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City of Lawrence

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TESTIMONY BEFORE THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE IN SUPPORT OF SB 400

Mr. Chairman, and Members of the Committee, thank you for allowing the City of Lawrence to testify today in support of SB 400. I am Toni Wheeler, City Attorney for the City of Lawrence.

The City of Lawrence requested SB 400 be introduced to help the City enforce ordinances passed by our governing body that are intended to maintain the single family character of neighborhoods and to enhance public safety of tenants residing in rental units in residential zoned districts. In 2000, the Lawrence City Commission adopted ordinances which impose occupancy limits on residential property located in areas zoned for single family residences. At the same time, the City Commission enacted ordinances requiring every owner of a single family dwelling in a residential zoning district to obtain an annual rental license before leasing the property to others. The properties are inspected at least once every three years to ensure the dwelling complies with the standards of our Property Maintenance Code, the zoning code, and other local laws and regulations.

Soon after our local laws were passed, the Kansas Legislature enacted K.S.A. 12-16, 123 which prevents a city or county from requiring a landlord to provide a list of the names of tenants occupying the landlord's property unless a citation for violation of a local law has been issued. It is



very, very difficult to issue citations for violating the City's occupancy limits if we cannot seek and obtain information concerning who and how many people are residing in a rental unit in a single family zoned district. We try to build a case based upon other evidence—it has proven, however, to be quite difficult. Therefore, at the urging of some of our local residents who are very concerned about negative effects that over-occupied residences have on the character of their neighborhoods, we are seeking a change in the state law.

We suggested an amendment to the existing law that would aid the City of Lawrence, while preserving for much of the State, the status quo. Only those cities having a rental licensing program would be allowed to seek and obtain the tenants names before a citation for a code violation is issued. We are, however, open to other suggestions, and would support a full repeal of the statute, if that is the Committee's recommendation.

The City of Lawrence recognizes this Committee and the full Legislature have many important and weighty issues before you. We know your time is precious. The City thanks you for scheduling today's hearing on SB 400. We very much appreciate your attention, and we thank you for an opportunity to speak on this bill.