



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

Neutral Testimony on House Bill 2629
Making homeowners associations subject to consumer protection act

Presented to the House Committee on Local Government
By Kansas Attorney General Derek Schmidt

February 15, 2018

Chairwoman Williams and Members of the Committee:

Thank you for the opportunity to submit this neutral testimony regarding House Bill 2629. This bill would make common interest communities, commonly known as homeowners associations, subject to the provisions of the Kansas Consumer Protection Act.

Currently, our office has no jurisdiction over the actions of homeowners associations. These are currently governed by the Kansas Uniform Common Interest Owners Bill of Rights Act. Under current law, the remedy for violations of that act is through a private, civil lawsuit. The bill before you today would make violations of the Kansas Uniform Common Interest Owners Bill of Rights a violation of the Kansas Consumer Protection Act, enforceable by the attorney general's Consumer Protection Division.

The bill would also introduce a new registration regime for common interest communities to be administered by the attorney general's office. As we have reflected in our fiscal note on this bill, based on the number of common interest communities provided to us by Legislative Research, it does appear that this registration system would generate sufficient revenue to pay for the costs of an investigator, an assistant attorney general and a part-time administrative assistant to fulfill the added responsibilities placed on our office.

Ultimately, the bill before you is a policy decision for the Legislature to make. If the bill is enacted and the additional responsibilities contemplated by this bill for the attorney general's office are placed upon us, and if the staff needed to perform those responsibilities are in fact funded, we will work diligently to fulfill them.

Thank you for your attention to this matter.

###