



TESTIMONY

TO: The Honorable Emil Bergquist, Chair
And Members of the House Local Government Committee

FROM: Whitney Damron
On behalf of the City of Topeka

RE: HB 2099 – An Act concerning private rental housing requiring landlords of
Government subsidized housing to submit to code complaints.

DATE: February 5, 2025

Chairman Bergquist and Members of the Committee:

I would like to offer brief introductory remarks on HB 2099 before I turn it over to our City Attorney, elected, and local officials.

First of all, the City of Topeka appreciates the opportunity to bring this legislation forward that will provide the City with the ability to enact a housing inspection program when the owner of the rental property is receiving direct public financial assistance from a tenant for rent. I will defer to other conferees to explain the reasons why we have proposed this legislation.

When we requested introduction of HB 2099, we indicated we were communicating with various stakeholders, including banks and credit unions, the Kansas Association of Realtors, and the Landlords Association of Kansas. Between introduction and today, based upon those discussions, we have offered amendments to our bill to make clear what the City intends to do and the limitations on the authority granted under this legislation.

Attached to my brief testimony are balloon amendments that we believe will improve our original draft.

I can respond to questions about these amendments at the appropriate time. However, in the interest of time, perhaps it would be beneficial to hear from the proponents and then respond to questions, if there are any of me.

Thank you for your consideration.

Whitney Damron

Attachment

HOUSE BILL No. 2099

By Committee on Local Government

Requested by Whitney Dameron on behalf of the City of Topeka

1-27

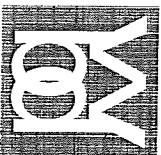
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1 AN ACT concerning private rental housing; requiring landlords of
2 government-subsidized housing to submit to code inspection by cities
3 or counties; amending K.S.A. 12-16,138 and repealing the existing
4 section.

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 12-16,138 is hereby amended to read as follows:
7 12-16,138. (a) *Subject to subsection (c)*, no city or county shall adopt,
8 enforce or maintain a residential property licensing ordinance or resolution
9 which includes a requirement for periodic interior inspections of
10 privately owned residential property for city or county code violations
11 unless the lawful occupant has consented to such interior inspections. This
12 subsection shall not apply to inspections of mixed-use residential and
13 commercial property. This subsection shall not prohibit a city or county
14 from conducting plan reviews, periodic construction inspections or final
15 occupancy inspections as required by building permits.

16 (b) Any lawful occupant residing in privately owned residential
17 housing located within the corporate limits of a city may request an
18 inspection at any time by the city or, if the property is located in the
19 unincorporated area of the county, by the county to determine code
20 violations.

21 (c) ~~A city or county may require periodic property inspections of~~
22 ~~privately owned residential housing property when the owner of such~~
23 ~~property is receiving governmental rental subsidies. The city or county~~
24 ~~shall provide reasonable notice to the tenants of the date and time of the~~
25 ~~inspection. The landlord may be required to perform random inspections~~
26 ~~at the request of the city or county in response to code violation~~
27 ~~complaints. If a tenant objects to an inspection, a city or county shall~~
28 ~~obtain an administrative search to facilitate the inspection.~~

29 Sec. 2. K.S.A. 12-16,138 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.
32

"direct public financial assistance" means a financial payment
or consideration from a governmental unit to subsidize rent.

Through the adoption of an ordinance, the city of Topeka
direct public financial assistance for tenant rent

warrant