



Patrick Vogelsberg, JD
Vice President of Governmental Affairs
Kansas Association of REALTORS®
3644 SW Burlingame Rd.
Topeka, KS 66611
(785)845-0988 (Cell)
Email: patrick@kansasrealtor.com

To: House Local Government
From: Patrick Vogelsberg
Date: February 15th, 2018
Subject: Neutral Testimony on HB 2629

Honorable Chairwoman Williams and members of the House Local Government Committee, thank you for the opportunity to appear in front of you today on behalf of the Kansas Association of REALTORS® (KAR) and offer neutral testimony on HB 2629

KAR represents over 9,500 members involved in both residential and commercial real estate and advocating on behalf of the state's property owners for over 95 years. REALTORS® serve an important role in the state's economy and are dedicated to working with our elected officials to create better communities by supporting economic development, a high quality of life and providing affordable housing opportunities while protecting the rights of private property owners.

HB 2629 would allow aggrieved members of a common interest community (CIC) to seek redress by filing a complaint with the Kansas Attorney General as an alternative to engaging their own private counsel in an attempt to enforce their rights under the Kansas Uniform Common Interest Owners Bill of Rights Act (KUCIOBRA). If the Attorney General's Office determines that a complaint is valid, it may pursue a remedy under the Kansas Consumer Protection Act (KCPA).

We would agree that an increasing number of Kansans, particularly in urban areas, reside in a CIC. It is our belief that those communities should operate in a fair and effective manner, which the KUCIOBRA seeks to do by providing certain procedural and substantive protections to residents of a CIC. Furthermore, we are sympathetic to members of a CIC, who, feeling their rights under the KUCIOBRA were violated, must engage a private attorney at their own expense to enforce their rights. HB 2629 would provide an enforcement mechanism by the Attorney General through the KCPA and make available the accompanying remedies under the KCPA.

Based upon our experience with these communities, many individuals who serve as directors and officers in CICs tend to be volunteers who may not be familiar with all of the requirements of the KUCIOBRA and potential liability under the KCPA. Though hard to predict, it may become difficult to entice individuals to serve in any capacity as a director or an officer in a CIC. It is also unknown what effect, if any, enforcement under the KCPA would have on CIC liability insurance.

Conclusion

In closing, we would respectfully request that the members of the House Local Government Committee strongly consider the full effects and implications of this legislation. Once again, thank you for the opportunity to provide comments on HB 2629 and I would be happy to respond to any questions at the appropriate time.

Respectfully submitted,

Patrick Vogelsberg

Patrick Vogelsberg
Vice President of Governmental Affairs
Kansas Association of REALTORS®