temporary occupancy permit.

Mary Tayler, a homeowner, gave further testimony in support of the bill, relaying the trauma in her life caused by the purchase of a home not structurally sound. (Attachment 4) Ms. Tayler added that she is 69 years old

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on February 16, 1995.

and had planned to make this home her last before a nursing home or death. She has invested most of her life's savings in this home, and there is a strong possibility she will lose it.

Ms. Gansert stood to comment further that, aside from her present attorney, she had called 17 attorneys, and all had told her there was no hope for her situation. With the personal cost to her for engineers and attorney fees, she realizes she will never be whole again but hopes to prevent this type situation occurring again.

Don Moler, League of Kansas Municipalities testified in opposition to **SB 224**. (Attachment 5) He began by empathizing with the conferees, however, he sees the problem as stemming from unscrupulous builders and feels this bill cannot address this. He concluded that while he understands the plight of the victims, he feels something other than this bill is needed to let them recover this type of loss.

Senator Downey commented that at least this bill provides a "watch dog" agency to help home owners and makes the city stand behind the temporary occupancy permits it issues.

Janet Stubbs, Kansas Building Industry Association, testified that she was uncertain that this bill is necessary. Although she has heard of the existence of this problem in Kansas City from Senator Vancrum for the past two years, most inspectors in all other areas of the state are hard on contractors. The temporary occupancy issue is apparently used frequently in Johnson County because of the fast growing construction there. In other areas, contractors offer a ten year warranty program. She feels perhaps a part of the solution to the problem would be for prospective home owners to wait until inspection before moving into a home.

Tom Shafer, City of Lenexa, testified in support of the bill. The city of Lenexa issues a temporary occupancy permit for 90 days and allows only one more after that and does see that there are no safety or health hazards in the structure. Personally, as a homeowner in Shawnee, he has experienced the same type of problems relayed by previous conferees. He is on his fourth set of attorneys at a cost so far of \$10,000.00. He realizes that with these costs, he will lose even if he wins the case, but he feels he has no recourse. He stressed that, in his opinion, the problem lies with the home builders of Johnson County, and it is a very serious problem.

Senator Gooch asked how many contractors are involved in constructing unsound homes in Johnson County. Ms. Gansert responded that she has compiled a list of over 20 unscrupulous home builders.

The hearing on **SB 224** was continued to allow time to hear the other bill scheduled to be heard at this meeting.

SB 219--Concerning zoning; relating to group homes.

Joan Cole, Councilwoman, City of Wichita, testified in support of the bill. (Attachment 6)

There being no further time, the hearings on both **SB 219** and **SB 224** were continued to Friday, February 17.

The meeting was adjourned at 10:02 a.m.

The next meeting is scheduled for February 17, 1995.

BOB VANCURUM
SENATOR, ELEVENTH DISTRICT
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COMMITTEE ASSIGNMENTS
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COUNCIL ON STATE GOVERNMENTS

**TESTIMONY ON SENATE BILL 224
TO
THE SENATE LOCAL GOVERNMENT COMMITTEE
FROM SENATOR BOB VANCURUM**

Dear Senator Parkinson and members of the Committee:

This bill is intended to be a consumer protection mechanism for persons buying homes in cities that have building codes and building inspectors. I'm sure most of you are aware that the area I represent is the fastest growing area of new homes in the State of Kansas. The summer of 1992, this area experienced over half the building starts in the greater Kansas City metropolitan area and probably a high percentage of the new homes construction in the State of Kansas. Unfortunately, a number were built and approved for temporary occupancy, which not only didn't meet code, but contained serious structural problems going far beyond the usual gaps in the frames and cracks in the basement.

You will hear from several victims of these circumstances today. Since these people have formed an organization to fight for their rights against home builders and to demand closer regulation over them, I can state with confidence they speak for dozens if not hundreds of others.

The crux of the problem is that those who have put every penny they have into buying a home, have no resources remaining to force the builder to complete their house in a safe and responsible manner. Furthermore, if cities like Overland Park continue to assume no responsibility of at least insuring that the house meets building codes for the protection of their citizens, then they have no way out other than bankruptcy. In fact until recently the city had a very inadequate inspection staff, and their policy

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was to grant deficiencies in temporary occupancy permits that would allow the builder to complete the sale of the house and, the family to move into the house, based on the sheer promise that the builder would make the necessary alterations.

In fact, you will hear, Overland Park actually approved certificates of occupancy for homes whose basement walls were caving in. They also gave a permanent certificate to a home whose load bearing beams were up to two feet misaligned with walls that were intended to be load bearing walls. The intent of this bill is simple. Temporary occupancy certificates should not be granted to homes that do not meet building codes. Once a family closes on a house and moves in, they lose all leverage over the builder to complete work on the structure even if they are clever enough to insist that a certain amount of the contract price be set aside in escrow. To be allowing builders to operate in this way in many cases is simply assisting shoddy builders and makes certain that rights of the home owner will never be adequately protected.

You may choose to look on this bill as a mandate, but I see nothing wrong with mandating that cities should protect their citizens.

I'll be happy to answer questions at any time but I want you to first hear from the other supporters, who have some very compelling stories.

~~Senator~~

Senator ~~Ransom~~

~~Senator~~
Senator ~~Spivey~~

My name is Lynn Gansert 10717 W. 128th street Overland Park, Kansas.

In 1990 my family moved to Kansas. We had a house custom built. Within a couple of months we noticed the floors were sinking and cracks in the walls. We hired an engineer and an architect. They found that an I-Beam and triple floor joists were missing. So were the solid wood blockings. Our deck was not anchored properly. We went to our city and were told that a mistake was made, that our house did not meet code and an Occupancy Permit should not have been issued. The city said since we owned the house it was a civil matter and to hire an attorney.

We hired an attorney and our builder agreed to rebuild our house. The city Code Administrator sent a letter stating that Koehler was to supply calculations and specifications of all work to be performed. In June of 1991 Koehler started rebuilding our house without applying for a building permit. After I called the city and complained for over an hour they let him take out a one sentence building permit! He was adding an I-Beam, raising another, moving a wall, and changing the roof line and he did not provide calculations or specifications. After finishing the beams, Koehler called for an inspection. My engineer had said the work still did not comply with code. I told the inspector. He said that he did not care. He issued the Certificate of Occupancy. The minute he left my door I called my City Councilwoman, the Code Administrator, the City Manager, the City Attorney, and the Mayor's office. Nothing was done.

We went to a lawyer again and hired another engineer and architect. We went to the city with the reports stating that the house did not meet code. They said they did not rescind Occupancy Permits. They could not help. It was a civil matter. We filed suit in Johnson County Court. Judge McClain ruled that we must make us arbitrate. After months of trying to get Koehler to agree on any arbitrator Judge McClain ruled that Former Judge Walton would have to Arbitrate. It took over 60 hours to arbitrate. It should of cost \$7,000 for Judge Walton's fees, but he amended them to \$3,000. We went back to Court and Judge McClain ruled that the Arbitrators award be confirmed and adopted by the Court. Koehler Appealed in the State Court of Appeals on May 23, 1994. We are still awaiting a ruling.

Our judgement included all inside and outside paint, the grading of the yard, deflections in construction, missing purlins in the attic, cabinets and floor, Laundry room, tub and tile work, an exterior wheelchair ramp, carpet replacement, garage work, wallpaper, windows and doors because of air and water filtration, and the bannister to be rebuilt. The bannister is secured by ropes across the hall impairing fire egress from the bedrooms so we don't sleep in them. We will have to move out of our house while the work is being done.

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In May 1994 I received a letter from Bob Pledge, Code Administrator of Overland Park, stating they had decided not to resind our occupancy permit. I have a letter from Overland Park verifying a couple code violations. But the City did not accept reports from our engineer and architect giving specifications and calculations. Also the Codes Department testified that the inspectors are doing engineering calculations on houses out in the field and they are not engineers. The Code Administrator testified during our arbitration that "a Certificate of Occupancy had been issued."

We have five children. We live with ropes present from the front entry, leaks that cause mold on floors and in the attic. Our 2 year old is on a nebulizer to help his breathing. We sold furniture to pay bills for architects, engineers, and lawyers which have passed \$20,000. My husband lost his job because of this. He took a job paying less money because our house could not be sold and we could not move where there were better openings. We can not remortgage the house. Our house and lot are assessed by the county for less than half of the price paid for it. We also have a letter from State Farm Insurance that states that the work cannot be covered by insurance because the house was not built properly. Consumer Protection Laws are very limited in this area. The Disclosure Law in the State of Kansas forces me to list all problems with the house including the items that have been fixed. But when the builder buys back a house he does not have to disclose problems because the permit was in his name, it can be repaired and it falls under new home construction.

We took over 50 pages of an arbitrators decision and a ruling from county court to the Home Builders Association and Certified Master Builder Association and C.A.Koehler's membership was renewed in their programs last spring.

The builder has not been cited or fined \$1.00 for this. And the worst thing is that neighbors, family, and freinds have a hard time beleiving that something was wrong when the city was not doing anything to help us.

A Certificate of Occupancy is a document issued when a dwelling meets minimum standards to insure the public safety, health, and welfare insofar as they are affected by building construction and to secure safety to life and property from all hazards incident to the occupancy of dwellings.

Why should a temporary permit be issued if a dwelling does not meet minimal construction standards to ensure health and safety standards even if for a short time? When the title transfers the new owner is responsible for the dwelling meeting code. The matter becomes civil when the builder refuses to comply.

Why should a Certificated of Occupancy not be resinded if the dwelling does not meet minimal construction standards to insure health and safety. To give homeowners better recourse against builders. We feel that if a builder knew the owners were not allowed to occupy the premises they would be willing to comply with code alot quicker.

My most important question is "Will the State of Kansas protect us when our cities fail?" Overland Park is not the only city with homes that do not meet minimal building codes. It is a problem across the state. In Johnson we find so many because of the number of new construction. When a builder finds that a particular city is becoming strict he can easily move business to another one. We are also finding problems with builders in Missouri.

The key words to make you support this bill are comply with minimal construction standards to insure health, safety, and welfare.

CRRK

12955 Monrovia

This house was sold to the Sicklers and closed on 09/15/93 after the contractor assured them that it was accepted by the city for a certificate of occupancy. After closing they found a sign posted indicating the house failed the final inspection. They were allowed to move in two days later when the City of Overland Park authorized a Temporary Certificate of Occupancy. The builder was notified it expired on 11/02/93. Work was not completed. Another Temporary C.O. was issued and it expired on 01/03/94. No Temporary C.O. issued at this time. A court date of 02/10/94 was set. CRRK was granted an extension until 03/10/94. The city met with Charles Smith to discuss all deficiencies that would have to be repaired and approved on 03/04/94. Charles Smith was concerned about his tickets and appearance scheduled for 03/10/94. He was told there would be no plea bargaining in court and he would need to appear and present his case. CRRK was not represented in Court on 03/10/94. On 03/17/94 CRRK was represented in court and granted another extension/21/94. On 04/04/94 John Mehnert, a Professional Engineer, inspected the house. Mr. Mehnert completed a report on April and a copy was provided to the City. On 04/21/94 Charles Smith was granted another extension until 06/23/94. In May City Code Officials, Charles Smith, the Sicklers, and Sarah, (City Prosecutor) met and discussed code items that had to be repaired. After that meeting Charles Smith started negotiating with Sicklers to buy back the house. The attorney for CRRK advised the city on 06/01/94 that Sicklers and CRRK had resolved their dispute and entered into a settlement agreement by which CRRK had agreed to buy back the house. The Sicklers notified the city that no agreement had been reached and their attorney was out of the country. The day of court, 06/23/94, Sicklers entered into a contract with Charles Smith that he would buy the house. Charles Smith was fined \$500.00 each on two counts and \$10.00 court cost. The Judge suspended \$800.00 in fines. Charles Smith was also given notice that he had until August 15 or two weeks after taking possession of house to repair code violations. Cedarwood Homes bought the house and closed on 08/01/94. On 08/11/94 Bob Pledge, Director of Community Services, was notified that work was being done on the house without a Building Permit posted. On 08/17/94 Mark Farrar, administrative aide, and Bart Budetti, Sr. Assistant City Attorney were notified work was continuing without a Building Permit posted. A copy of the original Permit dated 04/07/93 was posted. On 08/25/94 City Code Officials, John Mehnert, and the Builder met at the house and did an inspection. A Certificate of Occupancy was not issued.

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As of 09/08/94 the builder has not obtained a Certificate of Occupancy. The house is for sale and is listed for \$235,000. The real-estate agent Fred Harder told an inquirer on 09/08/94 that the owners and the builder never got along and the builder bought it back because the owner was having problems with his job. He also stated that the original owners have relocated out of state. Most important, the agent stated that there was nothing wrong with the house, except normal wear from a family living in it for about 11 months, and that they can do the paperwork to prove it. The builder has not received any other fines on this house at this time.

Sept 24, 94 CO ISSUED

I have come here to tell you what the purchase of a new ^{custom built} house has done to my life.

I moved on July 28, 92 and within six weeks the concrete in the garage floor, the basement floor and the foundation began to crack all to pieces.

I immediately began to call everyone that I could think of. I called the city codes inspection supervisor, the city engineer's office and went to city hall where I was shown a plat map of the area.

During October 92 I spoke with an attorney and subsequently engaged him. I have had very little experience with attorneys and I assumed that once I had an attorney my problem would be resolved. I was just living in a fool's paradise. The attorney suggested that I call an engineer, with

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whom he had done some previous work. Later I found out that the engineer routinely testifies in court cases for the builder. Upon the attorney receiving the engineer's report, in which he minimized the problems with my house, the attorney called me and said, "Well, I know that you have been wronged, but -

Shortly after that I managed to find myself ~~another~~ ^{a new} attorney through an acquaintance ^{who} ~~that~~ lives in ~~the same~~ ^{by} area and ^{who} had had problems with their house. I was terrified.

I ~~has~~ ^{has been} extremely ^{statute of limitations} difficult to find anyone who is willing to do anything and to ~~pay~~ ^{say} that this mess has made a basket case out of me is the understatement of all time.

The emotional cost is absolutely devastating. At first I could not speak to anyone

about it without sleeping I could not eat and could not sleep. I was hysterical. My family became concerned that I might have a heart attack or a stroke. My son called my personal physician who ~~just~~ insisted that I come into his office. He prescribed a tranquilizer which I refused to take. I am already taking two other medications and in addition I would like to think that I have full use of my faculties, ~~all of the time.~~ ^{at all times.}

When I have any reason to dwell upon the problems ^{of this} ~~of this~~ house any length of time I become very upset. I still have a great deal of trouble sleeping. You cannot get away from it - it is with you 24 hours a day. It is the last thing you think of before you go to sleep and the first thing you think of

My sister has said that our
entire family has been traumatized.

~~when you wake.~~
upon awakening⁴.

I have put my life savings into this house and it is a distinct possibility that I may very well lose a major portion of it and possibly, all of it.

My son and daughter-in-law moved into the area in Dec 91 and I wanted to live near them. Not that I need anything from them, but it is a comfort to me to know that they are near. I had expected this house to be my last stop before either the nursing home or the cemetery. Also in the event that I passed away I wanted them to be able to go just a short distance to dispose of my possessions, instead of 15 miles, as I ^{had} moved to Overland Park from Grandview.

Of course, if I ever extricate myself from this mess I will no longer be living near them as they have no plans to move.

Even though this situation is
 with me every waking moment
 that ~~does not mean~~ ^{does not mean} I say that I will
 ever give up. I will continue
 trying to remedy the problem for
 as long as I am able to do so.

It is ^{almost} everyone's American
 dream to own a new home, well
 I am telling you ^{that} this is the
 American nightmare.

On that note, I will close.
~~and~~ ^{you, very much} thank ~~you~~ for your attention



**League
of Kansas
Municipalities**

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LEGISLATIVE TESTIMONY

TO: Senate Local Government Committee

FROM: Don Moler, General Counsel

RE: Opposition to SB 224

DATE: February 16, 1995

The League would like to thank the Senate Local Government Committee for allowing us to appear in opposition to SB 224. Specifically, this bill would prohibit any one of the 627 cities in Kansas from issuing a temporary or other certificate of occupancy or to otherwise permit occupancy of any newly constructed dwelling which does not meet structural, electrical, plumbing, heating, air conditioning, mechanical or other internal standards under all applicable building codes. We oppose this piece of legislation for several reasons. First of all it is clearly a preemptive state statute and as such would limit the authority of local governments in Kansas. Secondly, the words "or otherwise permit occupancy of" make this inclusive to all 627 cities in Kansas whether or not they have a building department, a building officer or even a city employee. We believe SB 224 is unworkable, and oppose it on the basis that it does not serve a compelling state interest, usurps local authority and we suspect is in response to a single problem which has arisen in a single city in Kansas.

We would urge the Committee to adversely report SB 224.

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Attachment 5*



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**TESTIMONY RE: SENATE BILL 219
SENATE LOCAL GOVERNMENT
THURSDAY, FEBRUARY 16, 1995
9:00 A.M.; ROOM 531 NORTH**

CHAIRMAN PARKINSON, AND MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE, I AM JOAN COLE, A CITY COUNCIL MEMBER WITH THE CITY OF WICHITA AND I HAVE ALSO SERVED AS PRESIDENT OF AN INNER CITY NEIGHBORHOOD ASSOCIATION. I AM HERE TODAY TO SPEAK TO SENATE BILL 219, A BILL WHICH ADDRESSES THE LOCATION OF GROUP HOMES.

THE CURRENT LAW STATES THAT PERSONS WITH DISABILITIES SHALL NOT BE EXCLUDED FROM SINGLE FAMILY RESIDENTIAL SURROUNDINGS BY ANY MUNICIPAL ZONING ORDINANCE, RESOLUTION, OR REGULATION. GROUP HOMES, OCCUPIED BY NOT MORE THAN TEN PEOPLE, EIGHT OR FEWER PERSONS WITH A DISABILITY, ARE ALLOWED IN ALL RESIDENTIAL AREAS OF THE CITY. THE CITY OF WICHITA IS IN AGREEMENT WITH THIS PRINCIPLE.

WE BELIEVE THIS LAW WAS INTENDED TO PREVENT THE SEGREGATION OF INDIVIDUALS WITH DISABILITIES. ALL RESIDENTIAL AREAS SHOULD BE AVAILABLE TO GROUP HOMES SO THAT INDIVIDUALS WITH DISABILITIES LIVE SIDE BY SIDE WITH THOSE WHO ARE NOT DISABLED.

UNFORTUNATELY, IN WICHITA, THIS LAW HAS NOT RESULTED IN INTEGRATING GROUP HOMES INTO ALL WICHITA NEIGHBORHOODS. THE MOST SIGNIFICANT NUMBER IS LOCATED IN THE OLDER NEIGHBORHOODS OF THE CITY WHICH ARE CHARACTERIZED BY LARGE, TWO OR THREE STORY HOMES, MANY OF WHICH ARE LOCATED IN HISTORIC DISTRICTS. UNLIKE SO MANY CITIES, WICHITA DOES NOT HAVE A RING OF SLUMS SURROUNDING THE CENTER CITY AND I BELIEVE THAT MUCH OF THIS IS DUE TO THE DETERMINATION AND CONCERTED EFFORTS

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OF SEVERAL NEIGHBORHOOD ASSOCIATIONS OVER THE PAST 20 YEARS. I AM HERE TO ASK YOUR ASSISTANCE IN THEIR STRUGGLE. IN RECENT YEARS, YOUNG PROFESSIONALS AND FAMILIES WITH RESOURCES HAVE MOVED INTO THE MIDTOWN AREA, AND ARE RESTORING AND RENOVATING THESE HOMES, AND CREATING VIABLE NEIGHBORHOODS. AS A RESULT, MANY OF THESE BLOCKS WHICH WERE TRANSITIONAL OR BLIGHTED HAVE TURNED AROUND.

IN PAST YEARS, RESIDENTS OF THESE NEIGHBORHOODS DID NOT OPPOSE GROUP HOMES. TODAY THEY HAVE COME TO UNDERSTAND THAT BLOCKS WHICH HAVE MORE THAN ONE GROUP HOME WILL NO LONGER ATTRACT NEW HOME BUYERS. THE PRIMARY REASON IS THAT THE OWNERS OF GROUP HOMES ARE GENERALLY NOT GOOD NEIGHBORS. THESE PROPERTIES OFTEN BECOME BLIGHTED WHETHER THEY ARE OWNED OR RENTED BY GROUP HOMES.

I PERSONALLY LIVE NEXT DOOR TO SUCH A GROUP HOME. THE STRUCTURE NEEDS PAINTING, TRASH IS ALLOWED TO COLLECT AND THE LAWN IS SELDOM MOWED. I REGULARLY CONTACT THE OWNER OF THE GROUP HOME AND ONLY THEN IS THERE A FLURRY OF ACTIVITY. IT IS THE HOME IN THE POOREST CONDITION ON THE BLOCK AND THERE ARE TWO OTHER GROUP HOMES ON THIS SAME BLOCK AS WELL.

THE INABILITY TO LIMIT THE NUMBER OF GROUP HOMES IN A NEIGHBORHOOD HAS AN EXTREMELY DELETERIOUS EFFECT AND, IN SOME CASES, HAS MADE AREA RESIDENTS VERY RESENTFUL. THEY SEE THE PREPONDERANCE OF GROUP HOMES AS A THREAT TO THE VIABILITY OF THE NEIGHBORHOOD, RATHER THAN AS AN OPPORTUNITY TO INCLUDE RESIDENTS OF THE GROUP HOMES IN THE ACTIVITIES OF THE BLOCK.

AS A RESULT, EFFORTS TO ENCOURAGE INTERACTION BETWEEN NEIGHBORS, THOSE LIVING IN GROUP HOMES AND FAMILIES IN THE AREA ARE THWARTED, AND THUS WE ARE NOT ACCOMPLISHING THE INTENT OF THE LAW. WE ARE NOT BUILDING STRONG, COHESIVE NEIGHBORHOODS WHERE PEOPLE KNOW ONE ANOTHER, TALK TO ONE ANOTHER AND HELP OUT WHEN IN NEED. INSTEAD, WE SEE NEIGHBORHOODS THAT ARE MORE TRANSITIONAL. HOMES AREN'T BEING PURCHASED, RENTERS ABOUND AND COME AND GO IN RELATIVELY SHORT PERIODS OF TIME.

THE LACK OF STABILITY IN THE MIDTOWN NEIGHBORHOOD IS ESPECIALLY IMPORTANT TO ME BECAUSE I AM SUCH A FIRM BELIEVER IN A HEALTHY, VITAL DOWNTOWN. THIS NEIGHBORHOOD IS ADJACENT THE CORE AREA AND SHOULD BE ONE THAT ENHANCES AND AUGMENTS DOWNTOWN. THE TRANSITION FROM THE CENTER CITY TO THE BORDERING RESIDENTIAL NEIGHBORHOOD SHOULD BE NOT BE CHARACTERIZED AS "BLIGHTED," OR A ZONE IN TRANSITION, BUT RATHER A STABLE NEIGHBORHOOD, REFLECTING AND PRESERVING THE HISTORICAL ATTRIBUTES AND OTHER AMENITIES OF THE NEIGHBORHOOD.

PEOPLE WHO ARE ATTEMPTING TO KEEP INNER CITY NEIGHBORHOODS VIABLE KNOW THAT THE RATIO OF OWNER-OCCUPIED VERSUS RENTER-OCCUPIED IS CRITICAL TO SUCCESS. THE NUMBER OF GROUP HOMES IN A BLOCK IS ALSO A SIGNIFICANT FACTOR. FOR THIS REASON, I AM VERY SUPPORTIVE OF SENATE BILL 219 WHICH ALLOWS FOR LOCAL GOVERNMENT AND AREA RESIDENTS TO CONSIDER THE IMPACT OF GROUP HOMES IN A PARTICULAR LOCATION.

IT DOES NOT SOLVE ALL PROBLEMS, HOWEVER, BECAUSE IT ONLY ADDRESSES GROUP HOMES SERVING PERSONS WITH DISABILITIES. WE HAVE GROUP HOMES FOR REHABILITATION PROGRAMS, SUCH AS DRUG ABUSE, COMMUNITY CORRECTIONS, PERSONS ON PAROLE, AIDS, ETC. IT IS A REAL STRUGGLE TO STABILIZE THESE NEIGHBORHOODS IN ANY MEANINGFUL WAY, BUT I BELIEVE SENATE BILL 219 WOULD PROVIDE SOME ASSISTANCE TO THESE NEIGHBORHOODS.

WITH SENATE BILL 219, THE CITY IS PROPOSING THAT THE LOCAL GOVERNING BODY BE GIVEN SOME DISCRETION WITH REGARD TO THE NUMBER OF GROUP HOMES THAT CAN LOCATE IN A NEIGHBORHOOD. THE BILL STATES THAT MUNICIPALITIES MAY ADOPT REGULATIONS OTHERWISE PERMISSIBLE UNDER ANY OTHER LAW THAT RESTRICT THE LOCATION OF A GROUP HOME WITHIN 1,000 FEET OF THE LOCATION OF ANOTHER GROUP HOME OR ANY OTHER TYPE OF GROUP RESIDENTIAL FACILITY.

WITH THIS AMENDMENT, THE CITY WOULD HAVE THE AUTHORITY TO RESTRICT THE NUMBER OF GROUP HOMES IN A NEIGHBORHOOD. WE WOULD NOT HAVE THE AUTHORITY TO RESTRICT GROUP HOMES FROM A NEIGHBORHOOD; BUT SIMPLY HAVE SOME SAY IN THE ACTUAL NUMBER AND LOCATION, AND THEREBY HAVE SOME OVERALL IMPACT UPON THE NEIGHBORHOOD.

THE CITY BELIEVES THIS GIVES THE DECISION BACK TO LOCAL UNITS OF GOVERNMENT. WE CAN HAVE INPUT FROM THE RESIDENTS, AND MAKE A DETERMINATION AS TO WHETHER THIS IS A GOOD LAND USE. FOR MANY YEARS I HAVE ENCOURAGED MY NEIGHBORS AND MEMBERS OF MY NEIGHBORHOOD ASSOCIATION TO ACTIVELY PARTICIPATE IN CITY GOVERNMENT DECISIONS. WE ARE NOW TRYING TO ENCOURAGE THAT CONCEPT WITH THE NEIGHBORHOOD INITIATIVE. THUS, I CAN ASSURE YOU THAT CITY GOVERNMENT DOES LISTEN TO THE RESIDENTS AND WILL MAKE EVERY EFFORT TO MAKE THOSE POLICY DECISIONS THAT REFLECT THEIR BEST INTERESTS.

I ENCOURAGE YOU TO SUPPORT SENATE BILL 219. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE RELATING TO GROUP HOMES.