

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2665

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2665, as amended, would prohibit a city or county from establishing or enforcing a residential property licensing policy that requires periodic interior inspections unless the lawful, resident occupant gives consent. Lawful occupants could request their residential property be inspected by the city or county, as applicable.

Background

During the hearing before the House Committee on Commerce, Labor and Economic Development, Representative Schwab and representatives of the Associated Landlords of Kansas, Association of Realtors, Kansas Policy Institute, and individuals owning property spoke in favor of the bill. Proponents stated the bill would protect the rights of tenants to refuse routine intrusions into their homes; local governments could establish rental licensing programs as long as the conditions of the bill are met.

Representatives from the Unified Government of Wyandotte County and Kansas City, Kansas; the cities of Mission, Hutchinson, Prairie Village, Fairway, Lenexa, Lawrence, and Overland Park; various civic groups; the Kansas Association of Code Enforcement; the League of Kansas Municipalities; and private individuals spoke in opposition to the bill. Opponents expressed concern the bill

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

would erode local control. Opponents also noted the bill would not delineate between interior and exterior searches and would affect commercial property inspections.

The House Committee amended the bill to:

- Specify the bill would apply to:
 - The licensing of residential rather than rental property;
 - Lawful occupants rather than tenants; and
 - Interior inspections;

- Delete the requirements for a city or county to:
 - Obtain a search warrant; and
 - Give notice to the property owner; and

- Delete provisions that would have:
 - Voided certain licensing policies; and
 - Prevented inspections when a tenant was subject of an eviction proceeding.

According to the fiscal note prepared by the Division of the Budget, in consultation with the Kansas League of Municipalities and the Kansas Association of Counties, the bill, as introduced, may increase counties' expenditures for purposes of obtaining search warrants.