To: Senate Committee on Judiciary

From: Michelle Ewert, Director of the Washburn Law Clinic

Date: February 11, 2026

Re: Support for SB 415 (Making certain violations of the residential landlord and tenant act subject to the remedies and enforcement provisions of the Kansas consumer protection act)

I write this honorable committee to express my strong support for SB 415. I am a Professor of Law at the Washburn University School of Law and Director of the Washburn Law Clinic. My students and I provide free legal services to low-income Kansans who would not otherwise have access to counsel. I previously served as staff attorney and housing law supervisor at the Homeless Persons Representation Project in Baltimore, Maryland, and as staff attorney for HOPE Fair Housing Center in Wheaton, Illinois, and Central California Legal Services in Visalia, California. Throughout my career, I have represented low-income tenants who were struggling to overcome very significant barriers to moving out of poverty.

SB 415 would help protect tenants in dangerous situations by allowing additional enforcement options. Under current law, tenants have three options if their rental unit is uninhabitable:

1. They could move out and look for new housing. This option presents challenges because moving is expensive. The tenant must come up with a security deposit and first month's rent, in addition to paying current living expenses. Further, it takes time and effort to locate new housing.

2. They could file a lawsuit against their landlord in state district court to pursue remedies under the Kansas Residential Landlord and Tenant Act. However, many tenants lack the expertise to file lawsuits on their own. Further, there are limited legal services programs that provide free or low-cost assistance to low-income Kansans. In Topeka, Kansas Legal Services and the Washburn Law Clinic are the only free civil legal services providers, and demand for our services far exceeds our capacity. We have to turn away many meritorious cases just because we don't have sufficient staff to cover all the legal needs in our community.

3. They could continue living in unsafe conditions. Sadly, this is what many tenants do. Unable to obtain legal assistance and without resources to find safe, new housing quickly, many tenants continue to live in uninhabitable housing for months or years. Recent examples of uninhabitable rentals include Timberlee Apartments in Topeka and Aspen Place Apartments in Gardner.

SB 415 would create a fourth—and better—remedy by applying the Consumer Protection Act and allowing the Kansas Attorney General and County or District

Attorneys to file lawsuits against landlords who rent out properties that are uninhabitable.[1] The bill only applies in extreme situations, not if there are minor defects that should be addressed. This is a simple solution that would allow law enforcement officers to protect vulnerable Kansas consumers, like they already do in many other situations.[2]

I ask you to vote in favor of SB 415. It would help vulnerable Kansas tenants living in dangerous conditions.

The ideas expressed in this statement are mine as an individual faculty member at the law school and do not represent Washburn University or Washburn University School of Law.

[1] In 1979, the Kansas Supreme Court found that as written, the Kansas Consumer Protection Act did not cover transactions under the Kansas Residential Landlord and Tenant Act. *Chelsea Plaza Homes, Inc. v. Moore*, 226 Kan. 430, 434 (1979). This bill would address that mismatch.

[2] The Kansas Consumer Protection Act enables the Kansas Attorney General and County or District Attorneys to take a range of enforcement actions on behalf of Kansas consumers. See, K.S.A. 50-632.