

Smoking Ban for Wichita Public Housing

By: Rafael Garcia, Wichita Eagle

If you live in Wichita public housing and smoke, you're out of luck as of July 30, after the Wichita City Council approved a smoke-free policy in order to keep the city in compliance with federal regulations on public housing.

E-cigarettes will be allowed for now, but City Council members are considering a ban on the devices as well.



A 2016 rule from the federal Department of Housing and Urban Development banned lit tobacco products, such as cigars, cigarettes and hookahs, inside public housing and within 25 feet of those buildings. The rule only applies to public housing owned by the city and not housing subsidized by Section 8 federal funds. Although the federal rule went into effect in 2017, cities were given 18 months to implement the rule with a deadline of July 30 to avoid jeopardizing their federal funding.

Wichita's policy will go even further and ban smoking within 25 feet of any public housing's outdoor common area. Logan Bradshaw, management analyst for the Wichita Housing Authority, said these areas are enjoyed by smokers and non-smokers alike, so the agency made that extension to "protect the integrity of the rule."

Individual agencies were granted discretion on banning e-cigarettes at their own housing units, and e-cigarettes were left off of the Wichita policy after the city's public housing division met with mostly non-smoker tenants who were enthusiastic about the new policy but suggested e-cigarettes be allowed to remain to help smokers transition to the new policy.

Tara Nolen, coordinator for the Tobacco Free Wichita Coalition, said the organization supported adding e-cigarettes to the ban. She said that there are better alternatives to help smokers quit, as e-cigarettes still give off harmful chemicals.

Mayor Jeff Longwell pushed to explore the possibility of adding e-cigarettes to the ban as well, and the council directed the Wichita Housing Authority to develop a policy that would address e-cigarettes as well and present it to the council in September.

Public housing tenants over the age of 18 are required to sign a lease addendum agreeing to the new policy, although the policy applies to all people who live or visit the housing units. Tenants who violate the policy will first receive a verbal warning, followed by a written warning if the tenant breaks the policy again. After a third violation, tenants can be evicted.

Bradshaw said the policy will help the department save money by decreasing maintenance, cleaning and redecorating costs. Fire insurance costs for the housing units could go down as well, though Bradshaw said the department has not fully investigated the potential for a reduction in the city's premiums.

The Wichita Housing Authority will also host six meetings to help smoker tenants find programs to help them quit smoking.

Multifamily Trade Groups take on Airbnb

by Jeremiah Jensen, Housingwire

The Nation Multifamily Housing Council and the National Apartment Association are going to bat for the multifamily industry in court.

Back in 2017, a California court ruled against an Aimco apartment community's (La Park La Brea) claim that Airbnb helped facilitate lease violations after residents complained that Airbnb users were negatively affecting quality of life at the property.

Airbnb argued that it cannot be held responsible for the actions of multifamily residents because users must agree not to violate any agreements with third-parties (i.e. property managers).

Aimco lost the case on the basis that Airbnb's publication of rentals that users post on its website is focused on content rather than rental activities under the Communications Decency Act. The court granted Airbnb immunity for the listings.

Now, Aimco is appealing the lower court's decision in the Ninth Circuit Court of Appeals, and both the NMHC and the NAA are in its corner. The two groups filed an amicus brief, supporting Aimco's appeal highlighting their belief in the precedence of property rights and the need for apartment owners and operators to choose whether they want to allow short-term rental in their buildings or not.

NHMC and NAA hold that multifamily companies and other property owners should have the right to choose whether to participate or not in the short-term rental market and be able to restrict short-term rental activity in their properties to protect the quality of life for their residents.

"At its core, our filing in this case simply comes down to the need to preserve property rights and maintain the ability to enforce resident lease's," NMHC Vice President of Government Affairs Kevin Donnelly said in a statement. "To be clear, our industry remains open to short-term rental activities within our communities, but only so long as it is done so legally and with owner involvement and consent."

Rent Control Becoming an Issue in 2018

by Brenden Gallagher, The Daily Dot

Looking at referendums, proposals, and candidates around the country, it looks like rent control might be the next issue that galvanizes the left. Specifically, two battles set on either coast could help change the electoral future of rent control across the country.

As rents have increased all over America, tenants are finding themselves priced out of neighborhoods, and sometimes entire cities. Large metropolitan areas like New York and Los Angeles have become poster children for the housing crisis.





Rent Control Becoming an Issue in 2018 (Cont'd)

Workers are forced to move incredibly far from their jobs while in-demand neighborhoods are dominated by luxury apartments that are often empty due to absentee renters or Airbnb. Homelessness in Los Angeles has reached epidemic proportions. In Manhattan, the average rent has climbed above \$4,000 a month, and in New York City as a whole, the number is still over \$3,500.

More and more people are turning to rent control as a potential solution.

There are plenty of economists who argue against rent control. The general idea is that developers will build fewer units as profit decreases. The argument for rent control is that it allows tenants to invest in their communities, and they will have more money to spend. The data on the issue has been used to make both arguments, and plenty of studies have reached opposing conclusions.

While the economic data is debatable, the moral argument isn't.

As UCLA urban planning graduate student Jacob Woocher put it in a recent piece for KNOCK-LA, "Rent control provides stability and keeps families in their homes; preserves diversity of race and class in our rapidly gentrifying cities; and transfers huge sums of money over the years from rich, absentee property owners to poorer renters."

In cities across the country, rent control is emerging as a potential solution for the harsh realities faced by the modern apartment hunter. A slew of policy proposals and politicians are looking to make rent control a part of the conversation. If they succeed, the movement for rent control could go nationwide.

The beginning of a movement?

The most high-profile rent control battles in 2018 will be happening in New York and California. But the movement for rent control is growing elsewhere, too.

In a recent piece on rent control advocates, The Nation profiled Denver's renters' coalition, Colorado Homes for All. Similar to California's Costa-Hawkins, Colorado has a preemption bill on the books forbidding rent control, and this group hopes to overturn it. Coloradans will be watching for lessons on setting up a similar fight in their state.



Emily Telfer
MDU ACCOUNT MANAGER

901 S. George Washington Blvd.
Wichita, KS. 67211
316-260-7328 tel
316-249-9532 cell
emily.telfer@cox.com

Rent Control Becoming and Issue in 2018 (Cont'd)

These tenants rights activists are also looking at a “warranty of habitability” bill which would effectively legalize rent strikes in the state, a useful tactic when fighting landlords.

A rent strike is when tenants in a building(s) withhold rent in hopes of coercing changes from the landlord, such as improvements to the building, withdrawal of rent hikes, or the right to collectively bargain lease renewal.



It’s a similar story in Chicago, where a progressive bloc of lawmakers is poised to introduce legislation to ease rent control restrictions. A largely symbolic vote was on the ballot in nine of the city’s wards in a March primary, asking if residents wanted to end the ban on rent control.

The vote went overwhelmingly in favor of ending the ban.

This vote was meant as a move to gain support for an actual repeal of the law driven by the tenants’ rights coalition Lift the Ban. Following the result, Lift the Ban now feels that are in a good position to make a move against rent control in the near future.

It isn’t just states and municipalities that begin with “C”; at least 27 states currently have limits to rent control built into the law. More cities and states will likely look to roll back legislation like this in the coming years in an attempt to pave the way for meaningful rent control legislation. Seattle and Portland also saw a lot of activity around renters’ rights in recent years, and more cities are forming tenants rights groups every month.

The campaigns of Salazar and Ocasio-Cortez and the fate of Prop. 10 in California could be the canary in the coal mine for wealthy real estate developers. These referendums on the viability of rent control will encourage similar movements around the country if they pass, setting the stage for a wave of rent control legislation in 2020.

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