

# City Council Committee Meeting Notice

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CITY COUNCIL  
City Hall, 215 SE 7th Street, Suite 255  
Topeka, KS 66603-3914  
Tel: (785) 368-3710  
[www.topeka.org](http://www.topeka.org)

**Committee:** Public Health & Safety  
**Meeting Date:** April 15, 2024  
**Time:** 10:00am  
**Location:** Classroom A; Law Enforcement Center 320 S. Kansas Ave Ste 100 (*in person attendance is preferred, however a virtual attendance option is available*)

## Agenda:

1. Call to Order
2. 2024 Organization
  - a. Welcome by Previous Chair
  - b. Election of 2024 Committee Chair
  - c. Frequency of Meetings
3. Action Items
  - a. LMI Rehab Funding - Affirm Support for Staff Request - Vote
  - b. Retaliation Ordinance, Technical Amendments - Vote
4. Updates
  - a. Vegetation - 2024 Implementation and Education Program
  - b. Marketing/Action Team
    - i. Mowing Program
    - ii. Education Program
  - c. Apartment Building Inspections
  - d. Vacant Property Listing
  - e. Vacant Property Issues and Strategies
5. Upcoming Agendas - Neighborhood Profiles (first two); Updates to Abatement Programs, Fees, and Fee Waivers: Outcomes and Performance Measures
6. Next Meeting - June 17, 2024 10:00-11:30am (proposed); Report to Governing Body and Action May 14, 2024
7. Adjourn

STAFF REQUESTED: John Schardine, Wendi Rieb, Amanda Stanley, Rhiannon Friedman, Carrie Higgins, Monique Glaude, Taylor Bugg, Kelly Trussell, Alan Stahl, Liz Toyne

COMMITTEE MEMBERS: Karen Hiller (Chair) - District 1  
Christina Valdivia-Alcalá - District 2  
David Banks - District 4  
Spencer Duncan - District 8

Contact: Liz Toyne, City Council Assistant 785-368-3710

If you would like to request the Zoom link, please contact the City Council office by 5:00pm the day prior to the meeting.  
Email: [etoyme@topeka.org](mailto:etoyme@topeka.org) Phone: 785-368-3710

# LMI Property Maintenance Rehab Funding

- **Amount:** \$200,000
- **Description:** The city currently partners with the Federal Home Loan Bank and receives a 3-year \$750,000 grant to help low-to-moderate income homeowners address property needs for code violations. This grant requires that 50% of the applications received fall into the HELP area. The city has a number of code violations that include detached garages. Expanding this grant with additional funds would allow the city to assist individuals related to these needs and bring a whole property up to code. Often individuals are put on a waitlist while we meet the 50% HELP area requirement.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt, concerning retaliatory eviction, amending § 9.25.010 and § 9.25.020 of the Topeka Municipal Code and repealing original sections.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 9.25.010, Policy, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Policy.**

The Governing Body recognizes the fact that many tenants hesitate to defend their right to a clean, safe and sanitary dwelling unit due to fear of eviction. It is hereby declared to be the public policy of the City that an tenant in good standing should ~~not~~ be evicted from their dwelling unit ~~where the eviction is motivated by the tenant's exercise of a legal right to complain, in good faith, to a landlord or government agency that the dwelling unit endangers or impairs the health and safety of the tenant~~ due to retaliation or harassment.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.25.020, which said section reads as follows:

**Definitions.**

“Dwelling unit” means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

“Good faith” means honesty in fact in the conduct of a transaction.

26 “Good standing” means that a tenant is not in arrears in the payment of rent and is in  
27 compliance with the duties of a tenant enumerated in K.S.A. 58-2555 and amendments  
28 thereto.

29 “Landlord” means the owner or lessor of a dwelling unit or the building of which the unit  
30 is a part.

31 “Rental agreement” means all agreements, written or oral, embodying the terms and  
32 conditions concerning the use and occupancy of a dwelling unit.

33 “Retaliate” or “retaliatory action” shall include but not be limited to any of the following  
34 actions by a landlord when such actions penalize a tenant because of an action  
35 identified in TMC 9.25.030:

36 (1) Commencement of ~~eviction~~ any action or proceeding to recover possession of a  
37 dwelling from a tenant;

38 (2) Increasing the rent; ~~and~~

39 (3) Reduction of services required to be provided by the landlord pursuant to the  
40 rental agreement and/or K.S.A. 58-2553 and amendments thereto; and

41 (4) Harassing entry or repeated demands for entry of the tenant’s dwelling unit by  
42 the landlord in violation of K.S.A. 58-2557- and/or K.S.A. 58-2571(b).

43 “Tenant” means a person entitled under a rental agreement to occupy a dwelling unit.

44 Section 3. That original § 9.25.010 and § 9.25.020 of the Code of the City of  
45 Topeka, Kansas, are hereby specifically repealed.

46 Section 4. This ordinance shall take effect and be in force after its passage,  
47 approval and publication in the official City newspaper.

48 Section 5. This ordinance shall supersede all ordinances, resolutions or rules,

49 or portions thereof, which are in conflict with the provisions of this ordinance.

50 Section 6. Should any section, clause or phrase of this ordinance be declared  
51 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
52 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

53 PASSED AND APPROVED by the City Council on \_\_\_\_\_.

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55 CITY OF TOPEKA, KANSAS

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61 Michael A. Padilla, Mayor

62 ATTEST:

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66 Brenda Younger, City Clerk

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Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.25.020, which said section reads as follows:

**Definitions.**

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“Good faith” means honesty in fact in the conduct of a transaction.

“Good standing” means that a tenant is not in arrears in the payment of rent and is in compliance with the duties of a tenant enumerated in K.S.A. 58-2555 and amendments thereto.

“Landlord” means the owner or lessor of a dwelling unit or the building of which the unit is a part.

28 “Rental agreement” means all agreements, written or oral, embodying the terms and  
29 conditions concerning the use and occupancy of a dwelling unit.

30 “Retaliate” or “retaliatory action” shall include but not be limited to any of the following  
31 actions by a landlord when such actions penalize a tenant because of an action  
32 identified in TMC 9.25.030:

- 33 (1) Commencement of any action or proceeding to recover possession of a  
34 dwelling from a tenant;
- 35 (2) Increasing the rent;
- 36 (3) Reduction of services required to be provided by the landlord pursuant to the  
37 rental agreement and/or K.S.A. 58-2553 and amendments thereto; and
- 38 (4) Harassing entry or repeated demands for entry of the tenant’s dwelling unit by  
39 the landlord in violation of K.S.A. 58-2557- and/or K.S.A. 58-2571(b).

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42 Topeka, Kansas, are hereby specifically repealed.

43 Section 4. This ordinance shall take effect and be in force after its passage,  
44 approval and publication in the official City newspaper.

45 Section 5. This ordinance shall supersede all ordinances, resolutions or rules,  
46 or portions thereof, which are in conflict with the provisions of this ordinance.

47 Section 6. Should any section, clause or phrase of this ordinance be declared  
48 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
49 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

50 PASSED AND APPROVED by the City Council on \_\_\_\_\_.  
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CITY OF TOPEKA, KANSAS

ATTEST:

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Michael A. Padilla, Mayor

\_\_\_\_\_  
Brenda Younger, City Clerk



## Chapter 9.25

### FAIR HOUSING PRACTICES

Sections:

- 9.25.010**     **Policy.**
- 9.25.020**     **Definitions.**
- 9.25.030**     **Unlawful acts.**
- 9.25.040**     **Actions deemed not retaliatory.**
- 9.25.050**     **Penalties – Habitual violator.**

**Cross References:** Community development, Chapter [2.25](#) TMC; Topeka Housing Authority Board, TMC [2.205.090](#); businesses, TMC Title [5](#); property maintenance, TMC Title [8](#), Division [3](#).

#### **9.25.010**     **Policy.**

The Governing Body recognizes the fact that many tenants hesitate to defend their right to a clean, safe and sanitary dwelling unit due to fear of eviction. It is hereby declared to be the public policy of the City that a tenant in good standing should not be evicted from their dwelling unit where the eviction is motivated by the tenant's exercise of a legal right to complain, in good faith, to a landlord or government agency that the dwelling unit endangers or impairs the health and safety of the tenant. (Ord. 20439 § 1, 7-11-23.)

#### **9.25.020**     **Definitions.**

"Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Good faith" means honesty in fact in the conduct of a transaction.

"Good standing" means that a tenant is not in arrears in the payment of rent and is in compliance with the duties of a tenant enumerated in K.S.A. [58-2555](#) and amendments thereto.

"Landlord" means the owner or lessor of a dwelling unit or the building of which the unit is a part.

“Rental agreement” means all agreements, written or oral, embodying the terms and conditions concerning the use and occupancy of a dwelling unit.

“Retaliate” or “retaliatory action” shall include but not be limited to any of the following actions by a landlord when such actions penalize a tenant because of an action identified in TMC [9.25.030](#):

- (1) Commencement of eviction;
- (2) Increasing the rent; and
- (3) Reduction of services required to be provided by the landlord pursuant to the rental agreement and/or K.S.A. [58-2553](#) and amendments thereto.

“Tenant” means a person entitled under a rental agreement to occupy a dwelling unit. (Ord. 20439 § 2, 7-11-23.)

**Cross References:** Definitions generally, TMC [1.10.020](#).

### **9.25.030 Unlawful acts.**

(a) It shall be unlawful for a landlord to retaliate against a tenant if the following conditions are met:

- (1) The tenant has organized or has become a member of a tenant’s union or similar organization; or the tenant has submitted a complaint, in writing and in good faith, either to the landlord or to a governmental agency charged with responsibility for enforcement of statutes, ordinances or regulations pertaining to the maintenance of safe and sanitary dwellings, of conditions in or affecting the tenant’s dwelling unit which constitute a violation of any statute, ordinance or regulation pertaining to the maintenance of safe and sanitary dwellings; and
- (2) The violation in subsection [\(a\)\(1\)](#) of this section imposes responsibility on the landlord; and
- (3) The landlord retaliated against the tenant within six months of either (i) the date the tenant organized or joined a tenant’s union or similar organization, or (ii) the date the tenant submitted the complaint.

(b) If all of the conditions in subsection [\(a\)](#) of this section are met, the tenant may submit an affidavit, the rental agreement and any other documentation to the City Attorney or designee. (Ord. 20439 § 3, 7-11-23.)

**9.25.040 Actions deemed not retaliatory.**

(a) Notwithstanding TMC [9.25.030](#), a landlord may maintain an action to recover possession of the dwelling unit if:

(1) The tenant is using the dwelling unit for an illegal purpose or for a purpose which is in violation of the rental agreement or if tenant is not fulfilling a material term of their lease or for nonpayment of rent;

(2) The complaint was caused by the willful actions of the tenant, the tenant's invitee or another person in the tenant's household; or

(3) The landlord seeks to recover possession on the basis of a notice to terminate a periodic tenancy, which notice was given to the tenant before the tenant's complaint.

(b) Notwithstanding TMC [9.25.030](#), a landlord may increase the rent if:

(1) The rent increase does not conflict with the rental agreement; and

(2) The increase is made in good faith to compensate the landlord for expenses incurred as a result of acts of God, public utility service rate increases, property tax increases or other increases in costs of operation. (Ord. 20439 § 3, 7-11-23.)

**9.25.050 Penalties – Habitual violator.**

(a) Notwithstanding TMC [1.10.070](#), punishment for a violation of TMC [9.25.030](#) shall be as follows:

(1) Upon a first conviction, a fine of not more than \$1,000.

(2) Upon a second conviction, a fine of not less than \$100.00 nor more than \$1,000.

(3) Upon a third conviction, a fine of not less than \$500.00 nor more than \$1,000.

(4) Upon a fourth or subsequent conviction, a fine of not less than \$1,000 nor more than \$2,500.

In addition to the preceding fines such person may be punished by a term of imprisonment which shall not exceed 12 months, or by both such fines and imprisonment.

(b) For the purposes of determining whether a conviction is a first or subsequent conviction in sentencing under this section:

(1) Conviction includes being convicted of a violation of TMC [9.25.030](#) and it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(2) Conviction includes being convicted of a violation of TMC [9.25.030](#) or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this chapter.

(3) Any convictions occurring during the three years prior to the date of the occurrence shall be taken into account when determining the sentence to be imposed.

(c) Each day that any violation of this chapter continues shall constitute a separate offense and may be punishable hereunder as a separate violation. (Ord. 20439 § 4, 7-11-23.)

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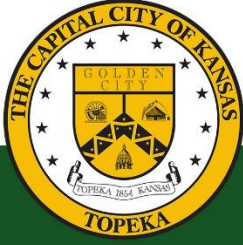
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**The Topeka Municipal Code is current through Ordinance 20478, passed February 6, 2024.**

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.topeka.org](http://www.topeka.org)

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## **Changing Our Culture of Property Maintenance 2022-2026 Adopted 10-0 on 12/14/2021**

**With much appreciation for the work of staff, partners and community members, the Topeka City Council Public Health and Safety Committee makes the following final recommendation regarding Changing our Culture of Property Maintenance:**

### **Guiding Principles for Property and Premises:**

- Safety of people
- Protection of structures
- Maintenance of an attractive environment
- Maintain or increase property values.

### **Guiding Principles for Property and Premises:**

- Straightforward, kind and fair
- Cost-effective
- Fully integrated with other departments and services

Active Partners: City divisions include Property Maintenance, Forestry, Engineering (Sidewalks), Police, Fire, Development Services, Zoning, Utilities, Executive, Community Engagement, Legal, Municipal Court, others. County divisions include Refuse, Appraiser and County Counselor. Partners also include entities such as the Kansas Legislature, Kansas Department of Transportation, private utilities, a wide range of nonprofits, for-profit businesses and community-based partners, neighborhood associations and others as needed.

**Aspirational Goal: Improve the quality of structures and premises in Topeka Kansas so that structures and premises violations are the exception rather than the rule. Our number of substandard properties is never over 500. Owners are motivated to take care of properties before City Departments are even called.**

### **Four (4) 2022-2026 Property Maintenance Challenges:**

#### **1) Reduce current substandard structures by 50% in 5 years –**

Establish a system, within existing laws, to do complete interior inspections on all structures that appear to need it and/or upon request. As part of that, establish a single visit complete inspection system that provides for one inspection and one write-up procedure for all violations. Include allowing extensions to parties who are working on things, having some sort of system to refer responsible parties to paid or volunteer



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laborers who can help those who need it. Activate the section in the Code that allows for courtesy inspections. Establish processes and consequences such that citizens will want to take care of issues so that Code does not even request access. This may involve establishing communitywide or neighborhood wide campaigns.

- 2) **Reduce Deterioration in Vacant Structures** – Staff establishes procedures to advise owners of long-term vacant or soon-to-be vacant structures about “Mothballing” standards, encourages owners to implement and refers to resources for advice and assistance. This process would be implemented by Code staff and/or Vacant Buildings Registry vendor through communications accompanying already established communication. Staff would establish strategy with the police department to optimize vacant structure security.
- 3) **Reduce the expense/revenue gap on abatement cases by 50%** – Establish a system and culture whereby it is clear that COT expects owners to take full responsibility for their properties. This is likely to include implementing current capacity to increase fines for extended or repeat violations where good-faith efforts are not made as well as a referral system to paid or volunteer laborers who can assist, perhaps also neighborhood or block initiatives for maintenance.
- 4) **Improve the appearance of the community through management of uncultivated and overgrown vegetation such that the average resident or visitor would score Topeka’s property appearance at least a 7 on a scale of 10. The Police Department would rate 80% or more of properties as in compliance with CPTED (Crime Prevention through Environmental Design) principles within 5 years. At the same time, tree and shrub abatements by City Departments would be reduced by at least 50% (Links with #2 above)** - Initiative will require a minor amendment or new legal interpretation of the Code about vegetation that is over 12” that has turned into shrubs, trees or vines as well as a synch-up with a non-IPMC section of the TMC that addresses the same issue. It will also likely require a major community education campaign in conjunction with a major volunteer assistance campaign to bring our community back to this threshold standard. Optimal partnership with all departments who deal with exterior maintenance issues (Police, Engineering, Zoning, Forestry...also KDOT) as well as a combined ticketing, billing and collections system would seem to be in order.