

HOUSE BILL No. 2099

By Committee on Local Government

Requested by Whitney Damron on behalf of the City of Topeka

1-27

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

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

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

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

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

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 K.S.A. 12-16,138 is hereby repealed.

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