STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
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

Senate Committee on Judiciary
Proponent Testimony on Senate Bill 415
Matthew Bingesser, Administrative Counsel
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Chairwoman Warren and Members of the Committee:

Thank you for the opportunity to provide proponent testimony in support of Senate Bill 415 on behalf of the Office of the Attorney General (OAG). This legislation seeks to enhance protections for Kansas tenants by ensuring that violations of the Residential Landlord and Tenant Act (RLTA), K.S.A. 58-2540 *et seq*., involving uninhabitable dwelling units are subject to the remedies and enforcement provisions of the Kansas Consumer Protection Act (KCPA).

For decades, the 1979 Kansas Supreme Court decision in *Chelsea Plaza Homes, Inc. v. Moore*, 226 Kan. 430 (1979) has cast a shadow over tenant rights by holding that the RLTA preempts the KCPA. While subsequent legislative updates in 1983, 1985, and 1991 systematically dismantled the logic of that ruling, no other legislative enactment has made it clear that *Chelsea Plaza* is overruled. Consequently, this old case law continues to cause hesitation among advocates and complexity in enforcement. Most importantly, SB 415 removes the need for "legal gymnastics" to prove jurisdiction in landlord-tenant disputes by explicitly codifying that landlords are liable, especially in situations where they have neglected a rental unit to such an extent that it is rendered uninhabitable.

By establishing that the landlord is a "supplier" and the tenant is a "consumer," and clarifying that proof of a separate consumer transaction is not required, this bill allows the OAG to more efficiently hold violators accountable without first litigating the complex statutory history of previous amendments. This clarity ensures that landlords are held to the same standards of honesty and quality as any other business in Kansas. Additionally, private and legal aid attorneys can file suit with greater confidence, knowing that deceptive acts, like making false promises about repairs or misrepresenting a unit's condition, are clearly actionable under the KCPA.

The remedies provided by this bill are cumulative, supplementing existing RLTA protections with the robust civil penalties and investigative tools of the KCPA to create a powerful deterrent against systemic neglect. The need for this legislation is underscored by recent instances of severe landlord neglect, such as the displacement of hundreds of residents at Aspen Place in Gardner. SB 415 ensures that when a landlord's action or inaction causes a dwelling to become

uninhabitable, the tenant is rightfully recognized as a consumer entitled to the full protection of the KCPA.

For these reasons, the Office of the Attorney General strongly supports Senate Bill 415 and urges the Committee to recommend its passage.

Thank you for your consideration.