

HOUSE BILL No. 2099

By Committee on Local Government

Requested by Whitney Damron on behalf of the City of Topeka

1-27

1 AN ACT concerning private rental housing; ~~requiring landlords of~~
2 ~~government-subsidized housing to submit to code inspection by cities~~
3 ~~or counties~~ **authorizing the city of Topeka to conduct code**
4 **inspections when the property owner receives direct public**
5 **financial assistance from the United States department of housing**
6 **and urban development**; amending K.S.A. 12-16,138 and repealing
7 the existing section.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 12-16,138 is hereby amended to read as follows:
11 12-16,138. (a) *Subject to subsection (c)*, no city or county shall adopt,
12 enforce or maintain a residential property licensing ordinance or resolution
13 ~~which that~~ includes a requirement for periodic interior inspections of
14 privately owned residential property for city or county code violations
15 unless the lawful occupant has consented to such interior inspections. This
16 subsection shall not apply to inspections of mixed-use residential and
17 commercial property. This subsection shall not prohibit a city or county
18 from conducting plan reviews, periodic construction inspections or final
19 occupancy inspections as required by building permits.

20 (b) Any lawful occupant residing in privately owned residential
21 housing located within the corporate limits of a city may request an
22 inspection at any time by the city or, if the property is located in the
23 unincorporated area of the county, by the county to determine code
24 violations.

25 (c) ~~(1) A city or county~~ **By the adoption of an ordinance, the city of**
26 **Topeka may require periodic property inspections of privately owned**
27 **residential housing property when the owner of such property is receiving**
28 ~~governmental rental subsidies~~ **direct public financial assistance for**
29 **tenant rent. The city or county shall provide reasonable notice to the**
30 **tenants of the date and time of the inspection. The landlord may be**
31 **required to perform random inspections at the request of the city or county**
32 **in response to code violation complaints. If a tenant objects to an**
33 **inspection, a the city or county shall obtain an administrative search**

1 *warrant to facilitate the inspection.*

2 **(2) As used in this section, "direct public financial assistance"**
3 **means a financial payment or consideration from the United States**
4 **department of housing and urban development.**

5 **(3) The provisions of this subsection shall expire on July 1, 2030.**

6 Sec. 2. K.S.A. 12-16,138 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.