

March 12, 2024

The Honorable Will Carpenter, Chairperson  
House Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Representative Carpenter:

**SUBJECT:** Fiscal Note for HB 2823 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2823 is respectfully submitted to your committee.

HB 2823 would amend the Residential Landlord Tenant Act. The bill specifies that any landlord who has reason to believe that a rental unit is occupied by a person or persons who are not authorized to reside in the unit could notify the person or persons to vacate the premises within three days by posting a notice on the door of the unit and by leaving a copy of the notice with any person over 12 years of age residing in the unit. If the person or persons refuse to vacate the unit within three days, the landlord may file a petition with the district court. The court would be required to schedule a hearing on the petition within seven days and would issue a summons requiring the defendant or defendants to appear at the hearing.

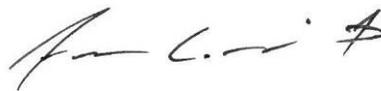
A defendant or defendants could appear in person or by counsel at the time and date specified in the summons. If the defendant or defendants fail to appear or if the court finds the defendant or defendants have no right to inhabit the unit, then the court would issue an order requiring eviction. The sheriff would be required to enforce the order of eviction within five days from the date of the eviction order.

The bill specifies that every rental agreement would be required to list all persons who reside at the unit. With the landlord's permission, the names of the persons living in the unit would be added to the rental agreement. The tenant would be required to notify the landlord of any person who is a guest of the tenant and who intends to stay longer than seven days. HB 2823 would also allow a landlord to enter the unit without the consent of the tenant when the landlord has reasonable belief that the unit is occupied by a person or persons not listed in the rental agreement.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district court because the bill would allow landlords to file eviction petitions, which would increase the time spent by judges and court employees in processing, researching, and hearing cases. The Office states enactment of the bill could result in the collection of docket fees in those cases filed under the bill's provisions, which would be credited to the State General Fund. The Office indicates that until the courts have had an opportunity to operate under the bill's provisions a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2823 is not reflected in *The FY 2025 Governor's Budget Report*.

Both the League of Kansas Municipalities and the Kansas Association of Counties state the bill's enactment could create additional litigation and additional responsibilities for law enforcement to enforce the orders of eviction.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Jay Hall, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities