Written-Only Proponent Testimony Regarding Senate Bill 415
Senate Committee on Judiciary

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Chair Warren and Members of the Senate Committee on Judiciary:

Thank you for the opportunity to submit written proponent testimony in support of Senate Bill 415. This legislation provides necessary clarification that the Kansas Consumer Protection Act (KCPA) applies when a landlord, through action or inaction, causes a rental dwelling to become substandard or uninhabitable. Senate Bill 415 strengthens existing law by ensuring that established consumer protection remedies and enforcement mechanisms are available to renters harmed by unlawful housing conditions.

My name is Brandi Galbreath, and I serve as the Community Housing Coordinator for the City of Emporia. In this role, I am the primary point of contact for residents experiencing landlord-tenant disputes and housing-related code compliance concerns, and I work closely with tenants, property owners, and code enforcement officials.

In the course of my duties, I regularly encounter rental properties that fail to meet minimum habitability standards required under state and local law. These violations include, but are not limited to, unsafe structural conditions, sewage and plumbing failures, hazardous electrical systems, and the absence of required heating during winter months. These conditions constitute clear violations of housing codes designed to protect public health and safety.

Kansas law has long recognized a landlord's legal duty to maintain habitable premises. In *Steele v. Latimer*, the Kansas Supreme Court established the doctrine of the implied warranty of habitability, holding that landlords must comply with housing codes affecting health and safety. Kansas statutes further provide tenants with the right to recover damages when landlords fail to comply with applicable maintenance obligations.

However, despite the existence of these legal duties, enforcement remains inconsistent and, in many cases, inaccessible to tenants. Civil remedies are largely illusory for renters who cannot afford private legal counsel or navigate complex litigation. Moreover, tenants are statutorily required to continue paying rent even when subjected to dangerous living conditions, creating a substantial imbalance of rights and remedies when landlords fail to meet their legal obligations.

Senate Bill 415 addresses this enforcement gap by explicitly applying the KCPA to egregious landlord conduct that renders a dwelling substandard or uninhabitable. By doing so, the bill permits renters to recover damages and

attorney fees and authorizes enforcement by county and district attorneys and the Attorney General. This public enforcement authority is particularly critical where private remedies are impractical or unavailable.

Importantly, SB 415 does not create new habitability standards or impose novel obligations on landlords. Instead, it reinforces compliance with existing law by providing meaningful consequences for conduct that already violates housing codes and established legal duties. The bill promotes accountability, deters unlawful practices, and aligns landlord-tenant law with Kansas' broader consumer protection framework.

For these reasons, Senate Bill 415 represents a legally sound and tailored approach to enforcing long-standing habitability requirements, while preserving due process and promoting fair and lawful rental practices across the state.

Thank you for your time and consideration.

Respectfully submitted,

Brandi Galbreath
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