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TESTIMONY IN OPPOSITION OF House Bill No. 2665, AN ACT concerning city and county inspections of rental properties.

To: Honorable Mark Hutton
Members of the Commerce, Labor and Economic Development Committee

From: Thomas Hongslo, Police Chief
City of Lenexa

Date: March 1st, 2016

Ladies and Gentlemen,

I am writing you to voice my opposition to House Bill No. 2665, AN ACT concerning city and county inspections of rental properties.

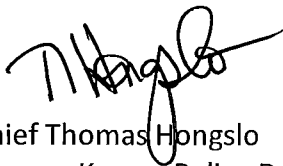
The ability of city or county staff to inspect rental properties is an invaluable tool for influencing both rental property owners and rental property residents in maintaining minimally acceptable standards of health, safety, and comfort of both the rental property and the community in which it is located. Quality of life is a concern for everyone within a community, and when rental property owners are unresponsive, community members look to local government to mitigate and remedy concerns they have with the rental properties in which they live or live by. Many rental property owners are both locally involved with and engaged in the living conditions of their property; they are quick to address issues and to repair problems that arise. That said, a significant number of property owners are disengaged and disinterested and allow property issues and repairs to go unaddressed. (This is especially common among 'absentee owners,' rental property owners who live outside the area or the State.) When the latter occurs, and as predicted by the commonly accepted 'broken windows theory,' the quality of life of the residents not only is diminished, it often begins to spiral down as the types of problems observed increases both in frequency and in significance. Bound by lease agreements and, in some circumstances, by economic factors, rental property residents are not be able to relocate

as easily as some would think, causing them to remain 'captive' in properties that provide a decreasing quality of life for their residents. As quality of life decreases, the real potential for increased instances of crime, drug abuse and victimization increases. While the administrative inspection process doesn't ensure a high quality of life, it does ensure that a neutral third party in the form of a City or County Inspector does care about rental property living conditions and influences property ownership to mitigate or repair discrepancies identified.

While commonly considered a tool to help tenants maintain minimally acceptable living standards within rental properties, these inspections also serve to help rental property owners influence residents to maintain these same acceptable standards. Rental property residents may have little stake in the upkeep of their rental home or apartment, and may act in a way that causes harm or creates risks both to themselves and to the others that live in their same building or community. Property owners use the inspection process as a tool to both identify problem tenants and to mitigate risky tenant behavior. As an example, many apartment fires are caused by carelessly discarded smoking materials or open-flame charcoal grills. Through the inspection process, residents who are unaware or who ignore requirements mitigating risky behaviors associated with these items can be identified and the situation corrected. These circumstances would not have been identified without an inspection, and certainly no probable cause would have existed allowing inspectors to apply for a search warrant to inspect for these risky behaviors.

By imposing a search warrant requirement for property inspections, you essentially end these processes altogether. District Court judges and District or County Attorney's Offices face an enormous amount of cases to review, file and litigate each month and each year. Adding the probable cause burden required in obtaining search warrants, and adding the time, effort and logistics burden of drafting, reviewing and signing a search warrant, place so great a load on property inspection process that problem rental properties will not get inspected, and will not only remain in a state of disrepair, they will continue to degrade into even worse conditions.

Thank you for your time and consideration of these comments.

A handwritten signature in black ink, appearing to read 'THongslo', with a stylized flourish at the end.

Chief Thomas Hongslo
Lenexa, Kansas Police Department