Planning, Housing, and Community Development
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Senator Kellie Warren
Chair, Senate Judiciary Committee
Kansas State Capitol
300 SW 10th Street, Room 419-E
Topeka, Kansas 66612

Proponent Testimony to the Senate Judiciary Committee re: Senate Bill 415

Chair Warren and Members of the Committee,

Thank you for the opportunity to submit proponent testimony on Senate Bill 415.

Housing costs in our area are up at least 20 percent in the past five years, according to data from the U.S. Census American Community Survey and prepared by United Community Services of Johnson County. In the same time period, the number of rental properties in the community that are available for less than $1,000 per month dropped 61 percent, while rentals costing $2,500 or more per month increased 143 percent. These cost increases leave many tenants spending more than they can afford on rent. In Johnson County, 41 percent of renters are cost-burdened, meaning they spend more than 30 percent of their household income on housing. Statewide, 44 percent of renters are cost burdened. Kansas consumers should get what they pay for with their rent: a place to call home that meets basic habitability standards.

Senate Bill 415 would allow enforcement of basic health and safety property maintenance codes under the Kansas Consumer Protection Act. Currently, renters have no tools to hold landlords accountable when they fail to provide habitable housing.

Johnson County saw the need for this legislative fix last May, when the Aspen Place Apartment complex in Gardner was condemned. The *private* water and sewer infrastructure was originally installed in the 1950s and had not been maintained; residents regularly experienced water outages, dingy or brown water coming from faucets, and sewage backups into units and onto the complex grounds.

Mary Beverly, Environmental Health Division Director at the Johnson County Department of Health and Environment, worked with residents for months and shared this story about Aspen Place (names have been changes to protect privacy):

Richard and his mother, Eve, lived in their apartment for over a year when their washing machine began backing up foul-smelling black water, which they feared was sewage. Despite repeated reports, the landlord failed to address the issue, and soon the kitchen sink also began backing up. With no response from management, the family filed a complaint with the city, which involved the health department. Eve, a senior citizen, had no alternative housing, and Richard was recovering from back surgery. A plumber attempted repairs but left the water line damaged and the family without water for several days; he never returned to complete the work due to nonpayment by property management. Although the property manager offered a vacant unit for temporary use, the family was physically unable to move or travel between units. With assistance from county departments and a local church, the family was placed in a hotel and later relocated to new housing. The city requested that the property manager release them from their lease without penalty. Theirs is not the only story.

The final straw at Aspen Place occurred when a fire truck fell through the street while responding to a 911 call, damaging the truck and the main water line. The city was forced to condemn the entire complex when it became clear that they could not provide emergency services and ensure resident safety. With just 48 hours' notice, 187 households had to find new housing and move out.

The human toll cannot be overstated. Some families remain in transitional housing and unstable nine months later. Some of the 79 students in Gardner Edgerton Schools were displaced from their neighborhood schools, and a handful of high school seniors missed their final weeks of school and graduation.

The community—taxpayers, local non-profits, and private donations—bore the financial cost of this housing failure. The Department of Health and Environment alone invested 250 staff hours – at a cost of almost $10,000 in salary alone -- to operate a resident resource center for people trying to relocate in two days. This was the tip of the iceberg. The Department of Emergency Services activated the Emergency Operations Center and coordinated activities, the Department of Mental Health had outreach workers on the ground helping families navigate the crisis, and the Department of Planning, Housing and Community Development rallied housing resources and relationships. Johnson County is proud of our response to residents in need; however, the financial costs were real.

Additionally, local non-profit agencies invested resources and staff time in response, including offering hotel vouchers and emergency shelter space for displaced families. The community of Gardner raised thousands in private donations to help bridge people to their next home—a wonderful testament to community resilience, but not something they should have had to pay for. Had there been a mechanism under Kansas state law for tenants, the attorney general or the district attorney to work with the city and force the property owner to address habitability issues sooner, it's likely this issue could have been prevented.

Local jurisdictions have an interest in ensuring the affordable rental units in their communities are well-maintained and remain available to renters. Local governments value landlords; they are small business owners who provide a needed and valuable service to the community. We simply cannot meet the population's housing demands and build a robust community without them. This legislative fix is not intended to burden landlords who maintain habitable properties and uphold their end of lease agreements.

Senate Bill 415 is a measured response to extremely negligent property owners. Possible damages under the KCPA for renters are capped at $10,000, though veterans and other protected groups would be eligible for $20,000 in damages. The threat of financial penalty should change the business calculation corporate property owners make and spur reinvestment into local properties, a far better outcome than threatening the health and safety of Kansas renters for profit.

Sincerely,

Megan Foreman

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