

March 2, 2016

Testimony for House Bill 2665-“AN ACT concerning city and county inspections of rental property”

Chairman and Members of the House of Representatives Committee on Commerce, Labor and Economic Development:

I am a proponent of HB2665 for many reasons. Though I do not own rental property I see the intrusions that rental license and inspection schemes place on tenants and rental property owners and I fear a similar extension to all property owners in the future. Doing this along with also including interior inspections of properties has been discussed by my own city of Overland Park.

The simple reason to pass this legislation is because it violates citizen's rights concerning searches as well as violating citizen's rights to equal protection under the law. The Kansas Supreme Court has conveniently just ruled on both these issues in (Board of County Commissioners v Jordon) and in (State v Wycoff).

Though the subject matter is different, the basic principles involved and the basic principles that were ruled upon by the court are the same. Citizens have a right to be free from forced searches, free from being made a criminal without a warrant, and we all have the right to be treated equally under the law. All of these rights and protections are violated in one-way or another by rental license and inspection schemes.

In the City of Lawrence, tenants are requested to sign a “Consent for Inspection” form, but are told a warrant or other lawful means will be used against them if they do not comply.

In Overland Park the city stated that they are not targeting the people and places that are the **known problems** for fear of lawsuits. Instead they are targeting the smaller group called landlords who've done nothing wrong, even though nearly two thirds of property maintenance violations involve owner occupied homes.

All these schemes have in common the stated high purpose of protecting the “general welfare of the residents”, but they use discrimination and coercion of **individuals** through threats of mounting criminal charges to force submission.

I also support this bill because, at least in Overland Park, the claimed need for the rental program consists of extreme exaggerations and misinformation. No one I spoke with could identify "blighted or substandard" property areas in Overland Park as the city has claimed. When a co inspector and I drove the top listed property maintenance violation areas from (2014) expecting to find broken windows, graffiti, or walls of peeling paint. We instead found older areas that were not perfect, but that far exceeded our expectations based upon what the city had led us to believe.

This is a totally unnecessary program that spends tax dollars for no good purpose, increases bureaucracy and that violates citizens property and privacy rights.

Please pass HB2665 and return Constitutional protections to Kansas residents.

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