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Kansas Action for Children
Written-only Opponent Testimony on HB 2378
House Committee on Federal and State Affairs

Chairman Kessler and members of the Committee:

Thank you for the opportunity to provide testimony in opposition to HB 2378, which would establish the Removal of Squatters Act.

We oppose HB 2378 because it would completely remove due process regarding evictions and allow landlords to exploit a loophole to tip the scales against tenants, both authorized and unauthorized.

Kansas property owners already have the legal tools they need to evict someone from their property. The process provides a court hearing where both parties are given the opportunity to make their case. If the court rules in favor of the landlord, then the court compels the sheriff to proceed with the eviction. The process is quick, as the court is required to hold the hearing within 14 days after the suit is filed.¹

This bill would allow a landlord to circumvent the entire legal eviction process and, instead, petition the sheriff to remove the tenant. The only piece of information the sheriff is required to verify is that the property is owned by the petitioner. It does not specify a requirement to ensure the tenant is not an authorized guest with a lease agreement. This would allow a landlord to skip the legal eviction process and have a tenant removed any time for any reason.

Section 6 of the bill provides modest recourse for a tenant who was wrongfully removed, but tenants facing eviction almost never have legal representation.² It is highly unlikely that a tenant who had been wrongfully removed would be able to afford an attorney and prevail in a court case.

The bill also allows the sheriff to arrest any person found in the dwelling for a range of charges, including theft, burglary, or “any other criminal act,” seemingly with no burden of proof that any of those crimes occurred. While there is little expectation that sheriffs’ offices would make onerous charges beyond trespassing, this vague provision provides the opportunity for abusive practices.

Lastly, it is likely that more Kansans are being forced to find places to survive when the weather isn’t ideal. Those categorized as “unsheltered homeless” have increased 395% in Kansas between 2019³ and

¹ KSA 61-3805.

² National Coalition for a Civil Right to Counsel. (2024). *Eviction Representation Statistics for Landlords and Tenants Absent Special Intervention*. https://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats_NCCRC_.pdf

³ U.S. Department of Housing and Urban Development. (September 2019). *HUD 2019 Continuum of Care Homeless Populations and Subpopulations*. https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_KS-507-2019_KS_2019.pdf

2024,⁴ and little has been done to address this issue. Instead of criminalizing Kansans who are struggling much more than in years past, lawmakers should instead be searching for ways to provide more assistance to this population.

Thank you for the opportunity to provide testimony on this topic, and please do not hesitate to contact me at dustin@kac.org if you have additional questions.

About Kansas Action for Children

Kansas Action for Children is a nonprofit advocacy organization working to make Kansas a place where every child has the opportunity to grow up healthy and thrive. We work across the political spectrum to improve the lives of Kansas children through bipartisan advocacy, partnership, and information-sharing on key issues, including early learning and education, health, and economic security for families.

⁴ Kansas Statewide Homeless Coalition. (2024). *Kansas Point-in-Time Count 2024*.
<https://drive.google.com/file/d/1a1J9yuQL82rDgxbMFAgWcMFHneTkSwA8/view>