



# CITY OF TOPEKA

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To: House Committee on Local Government  
From: Amanda Stanley, City of Topeka  
Date: February 5, 2025  
Re: Proponent Testimony for HB 2099

Chairman and Members of the Committee,

Thank you for the opportunity to speak in support of HB 2099. This bill is not only a necessary step toward ensuring safer living conditions in our communities but also provides cities with the tools we need to be more proactive and responsive to housing concerns.

Under current law, we do not have full access to properties for inspections, regardless of what is outlined in the International Property Maintenance Code (IPMC) or stated by opponents. State law preempts inspections without the lawful occupant's consent and prohibits cities from enacting mandatory inspection ordinances. For example, if we wanted to proactively inspect a random selection of properties, such as vacant apartments, we would need the property owner's consent—regardless of whether we have a search warrant. In fact, a property owner could prevent us from even asking tenants for voluntary consent to inspect. These legal restrictions significantly limit our ability to address issues before they escalate. Current law also prohibits the creation of any mandatory periodic inspection system.

HB 2099 addresses these limitations by giving us an additional tool for proactive inspections. It would allow cities like ours to conduct periodic inspections, including random selections, which would significantly reduce the risk of retaliation against tenants. For example, when landlords know that inspections can occur randomly, they are less likely to retaliate against tenants who raise concerns. From testimony given in opposition to the preemption at the time, it appears Wyandotte County had a very successful program addressing similar issues before state preemption ended their ability to conduct proactive inspections.

Under the Fourth Amendment, the city would still need tenant consent for inspections, but if a tenant refuses, HB 2099 gives us the option to seek an administrative search warrant—something that is not currently possible. This provides a legal avenue that we simply do not have today. The bill also allows for inspections of vacant apartments without the same Fourth Amendment concerns that currently exist under state law.

If this legislation were to pass, next our governing body would decide how often inspections should occur and what makes the most sense for our community via an ordinance.

Will this bill prevent every tragedy, like the Timberlee incident, from happening? Probably not. However, it gives the City another tool to help us identify problems sooner and act accordingly. Thank you for your time and consideration. I urge you to support HB 2099 to provide cities with the flexibility and tools we need to better serve our residents and protect their well-being.