

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2099

As Amended by Senate Committee on Local
Government, Transparency and Ethics

Brief*

HB 2099, as amended, would authorize the City of Topeka (Topeka) to conduct periodic inspections of private residential housing properties when the owner of the property is receiving direct public financial assistance for tenant rent, define “direct public financial assistance” for this purpose, and establish requirements to conduct such inspections.

Under current law, cities and counties are prohibited from conducting interior housing inspections of private residential property without occupant’s consent. The bill would create an exception for such inspections by Topeka, upon adoption of an ordinance, if the property owner receives direct public financial assistance for tenant rent.

The bill would define “direct public financial assistance” to mean a financial payment or consideration from the U.S. Department of Housing and Urban Development (HUD).

The bill would require that Topeka provide reasonable notice to tenants of the date and time of an inspection. It would also provide that a landlord may be required to perform random inspections at the request of Topeka in response to code violation complaints. If a tenant objects to an inspection, the bill would direct Topeka to obtain an administrative search warrant to facilitate the inspection.

The bill would also provide a sunset date of July 1, 2030, for the exception for Topeka.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Background

The bill was introduced in the House Committee on Local Government at the request of a representative of the City of Topeka.

House Committee on Local Government

In the House Committee hearing, Representative Alcala and representatives of the City of Topeka, Topeka City Council, and Topeka/Shawnee County Homeless Task Force provided **proponent** testimony. The proponents stated that individuals who live in rental properties that receive governmental rental subsidies may not consent to an inspection because of fear of losing their residence for allowing such an inspection, even though the current living conditions for the resident may not be adequate.

The proponents provided an example of residents living in such government-subsidized rental housing that had sewage, black mold growth, and no heat during freezing temperatures. The proponents stated that HUD administers the subsidies in the example described and is required to perform annual inspections. In the example, such inspections did not occur.

The proponents stated that this bill would allow the City of Topeka to perform inspections to avoid situations like the example.

The proponents also suggested an amendment to name the City of Topeka as the local governing authority to have the authority to conduct the inspections; as introduced, the bill would have provided the authority to conduct inspections to all cities and counties. The amendment would also clarify governmental rental subsidies would mean only direct tenant rental payments.

Written-only proponent testimony was provided by representatives of the City of Concordia, League of Kansas Municipalities, and Kansas Association of Counties.

Opponent testimony was provided by a representative of the Associated Landlords of Kansas and a private citizen. The opponents stated that this bill would take away the rights of a lawful tenant because the lawful tenant should be the only one who should be allowed to authorize an inspection. They stated it should be the responsibility of the tenant to accept or ask for an inspection if there are life, safety, or health issues.

Written-only opponent testimony was provided by a representative of the Kansas Association of Realtors.

No other testimony was provided.

The House Committee amended the bill to:

- Provide a definition of “direct public financial assistance” to mean a financial payment or consideration from HUD;
- Change “governmental rental subsidies” to “direct public financial assistance”;
- Narrow the scope of the bill to limit the authority to conduct inspections to only Topeka; and
- Provide a sunset date of July 1, 2030, on the exception.

Senate Committee on Local Government, Transparency and Ethics

In the Senate Committee hearing, representatives of the the City of Topeka and the Topeka and Shawnee County Homeless Task Force provided **proponent** testimony. The

proponents generally stated the bill would allow the city to conduct regular, mandatory inspections that are not currently lawfully possible of properties accepting government funds and would put protections in place for vulnerable tenants to report code violations.

Written-only proponent testimony was submitted by Representative Alcala, a member of the Topeka City Council, and a representative of the League of Kansas Municipalities.

Neutral testimony was submitted by a representative of the Associated Landlords of Kansas, stating the sunset makes the bill more agreeable and narrowing the bill to the City of Topeka will prevent cities from abusing the inspection program, protecting vulnerable tenants.

Opponent testimony was provided by a private citizen, who stated rental inspections through the federal government for tenants who receive housing choice ("Section 8") vouchers are thorough and cities do not need to add more inspections.

The Senate Committee made a technical amendment to the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the League of Kansas Municipalities states enactment of the bill would have negligible fiscal effects on cities. The Kansas Association of Counties cannot estimate a fiscal effect because the Association is unable to determine how many more inspections would be necessary and whether that would require additional employees. [Note: After amendment, the exception would apply only to the City of Topeka.]

Governmental rental subsidies; private residential inspections; municipal housing inspections; Topeka