



League of Kansas Municipalities

Date: March 14, 2005

To: Senate Utilities Committees

From: Larry R. Baer
Assistant General Counsel

Re: HB 2279 – Testimony in Opposition

Thank you for the opportunity to appear before you today on behalf of the 565 member cities of the League of Kansas Municipalities (LKM). LKM and our member cities stand in opposition to SB 2279. Because HB 2279 would prohibit the collection of fees due and owing to the city from landlords, HB 2279 would have a negative impact on all cities that operate solid waste disposal services.

Under state law, and most city ordinances, cities are allowed to collect fees for solid waste disposal services from landlords if a particular tenant refuses to pay their bill. There are three key reasons for this policy.

- **Solid Waste Services Run With the Land.** Except for large commercial or industrial users, most solid waste fees are a flat monthly fee. The amount paid is not dependent upon the amount of trash that an individual puts out to be picked up. In this way, curbside solid waste services are really services which belong to the property and not to the individual residing at the property.
- **Equity.** The real crux of this issue is equity. If cities are unable to collect delinquent solid waste bills from landlords who have rented to tenants who refuse to pay their bills, then the remaining citizens of the city will bear the cost in higher solid waste rates. Citizens of the community who pay their bills in a timely fashion should not be penalized for those tenants who refuse to pay their bills. The landlords, who own the property and are using the property as a money-making enterprise, should be obligated to make sure that the city services which are delivered to that property are ultimately paid for.
- **Landlords Have Alternatives.** Allowing a tenant to individually contract for his or her own solid waste services is really up to the landlords. Many landlords simply include solid waste services as part of their rent charges, thereby avoiding the situation where a tenant “skips out” on the payment of those charges.

The lien which is provided for in statute and in most city ordinances is the mechanism by which cities and their citizens can be assured that each property pays its fair share for the use of city services. HB 2279 would amount to a subsidy of landlords by property owners who pay their bills appropriately. For these reasons, we respectfully request that you do not report HB 2279 favorably for passage. Thank you for the opportunity to share our concerns on this issue. I would be happy to stand for

questions at the appropriate time.