

SENATE BILL No. 416

By Senator Shane

1-28

1 AN ACT concerning cities and counties; relating to interior inspections of
2 residential property; authorizing such inspections without consent of
3 the occupant pursuant to an administrative warrant or when there is
4 probable cause of imminent danger related to health and safety;
5 amending K.S.A. 12-16,138 and repealing the existing section.
6

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

8 Section 1. K.S.A. 12-16,138 is hereby amended to read as follows:
9 12-16,138. (a) (1) No city or county shall adopt, enforce or maintain a
10 residential property licensing ordinance or resolution which includes a
11 requirement for periodic interior inspections of privately owned residential
12 property for city or county code violations unless:

13 (A) The lawful occupant has consented to such interior inspections;

14 (B) *the inspection is conducted pursuant to an administrative*
15 *warrant; or*

16 (C) *there is probable cause of imminent danger related to health and*
17 *safety on the property and notice is provided that is reasonable under the*
18 *circumstances.*

19 (2) This subsection shall not apply to inspections of mixed-use
20 residential and commercial property. This subsection shall not prohibit a
21 city or county from conducting plan reviews, periodic construction
22 inspections or final occupancy inspections as required by building permits.

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

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 K.S.A. 12-16,138 is hereby repealed.

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