



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Liz Toyne, Executive Assistant
E-mail: etoyne@topeka.org

www.topeka.org

EXCERPT

1st Floor Conference Room Cyrus K. Holliday Building, Topeka, Kansas, Wednesday, June 21, 2023. The Public Health & Safety Committee members met at 11:00 A.M., with the following Committee members present: Karen Hiller (Chair), Christina Valdivia-Alcalá, Spencer Duncan. Committee Brett Kell was absent.

The following is an excerpt of the draft minutes from the meeting:

Retaliatory Eviction Ordinance:

City Attorney Stanley noted the Retaliatory Eviction Ordinance is something that has been presented to the Committee a number of times over the past months. There has been one change requested from the last Committee review of it. The request was made by Chairwoman Hiller after receiving some feedback from the Landlord Association. Found on page 4, subsection a1, the addition of the words “or for a purpose which is in violation of the rental agreement” was made. This clarifies that it is not considered to be a retaliatory action if the tenant is not fulfilling a term of the lease agreement.

This ordinance cleans up a very old ordinance that was on the City’s books. It creates a process that is clear on how it is supposed to work. This has been a problem in the past. Things such as who to file with, how the process works, and how it goes to court are now clearly spelled out. The proposed ordinance has been vetted by Prosecution, Municipal Court, City Attorney’s Legal Department, Landlord’s Association, Renter’s Association, Tenants Rights groups, and the Public Health & Safety Committee several times. It is staff’s recommendation that the Committee move the Ordinance to the Governing Body for approval.

Committee member Duncan recognized the number of stakeholders who offered feedback to this proposed ordinance and felt that input was an important step toward protecting folks who are known to fall into the category of landlords within the city who probably should not be in the

profession. He voiced appreciation for the work that has gone into this ordinance.

Chairwoman Hiller provided appreciation for the Shawnee County Landlord's Association, Topeka Habitat for Humanity, Cornerstone of Topeka, SENT, Housing and Credit Counseling Inc, City staff from the Housing Division who work with the EAS program. She added that she felt it was important to have provided the opportunity for those stakeholders to give input. She included the final round of responses from those stakeholders in the agenda packet.

Committee member Valdivia-Alcala thanked everyone involved, giving special recognition to City Attorney Stanley for her dedication and work on the research and creation of the ordinance. She also thanked Karen Black, with May8 Consulting, stating that the City may not have even been at the place where we currently are in understanding the depth and magnitude of how communities can really shift in becoming more proactive and engaged is a game-changer. If the City can do this wisely, and with a strong education component, we can lay the groundwork for other cities as a model.

MOTION: Committee member Valdivia-Alcalá made a motion to move the Retaliatory Eviction Notice Ordinance to the Governing Body with a recommendation to approve. Committee member Duncan seconded. Motion approved 3-0-0. Committee member Kell was absent.

Chairwoman Hiller also thanked Mary Feighny, Deputy City Attorney, for her work on the ordinance. She offered a reminder that the fundamental shift was that the previous ordinance was meant to be preventive and for the City to support someone who was aggrieved. The new ordinance is also meant to be preventive as well, but also adds the “hammer” for a situation that meets the standards of the ordinance will affirmatively take the property owner to court for retaliatory charges, which is a huge step beyond what the City has had in the past.
