

City Clerk

December 03, 2013

City of Lawrence, Kansas

With respect to proposed Ordinance 8840, Rental Licensing and Inspection.

Please include the attached documents ⁽²³⁾ from citizens of Lawrence along with the packet for the Consent Agenda pertaining to proposed Ordinance 8840 set for Tuesday December 3, 2013.

Thank you.

Russell Livingston

PO 1203

Lawrence, KS 66044

The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

December 02, 2013

Dear Commissioners,

As a citizen of the community of Lawrence, Kansas, and the United States of America I respectfully request that you vote against the Proposed Rental Inspection Ordinance for these reasons.

- 1) I am of legal age and can contract for myself and my family with respect to my domicile.
- 2) The inspection process as proposed is a violation of my privacy and civil liberties.
- 3) The Fourth Amendment provides my right to decline warrantless searches by my government, that probable cause is not demonstrated, further that my declining this warrantless search will be met with Administrative Warrants or the threat of coercion, a blatant violation under the Fourth Amendment.
- 4) Life Safety does not constitute probable cause.

Additionally The Tenant Consent to Inspect Document is an overt attempt at circumventing my Constitutional rights.

Should I need the services of the Inspection Department of the City I know how to contact them and can do so of my own free will.

Respectfully yours,


1742 LEARNARD AVE
LAWRENCE, KS 66044

The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

December 02, 2013

Dear Commissioners,

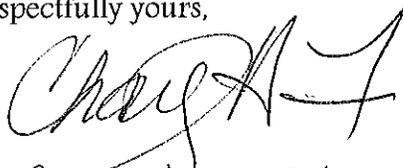
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Respectfully yours,


Charity Tebe
NIS Learned Assoc.

The Lawrence City Commission
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Bob Schumm

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Respectfully yours,

Justin Moore

1335 Vermont St.
Lawrence, KS 66044

The Lawrence City Commission
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Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

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Respectfully yours,

Isaac Diehl
ID
1335 Vermont St.
Lawrence, KS 66044

4

The Lawrence City Commission
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Jeremy Farmer
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Respectfully yours,

Robert Palmateer
1715 Learnard Ave
Lawrence, Ks 66044


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Respectfully yours,

Marcy Olson J.D. Candidate 2015
530 E. 19th St.
Lawrence KS 66044

The Lawrence City Commission
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Bob Schumm

December 02, 2013

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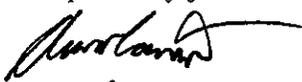
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530 E 19th St.
Lawrence KS
66044

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Respectfully yours,

Jude Monge
2007 Heatherwood Dr

J. Monge

The Lawrence City Commission
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A. BERBER
1730 LEARNARD AVE
LAWRENCE, KS

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10
Kyle A. Powers
1903 BRACKEN AVE, LAWRENCE, KS

The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
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Bob Schumm

December 02, 2013

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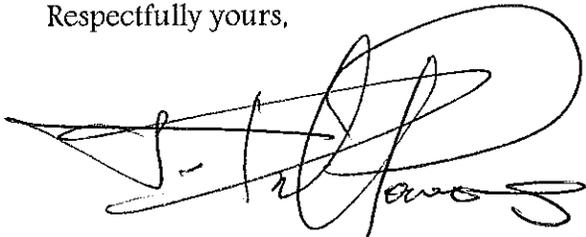
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Respectfully yours,



J. David Powers

11
1903 Barker Ave, Lawrence, KS

The Lawrence City Commission
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Vice Mayor Mike Amyx
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Dr. Terry Riordan
Bob Schumm

December 02, 2013

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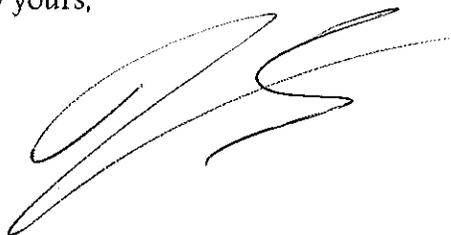
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Respectfully yours,



Jordan Snyder

12
1903 Barker Ave, Lawrence, KS

The Lawrence City Commission
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1306 E 16th
LAWRENCE KS 66044

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Bob Schumm

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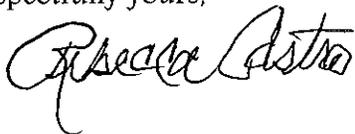
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1306 E. 16th
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Respectfully yours,

Andrew Wilson
1509 E. 25th Terr
Lawrence, KS 66046

The Lawrence City Commission
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Melisse Wilson
1509 E. 25th Terr.
Lawrence, KS 66046

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Respectfully yours,

Chelsea Bryant

Chelsea Bryant
2027 Heatherwood Dr.
Lawrence KS 66047

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LEO LENHERR
202 T16 T13

2027 Heather wood Dr.
Lawrence KS

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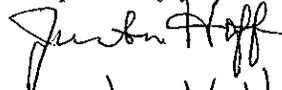
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Respectfully yours,



Justin K. Huff

1831 Missouri St.
Lawrence, KS 66044

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Respectfully yours,

- COURTNEY ROJAS-MORALES
1833 MISSOURI ST.
LAWRENCE, KS
66044

C Rojas

The Lawrence City Commission
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Respectfully yours,

Alyce Hernandez

1833 Missouri St.
Lawrence, KS 66044

The Lawrence City Commission
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Vice Mayor Mike Amyx
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Bob Schumm

November 13, 2013

Dear Commissioners,

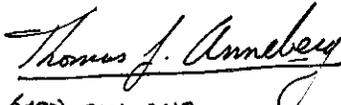
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(785) 341-0112
1335 Vermont Street
Lawrence, KS 66044

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Respectfully yours,

A handwritten signature in black ink, appearing to read "Jim Beube". The signature is written in a cursive style with a long horizontal stroke at the end.

Bobbie Walthall

To: David L. Corliss
Subject: RE: Concern over Ordinance No. 8840

From: Amanda Falk [<mailto:amandarfalk@gmail.com>]
Sent: Tuesday, December 03, 2013 11:50 AM
To: David L. Corliss; Scott McCullough
Subject: Concern over Ordinance No. 8840

Dear Lawrence City Commissioners,

I recently learned of the new rental licensing ordinance 8840, requiring random searches of 10% of rental properties, including photography and filming of renters' property. I understand that the driving purpose behind this legislation is the prevention of slum conditions and the maintenance of safe and healthy living conditions in rental units in Lawrence. I have, however, strong concerns over some aspects of the legislation. Specifically, the compulsory aspect of the search and documentation of living conditions. I feel that this is a severe invasion of personal privacy, and may have repercussions beyond the search event itself. The possibility of the loss or replication of privately owned or proprietary information is a very real concern with this new ordinance.

I do think that maintaining a healthy and safe rental environment in Lawrence is necessary. I think, however, that any ordinance should require either A.) Tenant approval on a case-by-case basis, and not a blanket required approval across all rental properties in Lawrence or B.) A history of repeated offenses by tenants against a landlord or their property. Tenants should have the right to refuse entry, and that refusal should not automatically result in the gaining of a search warrant.

I also have concerns about the cost of the re-licensing--would this not require large rent hikes by the larger apartment complexes in Lawrence? I believe that this would be detrimental to the city and potentially to the University.

Thank you for your time and consideration,

Amanda Falk

--

Amanda Falk
University of Kansas
Department of Geology PhD Candidate
GEOL 103 Lab Coordinator

Bobbie Walthall

To: Megan Gilliland
Subject: RE: Say No to Rental Registration. Say Yes to Education.

From: bschulteis@sunflower.com [<mailto:bschulteis@sunflower.com>]

Sent: Tuesday, December 03, 2013 1:31 PM

To: mdever@sunflower.com; mikeamyx515@hotmail.com; voteyourselfafarmer@gmail.com; riordan346@gmail.com; schummfoods@gmail.com

Cc: City Hall email

Subject: Say No to Rental Registration. Say Yes to Education.

Dear Commissioners,

There is still time to adopt a more reasonable and efficient approach to maintain our safe housing. Education is always the best solution.

Instead of adding staff, procedures, and intruding on private citizens, I would recommend that we provide education to tenants about their rights that are currently protected under City Codes, Kansas Landlord and Tenant act, and lease contracts. The education could be in the form of radio ads, flyers and general posting on the city website. The housing authority successfully uses this approach with fair housing.

Current complaints with permanent multifamily housing was less than 20 in 2012. All twenty problems have been fixed. We should congratulate the staff, community, tenants and owners for this success.

The Administrative Compliance Procedures (ACP) seem to be in conflict with some parts of the Ordinance.

- * Definition of minor and major violations have become foggy since the Administrative Compliance Procedure leaves it to the inspectors "discretion" on when a minor becomes a major. A minor should always be a minor.

- * Sample size is different between the ordinance and the administrative compliance procedures. It looks like it went from 10% up to 33% for larger complexes and 100% for small owners. In the last study session all properties owned by one entity was considered one inspection pool. The ACP is back to the original that the units need to be side by side.

- * The guides to the ordinance are still evolving as far as procedures, process for tenant waivers, etc. How can an ordinance be approved when the procedures are not well defined?

- *Focus on life safety has gone away.

Problems with this ordinance:

- * How will the city get tenant waivers signed. Hopefully it will not be the landlords requirement, this puts the landlord in a situation of potential liability.

- * The ordinance should be well defined with complete transparency. Tenants need to understand that they could be penalized in the waiver.

- * It is anti-business. Not all tenants are students. Some have the luxury to live in other communities especially if they are commuters.

Thank you for your time and consideration.

Bill Schulteis

From: [Doug Bonney](#)
To: twheeler@lawrenceks.org
Subject: Residential Rental Inspection Ordinance 8840
Date: Tuesday, December 03, 2013 11:51:53 AM

Dear Ms. Wheeler,

Today, I learned of the City Commission's residential rental inspection ordinance. On its face, the proposed ordinance might be consistent with *Camara v. Municipal Court*, 387 U.S. 523 (1967) in that it requires the city inspectors either to obtain permission of the occupant or to get an administrative search warrant before entering an occupied rental unit for inspection. But, as it has been explained to me, the city is planning to have inspectors video-record and photograph inspections and is also apparently adopting a consent form that it will require *landlords* to have renters sign. Such practices or policies raise substantial Fourth Amendment questions such as whether the "legislative and administrative standards" in place for the searches are reasonable, *Camara*, 387 U.S. at 538, and whether such consents would be coerced within the meaning of established Fourth Amendment case law. Thus, I am opening an investigation into this matter. I will be back in touch with you about this program and will assign it to one of my law student externs when they start next month.

Doug Bonney
Legal Director
ACLU Foundation of Kansas
3601 Main Street
Kansas City, MO 64111
Direct: (816) 994-3311

"The censor's sword pierces deeply into the heart of free expression."

--Chief Justice Earl Warren, Dissenting
Times Film Corp. v. City of Chicago, 365 U.S. 43, 75 (1961)

Bobbie Walthall

To: David L. Corliss
Subject: RE: Rental inspections

From: BRUCE [<mailto:sales@signdesignlawrence.com>]
Sent: Tuesday, December 03, 2013 10:44 AM
To: mdever@sunflower.com; mikeamyx515@hotmail.com; voteyourselfafarmer@gmail.com; riordan346@gmail.com; schummfoods@gmail.com; David L. Corliss
Subject: Rental inspections

Commissioners, I am again writing to you on record to vote against the expanded rental licensing program, this program in its current state is overreach of government. The details of the administrative powers have not been completed and the citizens of Lawrence have the right to view and discuss the whole ordinance before it becomes law. This approach leads to scope creep and unwanted or unfair rules. What if the next step is rent control? Would you also like to provide a rent schedule? As a landlord I am not comfortable with the liability that comes from encouraging my tenants to allow entry and evidence gathering of their lifestyle for the public record. What if I rent to a well known professional in Lawrence (still a small town) and I ask him or her to sign the consent form and this person is a hoarder, during the inspection pictures are taken and the report is taken and now is public record, the story gets out the professional is embarrassed, loses his or her business and sues me for encouraging him or her to sign the consent form. I believe personal choice should be the basis for any laws that would or could have an impact on someone's right to privacy, so an opt in or out method would be the fair thing to do. Now exterior of the properties is fair game.

--

SIGN 'SIGN

Bruce Livingston
Owner

785.749.2886
Fax 785.840.9634

sales@signdesignlawrence.com
www.signdesignlawrence.com

2300 W. 31st St, STE C
Lawrence, KS 66047

Letter regarding Inspection Ordinance, Code Section 6-1301

To the Lawrence City Commission,

As a resident of Lawrence and a tenant at Tuckaway Apartments, I am NOT in favor for passing this ordinance. I think I have a decent understanding of the good intentions behind this law trying to be passed, but feel that it is a huge breach in privacy.

If this is in order to raise the standard of living for tenants in dilapidated housing, why not create a review process of tenant's rights in which they can, themselves, ask for inspections and/or city guidance on how to represent themselves against the property's management. After living in very low standard housing at 1712 Ohio Apt E & F, I feel that something along those lines is important.

BUT, having an inspector come in and document the apartment while tenants are currently living there is a very large breach in privacy and safety. If these inspections become public record, I can imagine this being a very serious security issue.

If inspections are deemed necessary, they should be done in between renters, when no tenants, or their property, is present in the apartment.

If you wish to contact me for clarification on my thoughts and opinions, feel free to e-mail me at ChristopherSBurnett@gmail.com or call at (913)206-7745

Thank you very much for your time.

Christopher Burnett

2600 West 6th Street R8

Lawrence, KS

NO, That violating my 4th Amendment right.

I choose to live at Tuckaway, because I thought I will have my own privacy and feel like I'm living home without other person have the power to enter your home anytime. How would you feel if I go into your home and take pictures of your stuffs.

No I am against with the idea of enter people's apartment. ~~with~~.

Tuckaway P4

Bobbie Walthall

To: Diane Trybom
Subject: RE: Rental Inspections

From: Paulette Teague
Sent: Tuesday, December 03, 2013 10:09 AM
To: dcorliss@lawrenceks.org; mdever@sunflower.com
Cc: Matthew H. Hoy
Subject: Rental Inspections

email from tenant that lives at 4241 Briarwood Dr. Apt F1 Lawrence, KS 66049

From: Desiree Burr [desireeburr@gmail.com]
Sent: Monday, December 02, 2013 9:58 PM
To: Maria Monroy
Subject: Re: Rental Inspections

There is no positive here and it is a violation of my civil rights.
No, I do not give consent to have my apartment inspected.
Under no circumstances would I allow anyone to document or take digital images of my personal belongings.
They have no business with any of the "findings" in my space.

I pay rent to have my security NOT be violated.

Once again, I DO NOT approve of this and seriously question the legal validity of this request.

Sent from my iPhone

Bobbie Walthall

From: Richard Heckler <rheckler2002@yahoo.com>
Sent: Monday, December 02, 2013 7:18 PM
To: Bobbie Walthall
Subject: Rental Licensing A Fiscal Responsible Choice

Mayor and City Commisioners,

There are multiple issues surrounding Rental Licensing.

What about the attack on market values of neighboring residential as a result of neglected properties and rowdy tenants?

What about noisy rowdy neighbors invading the peace and quiet of neighboring residents which is in and of itself an invasion of privacy?

What's wrong with providing safer live in environments for tenants?

20,720 rental properties inhabit Lawrence,Kansas or about 58% of residential is rental property.

There are many communities surrounding Lawrence,Ks that have had regulations in place for many many years. And at significantly larger fees to property owners.

It is my best thinking that inspectors have no right to barge in without consent. All of a sudden property owners are concerned for the privacy of pot smokers whoaaaaaaaaaaaaaaaa how times have changed.

My speculation says the greater concern is property owners fear the expense of bringing business properties up to code. A legal business expense. Yet could increase property values which is a plus for the community as a whole.

What if a furnace has been red tagged yet never replaced? What if a roof is in disrepair and might cave in? What if the sewer lines need a roto rooter? What if a porch is falling apart? What if light fixtures need some attention? What if smoke detectors need new batteries? What if plumbing is a disaster?

Again What about the attack on market values of neighboring residential as a result of neglected properties and rowdy tenants? Rental licensing is the Fiscally Responsible Choice for Lawrence,Kansas.

Respectfully,

Richard Heckler

Bobbie Walthall

From: Judy Green <jwampr@sunflower.com>
Sent: Monday, December 02, 2013 8:16 PM
To: Bobbie Walthall
Subject: Rental Registration

I would like to express my opposition to the upcoming proposed extension of the rental licensing program to all rentals in the City of Lawrence for the following reasons:

1. The proposed program duplicates existing system of inspection by request 2. 4th amendment issues of privacy and search 3. City requires Owners to act as agents for the city to arrange inspections 4. Further proliferation of governmental regulation 5. Unlikely to pay for itself as demonstrated by current program 6. Experience in Manhattan Please include this email in the Rental Ordinance Packet for Tues. night.

Thank you for your consideration of the above.

Sincerely,

Judy Green
Southbound Investments
P.O. Box 1391
Lawrence, KS 66044

Bobbie Walthall

To: David L. Corliss
Subject: RE: City Rental Inspection

From: Carrie [<mailto:cjackson905@yahoo.com>]
Sent: Tuesday, December 03, 2013 9:29 AM
To: David L. Corliss
Subject: City Rental Inspection

In regards to the upcoming matter of rental inspections, I do believe that it is important that all Lawrence properties be held to the same standards and conditions of properties. However, I am enormously concerned that my privacy could be violated and private information or photographs could be viewed by the public. In light of such serious vulnerabilities, I am very much against the idea of this proposal. I believe as a tenant we hold some of the responsibility in reporting issues and failings to the proper entity without having City of Lawrence officials intruding into our living spaces and making our private life and belongings available to the public domain.

Tashina Case

From: Mary Robles [mroblesch@hotmail.com]
Sent: Tuesday, December 03, 2013 9:26 AM
To: Tashina Case
Subject: Apt. C4

We are tenants at Tuckaway Apartments and oppose the proposed rental inspection ordinance you will vote on at your meeting tonight. We strongly urge you to vote not to put this ordinance in law as we consider it a violation of our personal right to privacy.

Bobbie Walthall

To: David L. Corliss
Subject: RE: Sunset Hill Neighborhood/rental registration ordinance

From: Jerry Pees <peepod@sunflower.com>

Date: December 2, 2013 at 9:21:30 PM CST

To: "David L. Corliss" <DCorliss@lawrenceks.org>, "mdever@sunflower.com" <mdever@sunflower.com>

Cc: "mikeamyx515@hotmail.com" <mikeamyx515@hotmail.com>, "voteyourselfafarmer@gmail.com" <voteyourselfafarmer@gmail.com>, "riordan346@gmail.com" <riordan346@gmail.com>, "shummfoods@gmail.com" <shummfoods@gmail.com>

Subject: **Sunset Hill Neighborhood/rental registration ordinance**

To: David Corliss, City Manager

To: Mike Dever, Mayor

To: Mike Amyx, Dr. Terry Riordan, Jeremy Farmer, Bob Schumm, City Commissioners

Sunset Hill Neighborhood Association supports the principle of inspection of residential rental units. However, we do not support the principle of requiring tenants to consent in advance to searches without warrants. It is not reasonable or fair to force individuals as a condition of having a dwelling place to give up their constitutional right to be free of arbitrary searches of their dwelling places. Inspections can be accomplished by relying on the tenants consent when available, and otherwise based on administrative or judicial warrants.

Jeanne Pees, President
Sunset Hill Neighborhood Association

The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

December 02, 2013

Dear Commissioners,

As a citizen of the community of Lawrence, Kansas, and the United States of America I respectfully request that you vote against the Proposed Rental Inspection Ordinance for these reasons.

1) I am of legal age and can contract for myself and my family with respect to my domicile.

2) The inspection process as proposed is a violation of my privacy and civil liberties.

3) The Fourth Amendment provides my right to decline warrantless searches by my government, that probable cause is not demonstrated, further that my declining this warrantless search will be met with Administrative Warrants or the threat of coercion, a blatant violation under the Fourth Amendment.

4) Life Safety does not constitute probable cause.

Additionally The Tenant Consent to Inspect Document is an overt attempt at circumventing my Constitutional rights.

Should I need the services of the Inspection Department of the City I know how to contact them and can do so of my own free will.

Respectfully yours,

Joaquin Minter
501 Wisconsin St.
Lawrence, KS 66044



The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

December 02, 2013

Dear Commissioners,

As a citizen of the community of Lawrence, Kansas, and the United States of America I respectfully request that you vote against the Proposed Rental Inspection Ordinance for these reasons.

1) I am of legal age and can contract for myself and my family with respect to my domicile.

2) The inspection process as proposed is a violation of my privacy and civil liberties.

3) The Fourth Amendment provides my right to decline warrantless searches by my government, that probable cause is not demonstrated, further that my declining this warrantless search will be met with Administrative Warrants or the threat of coercion, a blatant violation under the Fourth Amendment.

4) Life Safety does not constitute probable cause.

Additionally The Tenant Consent to Inspect Document is an overt attempt at circumventing my Constitutional rights.

Should I need the services of the Inspection Department of the City I know how to contact them and can do so of my own free will.

Respectfully yours,

Kelvin Minter

501 Wisconsin St.

Lawrence, KS 66044

Kelvin Minter

To Whom May Concern,

I am a current tenant here in Lawrence. I decided to rent an apartment after multiple violations of my privacy and peace while staying in the KU dorms. I was sick of the constant invasions by RAs, my roommate's friends and the random drunken students in my hall. I wanted a place to call home, a place where I would not have to worry about people barging in. So, I rented an apartment. Living in an apartment is expensive, but I scrounge the cost together for the quality living that I enjoy. I have no problems with my apartment or my neighbors. I'm left to my own devices and everything is in order.

I recently heard from a friend though that the new city ordinance will require random inspections. They told me that the landlords would have to pay the city to have them inspect the apartments every so often to make sure that the city ordinances and standards of living are being upheld. I have one question. Why?

It is unnecessary. These city ordinances are already in place. We, as tenants, can call the city to lodge a complaint if we feel there is a violation. What purpose does a random inspection serve except to invade my privacy and gouge money out of me (since that is where the inspection fees will be coming from with the increased rent I will have to pay to make up for their increased cost).

You have no right to come into our homes and tell us that we cannot live in a way we choose. We know how we live. Perhaps some of us choose to live in apartments that are not quite perfect because we cannot afford anything else. Maybe we have higher priorities for our earnings than a posh residence. Have you seen the cost of living today? To heap these ridiculous inspection charges on us (again, by proxy since where else are they going to get the money to pay your stupid fees) is not for our own good. If we had concerns about our landlords, we would

tell you or we would move. It is as simple as that. You should not force us to live as you choose. If we are not causing problems or dangers for anyone else, why should you have the right to come into our home to check up on us? You are not our mothers (and even they wouldn't charge us for their invasion and judgment of our personal lives).

I do not want this ordinance to pass. I do not want you to have the right to step into my home. If you try to inspect my home, I will refuse you entrance. I have the right to my privacy. At least, I will have a right to my privacy until the increased rent and fees forces me to move out of my nice apartment because I can no longer afford to live there due to the ridiculous costs you are forcing onto all the landlords for no reason.

Why punish everyone for the negligence of a few? Why force us out of our homes, where we **choose** to live, if they do not pass your costly inspection just because it does not meet another's standards? Why implement a system that serves no purpose other than to cause problems where people would otherwise have none?

I cannot think of a single reason. Please stay out of our homes and leave all of us to live as we choose. If you are so concerned for our safety, just help bring awareness to the fact that we can complain if unhappy. We would tell you if we were.

Sincerely,

Hayley F.

LAW OFFICES
BARBER EMERSON, L.C.

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MATTHEW S. GOUGH*

LINDA K. GUTIERREZ
CATHERINE C. THEISEN
MATTHEW B. TODD

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

Matthew S. Gough
Email: mgough@barberemerson.com

*ADMITTED IN KANSAS AND MISSOURI

November 26, 2013

VIA E-MAIL ONLY

Mayor Michael Dever
City of Lawrence, Kansas
7 East 7th Street
Lawrence, KS 66044

Re: Rental Licensing and Inspection Expansion

Dear Mayor Dever:

Since August 2013, when the first preliminary draft of Ordinance 8840 (the “**Ordinance**”) was presented to the public, the City has heard from representatives of organized neighborhoods, members of the community, and some rental property owners about the City's proposed expansion of the rental housing registration and inspection program. However, I do not believe much is known about the effect these inspections will have on a large portion of our population (i.e., the occupants of rental homes), or the impact the inspections will have on their security and privacy. The expanded inspections will directly affect at least 30,000 citizens, who have yet to be made aware of the City’s guidelines, inspection templates, inspection procedures, consent forms, and other administrative guidance. The vast majority of rental housing stock in Lawrence has been constructed subject to all city codes, with inspections to meet those codes, and they have received certificates of occupancy. Additionally, Lawrence's rental housing stock is inspected for insurance and, when applicable, lender's requirements.

The City's proposed inspection program creates a probable risk of inconveniencing and unduly alarming tenants, and may infringe upon their civil rights. Even if a tenant signs a written consent form to allow City inspections, that same tenant or a co-tenant has the power to verbally revoke the consent at the time of the inspection, thereby requiring the City to undergo an awkward, confrontational, time consuming, and inconvenient process of procuring an administrative search warrant. The City should take affirmative steps now to minimize the harm and potential invasion of privacy that tenants will endure if they are forced to open the doors of their home, which they have already inspected, approved, and leased, to a stranger with City credentials, for purposes of a housing inspection they do not fully understand. I am requesting the City Commission do the following:

1. Prioritize Inspections of Vacant Units.

The Ordinance should be revised to require that the Code Official prioritize the inspection of units that are vacant at the time of the inspection. At any given time, most of the rental property owners will have some level of vacancy, especially if the City conducts inspections between the traditional lease cycles. The city staff already recognizes the existence of vacant units and the generally short (one year) rental cycles. As long as the City has not already inspected those particular vacant units, and as long as the vacant units are not centralized in one building of a multi-building complex, the City may be able to accomplish a property inspection without inconveniencing any occupant.

Mayor Michael Dever
City of Lawrence, Kansas
November 26, 2013
Page 2

Unless there is a complaint against a specific unit (in which case an inspection of that unit is necessary), inspecting a vacant unit is a quicker and more efficient inspection. In a vacant unit the City Code Official may open drawers, cabinets, and closets, because they are empty. The Code Official will not need to crawl over a tenant's bed in order to test a window. There will be no private papers, dirty laundry, valuables, fragile items, pets, or clutter. There are no potential conflicts with a tenant's religious beliefs or lifestyle. For occupied units, there is already an inspection performed between the landlord and the tenant within five (5) days of move-in, per the Kansas Residential Landlord and Tenant Act. Consequently, I believe it should be a requirement for inspections to start, and potentially end, with the inspection of vacant units.

2. Code Officer Training, Guidelines and Protocols.

If and only to the extent that there are no vacant units to inspect, the Code Officer will need to inspect an occupied unit. To my knowledge, all data collected by the Code Officer will become a public record. The tenant's rights to privacy must be afforded great respect. The City Commission is scheduled to discuss the revised Ordinance again on December 3, 2013, but the public will not receive any updated documents until a day or two before the Thanksgiving Holiday, when tenants (and most everyone else) will be out of town or away from the office. Before entertaining a vote on the Ordinance, I respectfully request that the City Commission allow public review and meaningful comment of all administrative regulations and forms (especially the inspection forms, consent forms, inspection procedures, etc. that have not even been provided to the public in any form yet).

Prioritizing the inspection of vacant units and publishing guidelines and protocols in advance of adopting the Ordinance will increase the efficiency of rental inspections while simultaneously reducing the inspections' negative impact on tenants by allowing the public time to read and understand how the Ordinance will impact their lives. Adopting *open* and *transparent* inspection checklists and protocols will also improve tenants' knowledge and understanding of the inspections. Taking overt steps to respect the privacy of tenants is a positive move for the City, and well worth the time to implement.

Very truly yours,

BARBER EMERSON, L.C.



Matthew S. Gough

MSG:plh

cc: City Commissioners (via e-mail only)
David Corliss (via e-mail only)
Scott McCullough (via e-mail only)

2603 Orchard Lane ,

Lawrence, Ks. 66049

785-845-9996

susanjkraus58@gmail.com

Nov. 10, 2013

RECEIVED

NOV 26 2013

CITY MANAGERS OFFICE
LAWRENCE, KS

To City Commission:

I am writing with regard to the Rental Housing License. I will describe my recent experience and then make a few suggestions pending expansion of the program.

I have a license for a small rental property at 1639 Bullene. I have had the license since the beginning of the program. Every year I pay the \$25 fee. But this year I slipped up. I didn't send the check. I thought I did but what with on-line banking now and so few actual checks ... I cannot find any record of that check.

The check for \$765 on May 25th for taxes? That one I mailed.

But no \$25 for the license renewal.

Now, Planning and Development Services says they sent a 2nd notice. I accept that they did. However, I don't remember seeing it. (And if I assumed I sent the check I wouldn't have paid attention.) But then ... nothing. No e-mail. No call. No follow up. No "final warning" or any other notice. So I had no idea I was "in violation of ordinances."

My license apparently expired June 30th, with a one-month grace period until July 30th. What makes this especially frustrating is that I personally met the city inspector at the property on July 23rd for the "every 3 year" inspection. So, obviously, I was not trying to defy the system. The house passed just fine, and the inspector never said "Hey, you never paid your license fee and the City is gonna issue you a summons and haul your ass into court. "

No, she just said "Looks great, Susan. See you next time."

So, the first time I had a clue that I did not pay my paltry \$25 license fee was when my husband got a "Notice to Appear." Not me, the person who is also on the title, and license, has had every single contact with the city, written every check, shown up for every inspection... no, this is done alphabetically. So, Frank Barthell has got to go to court because his wife, Susan Kraus, forgot to mail a check.

I was initially indignant when I received the notice to appear. I *knew* I'd mailed that check. But then I couldn't find it. Mea culpa. I ran down to the city planning office in person to give them their \$25 check. But the fact that I paid made no difference. We

still had to appear in court...no, correct that... my husband (who has no clue) has to appear. And the court was not about to allow me, even though it is my house and my license and my fault, be his substitute. Neither would they accept the statement from City Planning that the damn \$25 was paid. We still had to appear. So we take off work and sit there on a Tuesday morning for an hour just to make a plea. (And, I must say, I had no clue as to the extent of public urination on Ohio Street. It's a wonder they have any grass left at all. Everyone should sit in Municipal Court once in a while to get a sense of the underbelly of Lawrence.) I'd assumed we could show we paid, show the license, and go home. But, no, we could not get it dropped just because we paid the \$25, and it didn't matter that we had been totally compliant for years, we still had to plea and then to meet with a prosecutor or set a trial date.

I went back the next day and asked to see a prosecutor. Waited an hour but that was better than having to return to court (really, a *trial*?) And the prosecutor was kind enough to meet with me instead of insisting that my husband be present to supervise. He, however, seemed fixated on how I'd had a few months before the city came after me to pay... which makes no sense to me as I had no clue I was in arrears. But, he added, if I paid \$60 in court costs, the whole matter would be dropped.

I paid the court costs. But I am not happy.

- 1) There has to be a better system of notifying people. We have crazy lives. A second notice (the first that a payment is delinquent) is not adequate. If people have been in compliance for **years**, then the courtesy of an e-mail or a call would be a step prior to a court summons. If this is how the system runs with a relatively small number of units, then it is going to get really insane when everyone comes on board.
- 2) The right hand needs to know what the left hand is doing. If I meet with an inspector on July 23rd, and she says everything is peachy, and I have no knowledge that I missed a paltry \$25 check and am about to be in trouble *after* the inspection date... do I have a right to assume that a city inspector would inform me if something were amiss? Does it make sense that the city inspector also has no clue?
- 3) It would be useful to have some coordination between the Municipal Court and City Planning. If people rush in to pay up, then the city needs to figure out a way they do not have to go sit in court, plea, and then also meet with a prosecutor or schedule a trial. Have a penalty fee, or double the license fee. But it is waste of court time and prosecutor time... it is a BIG waste, period. And the city is paying for **all** of it.
- 4) It costs NO money (no stamps, no paper) to have an on-line notification system. Get e-mails when people register to send notices. Set up an automatic notification system. Even if a notice is going out via post office, send a parallel e-mail. Or a "Look for your renewal in the mail coming in June because if you do not renew the City will haul your ass into court ... and thank you for signing up with the rental licensing program." Or "You forgot to send in your licensing fee. Do it before _____ or you will end up

receiving a summons, have to appear in Municipal Court and incur court fees plus a penalty fee. So, send in your licensing fee." That sort of e-mail would have been a real help.

- 5) This last is more a marketing tip: If you are going to require licenses and inspections, then it would be helpful to provide a service. For example, a seasonal e-mail with maintenance tips with explanations why the maintenance is critical and will save landlords money in the long run. Check out the one by Steve Bauer (a home inspector: s.bauer@MCHSI.com.) It would also help to have clear handouts on what the inspection specifically covers so landlords can prepare. This again, is best managed via e-mail.

Thank you.

A handwritten signature in black ink that reads "Susan Kraus". The signature is written in a cursive, flowing style.

Susan Kraus

Lawrence City Commission:

Mayor Michael Dever
Vice Mayor Mike Amy
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

December 2, 2013

Dear Commissioners:

I am writing to request that you vote against the Proposed Rental Inspection Ordinance for the following reasons:

- Its provisions open a gate to encroachment on citizens' Fourth Amendment rights regarding warrantless government searches.
- Systematic collection of photo and text records of property details introduces security issues regarding city employees with access to these records. How could city government guarantee that information would not find its way into the hands of burglars?
- Even more serious security issues arise from storage of these records in a city database. We've seen recent issues nationally with IT mismanagement and government security and don't need to invite such problems to the local level.
- Manhattan, Kansas, tried a similar program and got rid of it. Why not learn from their mistakes?
- The current city inspection program isn't paying for itself. Using even more dollars for a more complex and unproven program would not appear to be efficient use of public funds. Before enacting a controversial and risky ordinance, why not first investigate the costs and benefits of the current program, looking for greater efficiencies?
- If there remains concern that tenants are not residing in safe circumstances, a reasonable solution would be to provide modest funding for outreach and education to renters regarding the strong laws and procedures already in place for their protection.

I am a Lawrence homeowner and taxpayer for many decades. However, I am not a landlord nor do I have any business interest in the consequences of the proposed ordinance. I appeal to you as a citizen asking you to deeply consider the potential for violation of civil liberties and quagmire of liability as a result of information which could be collected in the proposed inspections of rental property.

Sincerely,

Mary Ann Stewart
511 Lake Street
Lawrence, KS 66044

Bobbie Walthall

To: S McCoy
Subject: RE: Rental Inspection Process

From: S McCoy [<mailto:shdmc73@gmail.com>]
Sent: Sunday, December 01, 2013 8:26 PM
To: Russ Livingston; mdever@sunflower.com; riordan346@gmail.com; schummfoods@gmail.com; voteyourselfafarmer@gmail.com; mikeamyx515@hotmail.com; Bobbie Walthall; David L. Corliss
Subject: Rental Inspection Process

In many of the written articles I've seen about the new "safety" inspection system. One of the things that keeps surfacing is the cost the city will "make" from this program. I've yet to see any public information that the city has received "x" number of calls or complaints that would warrant this sudden change in policy. Is the city of Lawrence really ready to begin "policing" residents in their private home, though they may be tenants. I'm wondering about the many homes around town that I've seen that surely have more health and safety issues than some of the rental properties around, are they being inspected as well. Is the use of manpower and tax dollars put to this program really offsetting the "revenue" and the best use of our resources considering the possible lack of complaints or problems for such a program.?

That being said, I strong hope that the city, commissioners and those involved reconsider the way in which this program be carried out or conducted. I feel that for no more evidence that I've seen come from the city on issues with rental properties and for the gross oversight the city wants to overtake in coming into peoples homes on a much larger scale than they've done in the past, is it worth the intrusion into people's private lives and homes.

Out of curiosity, in the last ten years, how many violations has the city corrected with their limited inspection process. What other items have been "reported" to authorities based on what was seen in a home? How many times have these other violations been an issue?

If a ton of people refuse to sign this waiver the city has passed around, how many warrants is the city going to be serving in the interest of a safety inspection? Are any of the people imposing this plan on the residents themselves tenants?

Sincerley,

Mr. Shannon D. McCoy

Bobbie Walthall

To: Marty Olson
Subject: RE: Rental Licensing Program

-----Original Message-----

From: Marty Olson [<mailto:martyoh66@aol.com>]

Sent: Monday, December 02, 2013 10:49 AM

To: Bobbie Walthall

Subject: Rental Licensing Program

Dear Mayor Dever,

I would like to express my opposition to the upcoming proposed extension of the rental licensing program to all rentals in the City of Lawrence for the following reasons:

1. The proposed program duplicates existing system of inspection by request
2. 4th amendment issues of privacy and search
3. City requires Owners to act as agents for the city to arrange inspections
4. Further proliferation of governmental regulation
5. Unlikely to pay for itself
6. Experience in Manhattan

Thank you for your consideration of the above.

Sincerely,
Martin Olson
822 Maple Street
Lawrence, KS 66044

Bobbie Walthall

To: mailand7oaks@aol.com
Subject: RE: Rental inspection process

From: mailand7oaks@aol.com [<mailto:mailand7oaks@aol.com>]
Sent: Monday, December 02, 2013 1:20 PM
To: Bobbie Walthall
Subject: Rental inspection process

Dear Mayor Dever,

I would like to express my opposition to the upcoming proposed extension of the rental licensing program to all rentals in the City of Lawrence for the following reasons:

1. The proposed program duplicates existing system of inspection by request:

(tenants may be better served with an enhanced education of how to report violations to the city)
2. 4th amendment issues of privacy and search
3. City requires Owners to act as agents for the city to arrange inspections
4. Further proliferation of governmental regulation
5. Unlikely to pay for itself
6. Experience in Manhattan

This is not to say that I am opposed to inspections of rental units, I just don't believe the current proposal is right for the tenants, landlords or for the City. Thank you for your time and consideration of the above mentioned concerns.

Sincerely,

Michelle Mailand, rental property owner
25343 Alexander Road
Lawrence, KS 66044

Bobbie Walthall

To: David L. Corliss
Subject: RE: expanding rental registration

From: Tom Harper [<mailto:tomharper@stephensre.com>]
Sent: Monday, December 02, 2013 1:40 PM
To: Mike Dever; Mike Amyx; voteyourselfafarmer@gmail.com; riordan346@gmail.com; schummfoods@gmail.com
Cc: Scott McCullough; David L. Corliss; Brian Jimenez
Subject: expanding rental registration

Good afternoon- I hope everyone had a nice thanksgiving with family and friends.

Sadly, I will not be able to attend the City Commission meeting on Tuesday.

I write with the request that each of you vote to expand the rental registration program.

The current program in single-family zoned neighborhoods has a proven track record.

With your guidance City Staff has created an ordinance that is reasonable and effective.

Will property owners be required to spend money on repairs for life-safety issues?

Of course.

Will landlords and tenants be inconvenienced? Of course.

Will all citizens of Lawrence & housing stock be better for it? Of course.

I am confident our City Staff can do this effectively.

Please let them do what they have been doing for the past 10 years in single family zoned areas throughout Lawrence.

Thanks again for your careful consideration and support of this ordinance.

Tom Harper

Bobbie Walthall

To: Steve Standing
Subject: RE: Citywide rental licensing program

From: Steve Standing [<mailto:sestanding@sunflower.com>]

Sent: Sunday, December 01, 2013 9:14 PM

To: mdever@sunflower.com

Subject: Citywide rental licensing program

Dear Mayor Dever,

I would like to express my opposition to the upcoming proposed extension of the rental licensing program to all rentals in the City of Lawrence for the following reasons:

1. The proposed program duplicates existing system of inspection by request
2. 4th amendment issues of privacy and search
3. City requires Owners to act as agents for the city to arrange inspections
4. Further proliferation of governmental regulation
5. Unlikely to pay for itself
6. Experience in Manhattan

Thank you for your consideration of the above.

Sincerely,

S. E. Standing
1809 Learnard Ave.
785 979 3939

2702 University Drive
Lawrence, KS 66049

November 26, 2013

Mayor Mike Dever,

Vice Mayor Mike Amyx,

Commissioner Jeremy Farmer

Commissioner Bob Schumm,

Commissioner Dr. Terry Riordan.

City Hall, 6 E. 6th Street
Lawrence, KS 66044

RE: Comments on the 11.05.13 Lawrence City Commission study session on the proposed registration and regulation of residential rental properties in Lawrence.

Dear Mayor and Commissioners:

Comments and recommendations based on the above-referenced study session.

1. Inspectors: The proposed number is inadequate to initiate the program and to continue administering it. There should be at least 10, 5 full-time and 5 part-time. Retired or off-duty first responders could serve as part-time inspectors, with appropriate training. Fire fighters should require minimum training to identify health and safety hazards.

2. Frequency of inspections: Once the initial licensing and registration program inspections are done, each residential rental property should be subject to inspection randomly, upon a report or request, or upon observation by an inspector or first responder. There should not be a specific interval between inspections, nor an "incentive" interval for a favorable inspection.

3. Time for non-resident property owners to remedy Code violations: They should notify the City Code Enforcement Manager, in writing, within 48 hours of the finding of a violation(s) that repairs have been made or will be made within 5 calendar days. E-mail notice would be considered "in writing."

4. Responsibility for code violations: The property owner should be responsible for **all** city code violations, including noise complaints, trash, and parking infractions. Landlords and non-resident property owners receive the income from these properties, are probably exempt from state income tax, so they should be accountable. They can insure a safe, habitable environment for tenants and the neighborhood through rental/lease agreements, screening of tenants, and random inspections of the premises.

5. Seemingly minor code infractions: The lawn of a property that hasn't been mowed, the presence of trash or debris, rotting wood of the structure, and illegally parked vehicles are indicators that the inside of the structure may also be unsafe. Code enforcement officers and inspectors should consider these seemingly minor conditions as such.

6. Dissemination of information on City code enforcement and property inspections. The information distributed by the City should be **only** for those subjects. Other information such as voter registration and renter's insurance would only serve to confuse recipients and divert their focus.

7. Radon gas hazard. According to a January, 2013, message from Stewart Steen, Environmental Scientist, KDHE Bureau of Environmental Health radon gas is a health hazard. He stated, in part, “Radon is the leading cause of lung cancer in non-smokers. It is estimated that one in 15 homes in the US have elevated radon levels. The US Environmental Protection Agency has established a recommended action level of 4.0 picocuries per liter for radon.” A map of Kansas, sent to me by Mr. Steen, dated 2010, shows that Douglas County residences have an average rate of 4.8 picocuries of radon per liter. Yet the City Commission, firmly in the clutches of non-resident property owners, did not even broach this matter in developing up a rental registration and code enforcement program.

8. State of Kansas v. William Lemesany, Case No. 2000-CR-1438. The file on this case should be reviewed by each City Commissioner because it involves, as you probably know, a landlord secretly observing his tenants in their bedrooms. The fact that this case has not been mentioned in the rental registration and code enforcement discussions is clear evidence that the Lawrence Apartment Association, and the other non-resident property owners, have the City Commission firmly in their clutches to the detriment of tenants, neighborhoods, and the city at large. This is further supported by the recent discoveries of an apartment complex in south Lawrence and a trailer park in north Lawrence that were uninhabitable.

9. Rental registration and code enforcement oversight. The City of Lawrence, because of a lack of code enforcement officers and a pathetic tolerance of blight and unsafe living conditions, needs to establish a three-member panel to have complete access to the City code enforcement records and data to ensure that the new rental registration program is being administered to protect neighborhoods and the health and safety of tenants. None of these panel members would be a non-resident property owner or an apartment complex owner.

10. Independent authority for City of Lawrence code enforcement and rental registration. The City of Lawrence, as stated in item 9, has not adequately executed its responsibilities in protecting neighborhoods and the health and safety of rental properties. Therefore, an independent authority should be established to carry out these functions free of the politics and cronyism that currently infest and debilitate these functions. Under this plan, the City would fund the authority, but it would be governed by an outside person, such as a retired state judge, appointed by a three-member panel consisting of City of Lawrence residents who are not non-resident property owners. The model for this would be the Kansas City, MO Police Department (KCMOPD). For decades the KCMOPD has been administered by a board appointed by the Governor of Missouri. The City of Kansas City, MO only allocates 25% of its annual budget to the KCMOPD. The board oversees and administers the department. This arrangement exists because in the early 1900's the KCMOPD was so corrupt and ineffective that it could not serve the community at large. The City of Lawrence has arrived at the same point in the areas of regulation of residential rental properties and code enforcement.

11. University of Kansas. If the City of Lawrence has provided a significant portion (25%) of the infrastructure for the Rock Chalk Park facilities for KU events and activities, KU should, each calendar year, pay to the City \$500,000 for rental registration and code enforcement functions. This is necessary because more than 50% of KU students live in off-campus housing and disrupt neighborhoods with noise, trash, traffic, and late-night disturbances resulting in more code and law enforcement expenditures by the City.

Sincerely,

Dan Dannenberg

Cc: Dr. Tim Caboni, KU Vice Chancellor for Public Affairs

The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

September 24, 2013

Privacy, Civil Liberties, and the non Democratic Proposal of expanded Rental Inspections in Lawrence, Kansas.

Empirical Data

With respect to this matter the City Manager has stated numerous times that this process of inspection is about preventing injuries and death or "*life safety*". It is about the greater good of protecting the of the citizens of the community in their respective dwellings'.

That the City has effectively been in a trial run for an expansion of this program since the single family inspection ordinance began over ten years ago.

Further, since this "trial run" has begun sufficient data should have been collected to answer questions I propose .

I would like to know the following from the data collected and to measure its warrant supporting or not Mr. Corliss' opinion of the dangers tenants and homeowners face each night as they lie in their beds.

- 1) How many deaths have been prevented?
- 2) How many serious injuries have been avoided?
- 3) How many actual code violations and what severity levels? Can a measure of this metric be made against total rental housing stock to arrive at a monetary cost to implement?
- 4) How many condemnations have occurred?
- 5) How many families were displaced? (Single family) Where did they go and at what cost to them?
- 6) How many of the above were consumer complaint driven verses top down centralized inspections?
- 7) Who were the largest offenders?
- 8) How many of the above metrics have been or can be applied to owner occupants? Owner occupants are citizens and their safety is somehow less important?
- 9) How many tenants have been charged with criminal complaints as a result of inspectors observations?

Privacy , Civil Liberties and Property Rights

"Civilization is the progress toward a society of privacy." Ayn Rand

Within the Codes Enforcements most recent packet to register single family housing, included is a document specifically for the tenant.

This document, **Consent to Inspect**, has been inserted into the inspection and registration process.

Contained in this wavier, carefully crafted, on the final paragraph of the Consent to Inspect document, individuals will be giving up their right to digital privacy, granting to the inspector(s) the right to make digital images of the "violations" along with everything in the scope of the camera lenses.

This document, for the tenant to sign, waves their individual right to privacy, opening the door to vast amounts of data being collected and held in the public domain with no way to call this information back, to be used today and in as yet unimagined ways for all eternity. Digital images are very different from still photographs of yesterday; with the click of a mouse they may be made available globally.

Why is digital consent needed before any "violations" are found? Why not request consent at the time of the finding of the infraction? Instead the city covertly inserts in the last paragraph of the document a blanket wavier for warrantless digital image searches. Why? Why images at all?

Individual privacy, safety, solitude and intimacy are all the collateral damage of intrusive government regulation. We know from history that human destruction short of capitol crime can be accomplished by destruction of one's privacy and safety in it.

The essence of solitude, and all privacy, is a sense of choice and control. The individual controls who watches or learns about them.

People are realizing, perhaps finally, that privacy is paramount to freedom, and both are under attack.

If culture and diversity is important to you then freedom is important to you.

If freedom is important to you, then privacy must be important.

You cannot maintain your freedom or diversity if you cannot maintain personal privacy.

If privacy is important, then a comprehensive strategy to protect privacy is a necessity.

The history of mankind is one replete with the abuses of power. Today, the arm of abuse resides in the unrestricted growth of the Surveillance State, whose reach is global.

Support of Citizens

Support of this ordinance in the community does not seem to be generated by a mass of tenants, instead it appears to be endorsed solely by a minority of Neighborhood Group spokespersons. It seems a few people speak on the behalf of Neighborhood groups but that these "spokespersons" may not be the consensus of the groups.

Conversely when large groups of property managers respond and voice their concerns they are not greeted with the same listening ear as the "altruistic" group spokesperson. Perhaps the City has made its decision.

Property managers and landlords are also citizens and neighbors with families paying taxes in this community.

Landlords provide humane housing and a valuable service at a reasonable costs, all in a highly competitive arena, and with great personal economic peril.

What kind of university would Lawrence have if there was no private housing investment?

Motivations

Safety may not be the primary motivation, but that the generation of fees, Department building and increased government .

Case in point, when experiencing 500 building permits per year versus 100 currently; workloads reduced by 80% has the Building Inspections department made any personnel cut backs?

Mr. Corliss has stated an argument about "**life safety**" which is difficult to challenge publicly lest you are branded as un caring.

Data from the single family licensing program over the last ten years can provide facts that either can or cannot support this "bogey man" fear based initiative put forth by City Staff and Management.

Closing

I support a program of mandatory inspections, respectful of individuals' privacy and civil liberties, without use of cameras, warrants or covert waivers.

These Inspections should be narrowly limited to such items as fire alarms, electrical, plumbing and heating systems.

Our tenants and citizens are intelligent enough to contract for themselves. Should the need arise there are and have been channels to request inspections; support is available to citizens both public and private.

The City and its Codes Enforcement Department resources are derivatives of the public's contributions. These precious resources would serve the citizens best through a system of consumer education coupled with complaint driven enforcement rather than the proposed resource laden top down centralized management intensive approach.

In closing , City leadership has not been forthcoming with empirical evidenced based claims of public hazard, but has instead relied on Neighborhood Groups Spokespersons, rhetoric and fear to goad the "public" opinion through media and not democratic governance.

Russell Livingston

PO 1203

Lawrence, KS 66044

russl@sunflower.com

785/979/2007

The Lawrence City Commission
Mayor Michael Dever
Vice Mayor Mike Amyx
Jeremy Farmer
Dr. Terry Riordan
Bob Schumm

October 18, 2013

Dear Commissioners,

I am writing you today to ask that you carefully consider these points before the Study Session on Rental Housing Licensing, Tuesday October 22, 2013.

Included within the Codes Enforcements most recent packet to register single-family housing is a document, Consent to Inspect. In this document, tenants are required give up their right to privacy, granting City inspectors the right to enter citizens' homes to make digital recordings (audio and video), of alleged code violations, even "potential" violations, along with everything else within the scope of the camera lenses and microphones.

This opens the door for the unwarranted collection of vast amounts of private citizen data under the vague rubric of "life safety." As City Staff presents it, "life safety" equates to "for the public good"--fertile ground for obfuscation. The information the City proposes to collect cannot be called back and remains in City possession. What other government agencies will have access to this information and for what purposes? Even more troubling is the fact that City inspectors are law-enforcement agents bound to uphold the statutes of the State of Kansas. [Search & Seizure Issues in Code Enforcement, www.kscoplaw.com/outlines/s&sforcode.html].

The program proposed by Lawrence City Staff is a potential violation of the Fourth Amendment.

The City of Manhattan initiated a similar program in early 2011. The program was repealed by the Manhattan City Commission shortly thereafter, on July 20, 2011:

"The last straw and the undoing of the program was when the City Staff took four College Students to court and they received a 15-day jail term. At a work session meeting, members of the Commission told the City Staff that they were never told that people could go to jail. Staff responded by saying that is what happens when you pass an Ordinance."

- "Rental Inspection Program Killed," Manhattan Free Press, July 21, 2011.

The City of Lawrence has been ramping up the rental registration process since 2001. Now City Staff is proposing sterner measures. Yet a report by the Lawrence City Auditor in February 2012 on the current program, "Performance Audit: Rental Housing Licensing Program," is damning of the City's performance and follow-through:

- "The City hasn't written policies and procedures to guide the rental registration and inspection program." [Page 9]
- "In the most recent [City] employee survey, many respondents with an opinion disagreed (44 percent) with the statement that they 'understand city's performance measures.'" [Page 10]
- "Program revenue below costs. Payments from landlords to register their properties fall well short of covering the costs of operating the current program." [Page 11]
- "The City Auditor conducted limited reviews of the program data maintained by the city in the AS400. The city intends to implement a new system in 2012."

http://lawrenceks.org/assets/agendas/cc/2012/02-28-12/auditor_performance_audit_rental_housign_program.pdf

The last quote is telling in omission. After 11 years, data from the Rental Housing Licensing Program has yet to be collated and quantified into useful information. In a phone request to Brian Jimenez, Code Enforcement Manager on October 16 for a categorical data breakdown, he was only able to state that since 2001, there have been in excess of 8,000 code violations. He was unable to specify the nature of these violations, claiming software issues. He did not know if the violations were primarily snow removal/lawn care/noise/littering violations or fire safety/defective furnaces/electrical violations. Such a response defeats practical analysis. Is the City unaware of the Excel spreadsheet program? The severity of these violations is paramount in determining the need for an expanded program.

The City's own report determines that the City has underestimated the cost of this program, has no written policies or procedures in place, has compromised the confidence of 44 percent of City employees, and has no categorized data for a program that has been in effect since 2001. Furthermore, the Management's Response to the Auditor's report stated that: "Staff will complete this recommendation within 6 months of the City Commission receiving the audit." It is now October 2013. Where are the documents to affirm City Management's promise to improve the program?

If the City can't efficiently manage the monitoring of 1600 properties over 11 years, how can they manage the proposed increase to monitor 20,720 properties?

To date, the City has produced no data that justifies the unwarranted surveillance of people's homes, other than the nebulous banner of "life safety." Please Mr. Corliss, show us the data that justifies compromising the Fourth Amendment and wasting more taxpayer money. The track record of this program, as

confirmed by the Lawrence City Auditor, clearly infers that the City is flying blind on this issue.

Respectfully yours,

Russell Livingston

PO 1203

Lawrence, KS 66044

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785/979/2007