

Dear Chairman KleeB:

It is urgently requested that your committee pass HB 2665 which states:

"(a) No city or county shall establish a rental property licensing ordinance or resolution which includes a requirement for periodic inspections of privately owned rental property for city or county code violations unless the city or county has first obtained a search warrant from the court."

Overland Park, Kansas recently passed Ordinance No. RLI-3120 (relating to rental licensing and inspections in Overland Park) which permits city staff and its employees to trespass on private property without first obtaining a search warrant signed by a duly sworn judge of a bona fide court of law.

Although touted as urgently needed to check deteriorating properties alleged by the city council as very numerous, there are no facts that support such unsubstantiated theory.

Some city council members and staff reportedly have even discussed the aforementioned city ordinance to be extended to all residential property in Overland Park at a future date, and to mandate interior inspections of a range of private property, including residences.

Overland Park's RLI-3120 is a clear violation of each U.S. citizen's Fourth Amendment or Privacy rights under our U.S. Constitution. (Reportedly, city council members consider our great U.S. Constitution to be a "living document" subject to change by themselves.)

Every educated person knows this is "hogwash". It is a long, laborious process to even *attempt* to change our original U.S. Constitution, and would involve a lot of lawsuits, too numerous and expensive to mention.

One local example of the violation of our personal property rights against illegal searches and seizures occurred recently in Leawood, Kansas, when law enforcement officers forced their way into a Leawood residence. Their pretext was the fact the homeowners in question had purchased equipment at a horticultural business which suggested to the county sheriff that they were growing marijuana in their basement. The homeowners were tied up on the floor and their two children forced to witness this frightening scene. The couple who were growing vegetables with the aforesaid equipment, I understand filed a lawsuit against local authorities. Further, the abused couple had been employed by a Fed. agency, along the lines of the CIA, and were highly educated.

There are various ramifications in regard to Overland Park's Ordinance RLI-3120, but it will invite lawsuits and be perhaps even nationally publicized, not to mention local media coverage of such intended illegal seizures and searches.

It is wiser and more cost effective for our government to stop such anti-democratic actions before they snowball into a totally autocratic system with the result citizens' right to privacy is hijacked.

I consider the "nullification" of this illegitimate act by Overland Park's city council to be one of the most important issues presented to our Kansas legislature for some time.

If you have any questions or need additional information,

please do not hesitate to let me know.

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AN ACT concerning city and county inspections of rental properties. Be it enacted by the Legislature of the State of Kansas: Section 1. (a) No city or county shall establish a rental property licensing ordinance or resolution which includes a requirement for periodic inspections of privately owned rental property for city or county code violations unless the city or county has first obtained a search warrant from the court. (b) Any city or county provision in a rental property licensing ordinance or resolution which requires periodic inspections without the property owner's consent or without first obtaining a search warrant from the court, shall be unenforceable and null and void. (c) Any tenant residing in privately owned residential housing located within the corporate limits of a city may request an inspection by the city or, if the property is located in the unincorporated area of the county, by the county to determine code violations. No such inspection shall be conducted if the tenant is subject to an eviction proceeding. No such inspection shall take place until the owner of the property is notified of the inspection. Sec. 2. This act shall take effect and be in force from and after its publication in the statute book."