



City Council Committee Meeting Notice

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

Committee: Policy & Finance

Meeting Date: July 8, 2025

Time: 10:00am

Location: 1st Floor Conference Room, Cyrus K. Holliday Building
620 SE Madison (*a virtual attendance option is available*)

Agenda:

1. Call to order
2. Approve June 10, 2025 Meeting Minutes
3. Presentation
 - a. Duplexes in Single Family Residential Districts Update
4. Action Items:
 - a. Resolution - 2024 Uniform Mechanical Code (UMC)
 - b. Resolution – Reinvestment Housing Incentive District (RHID) Policy
5. Discussion:
 - a. Rooster Ownership - Consideration of Limits
 - b. Citizen Government Review Committee Recommendations
 - c. Anti-Discrimination Policies
6. Other Items:
7. Public Comment
8. Adjourn

STAFF REQUESTED: Dr. Robert M. Perez, City Manager
Braxton Copley, Deputy City Manager
Avery Moore, Assistant City Manager
Amanda Stanley, City Attorney
Rhiannon Friedman, Planning & Development Director
Dan Warner, Planning Division Director
Richard Faulkner, Division Director Development Service

*** Please call the Council Office by 5:00pm on the date prior to the meeting to request Zoom link. ***

COMMITTEE MEMBERS: Marcus Miller – District 6
Spencer Duncan (Chair) – District 8
Michelle Hoferer – District 9

Contacts: Tonya Bailey, Senior Executive Assistant
Tara Jefferies, Senior Executive Assistant
Council Office: councilassist@topeka.org 785-368-3710



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

POLICY AND FINANCE COMMITTEE

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

Date: June 10, 2025

Time: 10:00am

Location: 1st Floor Conference Room, Cyrus K. Holliday Bldg. 620 SE Madison (*a virtual attendance option is available*)

Committee members Present: Spencer Duncan (chair), Marcus Miller, Michelle Hoferer

City Staff Present: City Manager Dr. Robert M. Perez, City Attorney Amanda Stanley, Assistant City Manager Avery Moore, Division Director Housing Services Carrie Higgins

1) Call to Order

Committee Chair Duncan called the meeting to order at 10:03am.

2) Approve May 14, 2025 Meeting Minutes

Committee member Miller made a motion to approve the minutes from the previous meeting. Committee member Hoferer seconded. Motion approved 3-0-0.

3) Action Item: Ordinance-Update Anti-discrimination policies

Committee Chair Duncan spoke to the May 6, 2025 Governing Body meeting vote which was unanimous to send back to the Policy & Finance Committee to make changes to the anti-discrimination policies. The goal is to make sure City ordinances are up to date with federal law and not be reactionary to the federal administration. He added the challenge is to find the balance between having integrity for the City and to ensure funds are not lost. He emphasized after listening and receiving input from Council members and community the proposed ordinance has been reviewed line by line to: (1) establish an up to date document with current laws and have compliance with the rulings (2) meet City values and objectives.

Committee member Miller spoke to the importance of the City values and continuing to have community support for everyone regardless of their race, sex, or religion.

Committee Chair Duncan continued to speak to the difference between affirmative action and equal opportunity. He added items with equal opportunity are being proposed to stay in the new version of the proposed ordinance.

City Attorney Stanley provided a high-level overview of memorandums that have been received from the Federal Government; including the Department of Transportation, Attorney General's office providing their view of discrimination. She spoke to certifying for federal funds which involves ensuring compliance with various rules and regulations when applying for or receiving funding from the federal government, including when applying for grants. She continued to speak to cases from the U.S. Department of Justice (DOJ) and noted that branches of the executive branch are now saying affirmative action is gone and that you must certify that you do not have a program that favors one race over another such as affirmative action or DEI. She noted the DOJ is advocating citizens to use the False Claims Act to report cities; if found guilty you could be bared from receiving federal funds or receive severe penalties.

City Attorney Stanley continued to speak to the proposed ordinance language and the challenges with the new requirements being imposed on the City through federal grant terms tied to Executive Orders issued in 2025. She noted ensuring the City does not have legal implications through a DEI program or prioritize one particular group; while continuing to have equal opportunity for everyone. She reported the City does not have an office of DEI.

Committee Chair Duncan spoke to his support for the adjustments made to the ordinance versus the original version. He added the importance of the changes while keeping the integrity of the City.

Committee member Miller added his support for the new proposed ordinance with the new language. He thanked staff and Committee chair Duncan for their work. He added he wants the entire Governing Body thoughts concerning the adjustments to the language. He added the value of having public input.

Committee member Hoferer added her support and expressed her appreciation for the language consistencies, while also providing protection to the City.

City Attorney Stanley added the Planning and Development must sign for the next U.S. Department of Housing and Urban Development (HUD) funds by June 30, 2025. If it is not signed there will be no money remaining for Shelter Plus Care program.

Committee chair Duncan announced the Ordinance-Update Anti-discrimination policies will be on the June 17, 2025 Governing Body agenda as an action item. He thanked staff for their hard work and expressed his appreciation on the feedback from the community. He stated that all referenced documents will be included on the City of Topeka website in the Policy and Finance Committee agenda packet www.topeka.org/citycouncil/policy-finance-committee

MOTION: Committee chair Duncan made a motion to approve and move forward to the Governing Body for action. Committee member Miller seconded. Motion approved 3-0-0.

4) Public Comment

Danielle Twemlow provided her support for the changes to the proposed ordinance. She stated that the new version is more reflective of the City. She continued to speak to changes within the Governing Body members and City administration and feels the language is specific to protect the values of the City.

Committee chair Duncan adjourned the meeting at 10:38 a.m.

The video of this meeting can be viewed at: https://youtu.be/i1GC_Ea8fXs

DRAFT



**City of Topeka
Policy &
Finance
Committee**

620 SE Madison St.
Topeka, Kansas 66603
www.topeka.org

DATE: July 8, 2025

CONTACT PERSON: Dan Warner, Planning Division Director

SUBJECT: Presentation-Duplexes in Single Family Residential Districts

PROJECT #:

DOCUMENT DESCRIPTION:

Presentation from the Planning & Development Department on Duplexes, Triplexes, Quadplexes in "R" Districts.

ATTACHMENTS:

Presentation



**CITY OF
TOPEKA**



Planning & Development Department

**Duplexes, Triplexes, Quadplexes in “R” Districts,
July 8, 2025 Policy & Finance Committee Meeting**

Special Committee on Housing

The Committee:

- **Proposing changes to Topeka’s zoning regulations to allow duplexes, tri-plexes, and four-plexes in “R” residential districts.**
- **Duplexes by building permit subject to special standards.**
 - **Administrative review**
- **Triplexes, quadplexes by conditional use permit (CUP).**
 - **Similar process to rezoning – notification, public hearing, Gov Body approval**



Why?

The Citywide Housing Market Study and Strategy recognizes the need for affordable housing and “missing middle” housing. The “missing middle” includes accessory dwellings, duplexes, small apartment buildings. (adopted July 21, 2020)

TOPEKA

CITYWIDE HOUSING MARKET STUDY AND STRATEGY

PREPARED FOR
CITY OF TOPEKA

JULY 2020



Citywide Housing Study

Key findings of Study:

- Topeka projected to need 4,000 additional units of affordable housing over next 20 years.
- 3,650 units of workforce housing needed over next 20 years.
- 2,250 units are needed for seniors over next 20 years.
- 3,100 for-sale units and 1,400 rental units are needed to meet market-rate demand over the next 20 years.

Strategies (two of the six strategies):

- Promote development of a diverse mix of housing types.
- Expand production of affordable housing.

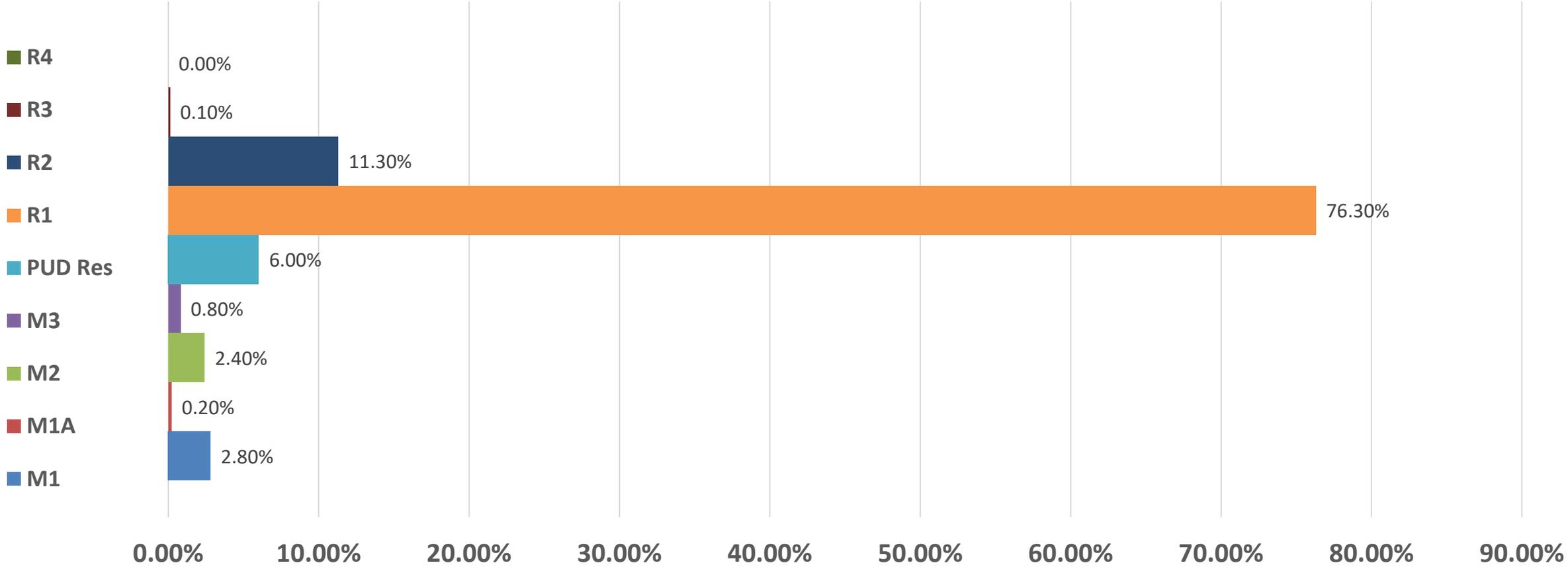
Tools:

- Planning Commission can initiate and recommend changes to zoning and subdivision regulations



Existing Conditions – Residential Zoning

Residential Zoning by Percent of Acres



Stakeholder Engagement

- **Presentations to Neighborhoods and Citizens Advisory Council**
 - **College Hill, Historic North Topeka East, Hi-Crest**
- **Survey of Neighborhood Residents and Others**
- **Discussion with Housing Developers**
- **Planning Commission Discussion**
 - **Oct. '24, March '25, June '25**



Stakeholder Engagement

What did we hear?

Neighborhood meetings

- Comments in favor of the proposal from Historic North Topeka East and Hi-Crest including this proposal as a way to support new development in the neighborhoods
- Comments against the proposal from College Hill including concerns about conversions of homes for multi-family use

Planning Commission June Discussion

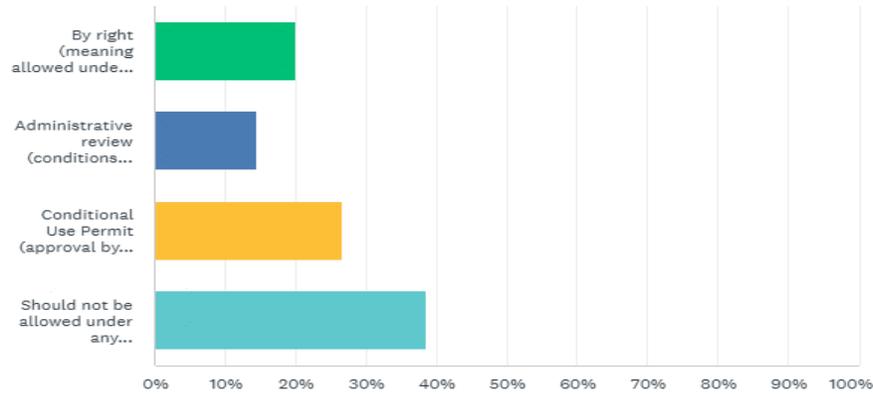
- Comments against the proposal



Survey Results (general findings)

Under what condition should duplexes be allowed in single-family zoning districts?

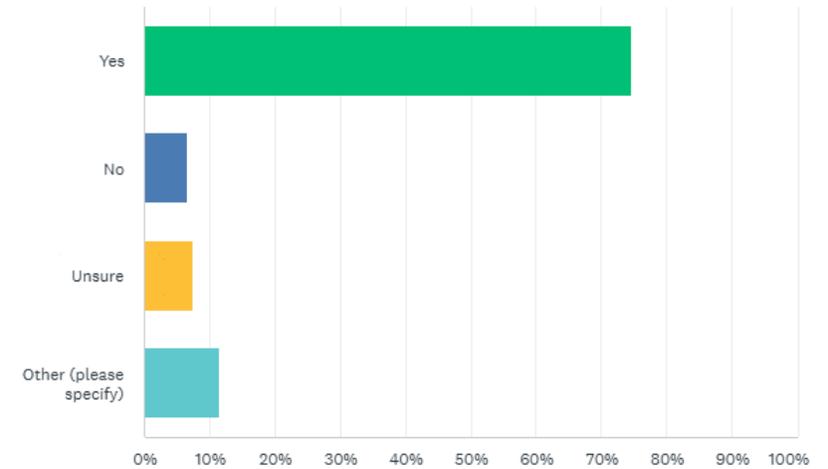
Answered: 363 Skipped: 42



ANSWER CHOICES	RESPONSES
By right (meaning allowed under all circumstances)	20.11% 73
Administrative review (conditions required, but can be reviewed and approved by staff)	14.60% 53
Conditional Use Permit (approval by Planning Commission and Governing Body)	26.72% 97
Should not be allowed under any circumstances	38.57% 140
TOTAL	363

If duplexes, triplexes, or quadplexes are allowed by CUP, should design be one of the considerations?

Answered: 366 Skipped: 39



ANSWER CHOICES	RESPONSES
Yes	74.59% 273
No	6.56% 24
Unsure	7.38% 27
Other (please specify)	Responses 11.48% 42
TOTAL	366



Duplexes in SF Districts – Other Cities

- **Lawrence, KS:** New zoning code allows duplexes by right in some SF residential districts.
- **South Bend, Indiana:** Allowed by right in some SF districts; allowed by CUP in others.
- **Durham, NC and Boise, ID:** Allowed by right subject to standards
- **Burlington, VT:** Duplexes, Triplexes & Quads allowed by right in SF districts
- **Montana:** State law requires cities of 5,000 population or more to allow duplexes by right in all SF districts without any additional standards.



Existing Duplexes in Central Topeka

Chesney Park



2072 SE Lincoln



2080 SE Lincoln



Recent Infill Duplexes:



Draft Standards:

- **Two-family dwelling (duplex) allowed by building permit subject to specific standards.**
- **The front 100 feet of the lot must have a width of 37 feet or more.**
- **Driveways must be from alley for sites when alley access is available and when there is no existing access from street.**
- **Driveway width restricted to no more than 50% of the width of the lot for the front 25 feet of the lot.**

Draft Standards - continued:

- **Landscape required in front setback and must include one or more trees.**
- **Architectural Design:**
 - **Features to provide visual interest required along street-facing facades**
 - **For duplexes on corner lots, no more than one main entrance per street facing façade**
 - **For historic districts and landmarks, certified local government review (historic review) required as applicable.**
- **Duplexes not meeting all standards may be approved by conditional use permit.**





**City of Topeka
Policy &
Finance
Committee**

620 SE Madison St.
Topeka, Kansas 66603
www.topeka.org

DATE: July 8, 2025

CONTACT PERSON: Richard Faulkner, Division Director Development Services

SUBJECT: 2024 Uniform Mechanical Code (UMC)

PROJECT #:

DOCUMENT DESCRIPTION:

The Board of Mechanical Examiners Appeals has reviewed the 2024 Uniform Mechanical Code and is recommending that the City of Topeka adopt the code and replacing the 2015 edition.

ATTACHMENTS:

Memo
Presentation
Ordinance



CITY OF TOPEKA

Richard Faulkner
Division Director of Development Services
Holliday Building, 620 SE Madison St., Topeka, KS 66607

rfaulkner@topeka.org
Tel: 785-368-1606
www.topeka.org

Date: May, 27, 2025

To: Policy and Finance Committee
Spencer Duncan,
Marcus Miller,
Michelle Hoferer

From: Richard Faulkner, Division Director, Development Services

Subject: 2024 Uniform Mechanical Code

The Board of Mechanical Examiners Appeals has reviewed the 2024 Uniform Mechanical Code and is recommending that the City of Topeka adopt the code. This code is the most current code and addresses changes in the industry and will improve safety in our community and improve the quality of life for our citizens. Our present mechanical code does not address changes in the industry which is of concern to the board. They are making the recommendation the code be adopted with some amendments so that code will be more suited to our community.

Staff agrees with the recommendation the board is making to adopt the 2024 Uniform Mechanical code.



CITY OF
TOPEKA



2024 Uniform Mechanical Code (UMC) Adoption

Published by the International Association of Plumbing
and Mechanical Officials

Codes Presently Adopted by COT

RESIDENTIAL

- 2021 INTERNATIONAL RESIDENTIAL CODE (CH 1-10, APP F)
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE (NEW CONSTRUCTION)

COMMERCIAL

- 2021 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
- 2021 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- 2021 INTERNATIONAL BUILDING CODE (IBC)
- 2021 INTERNATIONAL FIRE CODE (IFC)
- 2015 LIFE SAFETY CODE (LSC)
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

RESIDENTIAL / COMMERCIAL

- 2018 UNIFORM PLUMBING CODE
- 2023 NATIONAL ELECTRICAL CODE
- 2015 UNIFORM MECHANICAL CODE



City of Topeka recognizes the need to update building and trade codes

- Provides for safer and latest building standards
- National codes are updated every 3 years
- Best practice is to update every 6-9 years

Uniform Mechanical Code (UMC)

- published by the International Association of Plumbing and Mechanical Officials (IAPMO)
- The UMC covers the installation and maintenance of heating, ventilating, cooling and refrigeration systems.
- Contributors include enforcing authorities, installers/maintainers, laborers, manufacturers, researchers, testing laboratories, special experts and users.
- Topeka has used the UMC since 1986



Neighboring Cities

	2012	2015	2018	2021
Manhattan				X
Lawrence			X	
Overland Park			X	
Shawnee			X	
Leavenworth			X	
Olathe			X	
Junction City	X			

These communities are using the International Code and we are using the Uniform Code. The International Code tends to refer you to an additional code books for a complete implementation of the regulation.



The Board of Mechanical Examiner Appeals (appointed by City Council) led the review process :

- Brandon Fentress, Licensed Master
- Greg DeBacker, Licensed Master
- Bill Naeger , Engineer
- Jason Jones, Licensed Master

The Mechanical Inspectors served as liaison to this board.

Staff further engaged key stakeholders for input including all mechanical contractors and the Topeka Builders Association



Conclusion

- The Mechanical Board recommends that the 2024 UMC be adopted with amendments.
- Staff supports the boards recommendation



1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, adopting the 2024
6 Uniform Mechanical Code to replace the 2015 edition, amending
7 and repealing sections of Chapter 14.50 of the Topeka Municipal
8 Code.
9

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

11 Section 1. That section 14.50.010, Uniform Mechanical Code - Adopted, of
12 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Uniform Mechanical Code – Adopted.**

14 There is hereby adopted by reference the ~~2015~~2024 Uniform Mechanical Code,
15 ~~27~~30th Edition, published by the International Association of Plumbing and Mechanical
16 Officials. The code shall include all appendices to the ~~2015~~2024 Uniform Mechanical
17 Code. The code is hereby adopted as the mechanical code of the City and incorporated
18 herein as if fully set out in this chapter. The 2024 Uniform Mechanical Code Illustrated
19 Training Manual as published by the International Association of Plumbing and
20 Mechanical Officials may be considered and applied by the authority having jurisdiction
21 to the extent necessary in the authority's sole discretion to implement and enforce this
22 code.

23 Section 2. That section 14.50.050 of The Code of the City of Topeka, Kansas,
24 is hereby repealed.

25 **~~Chapter 2, Section 208.0, F.~~**

26 ~~Chapter 2, Section 208.0, F, is hereby deleted in its entirety and the following~~
27 ~~provisions shall be substituted therefor:~~

28 ~~FIRE CODE—The fire code adopted by this jurisdiction.~~

29 ~~FIREPLACE, SOLID-FUEL BURNING — Is a listed and labeled factory-built or~~
30 ~~site-built hearth and fire chamber constructed of noncombustible material for use with~~
31 ~~solid fuels and provided with a chimney.~~

32 ~~FIREPLACE STOVE — A chimney connected, solid fuel burning stove~~
33 ~~(appliance) having part of its fire chamber open to the room.~~

34 ~~FIRE-RESISTIVE CONSTRUCTION — Construction complying with the~~
35 ~~requirements of the Building Code for the time period specified.~~

36 ~~FLOOD HAZARD AREA — The greater of the following two areas:~~

37 ~~(1) The area within a floodplain subject to a 1 percent or greater chance of~~
38 ~~flooding in any given year.~~

39 ~~(2) The area designated as a flood hazard area on a community's flood hazard~~
40 ~~map, or otherwise legally designated.~~

41 ~~FLOOD HAZARD AREA SUBJECT TO HIGH VELOCITY WAVE ACTION — Area~~
42 ~~within the flood hazard area that is subject to high-velocity wave action, and shown on a~~
43 ~~Flood Insurance Rate Map or other flood hazard map as Zone V, VO, VE or V1 — 30.~~

44 ~~FLOOR FURNACE — A completely self-contained furnace suspended from the~~
45 ~~floor of the space being heated, taking air for combustion from outside such space and~~
46 ~~with means for observing flames and lighting the appliance from such space.~~

47 ~~FORCED AIR TYPE CENTRAL FURNACE — A central furnace equipped with a~~
48 ~~fan or blower that provides the primary means for circulation of air.~~

49 ~~Horizontal Type Central Furnace — A furnace designed for low-headroom~~
50 ~~installations with airflow through the appliance in a horizontal path.~~

51 ~~Upflow Type Central Furnace — A furnace designed with airflow essentially in a~~

52 ~~vertical path, discharging air at or near the top of the furnace.~~

53 ~~Downflow Type Central Furnace—A furnace designed with airflow essentially in~~
54 ~~a vertical path, discharging air at or near the bottom of the furnace.~~

55 ~~Enclosed Furnace—A specific heating or heating and ventilating furnace~~
56 ~~incorporating an integral total enclosure and using only outside air for combustion.~~

57 ~~FRACTIONATION—A change in composition of a blend by preferential~~
58 ~~evaporation of the more volatile component or condensation of the less volatile~~
59 ~~component.~~

60 ~~FUSIBLE PLUG—A device arranged to relieve pressure by operation of a fusible~~
61 ~~member at a predetermined temperature.~~

62 Section 3. That section 14.50.060 of The Code of the City of Topeka, Kansas,
63 is hereby repealed.

64 **~~Chapter 4, Section 406.0, Screened Openings.~~**

65 ~~Chapter 4, Ventilation Air Supply, is hereby amended by adding the following~~
66 ~~section:~~

67 ~~406.0 Screened Openings. Inlets and outlets of ventilation air supply systems~~
68 ~~shall be equipped with screen, grills or louvers to prevent the introduction of foreign~~
69 ~~materials and to deny vermin admission to the system. Screens, grills or louvers shall~~
70 ~~not pass an object larger than a 1/4-inch diameter (6.4 mm) sphere.~~

71 ~~Exception: An outside air inlet serving a nonresidential portion of a building may~~
72 ~~be covered with screen having openings larger than 1/4 inch, but in no case larger than~~
73 ~~4 inch.~~

74 Section 4. That section 14.50.070 of The Code of the City of Topeka, Kansas,

75 is hereby repealed.

76 **Chapter 4, Section 407.0, Outside Air Location.**

77 ~~Chapter 4, Ventilation Air Supply, is hereby amended by adding the following~~
78 ~~section:~~

79 ~~407.0 Outside Air Location. Outside air shall be obtained from an approved~~
80 ~~location exterior to the building. Outside air shall not be obtained from the following~~
81 ~~locations:~~

82 ~~1. Closer than ten (10) feet (3048 mm) from a vent serving fuel-burning~~
83 ~~equipment.~~

84 ~~Exception: Listed outdoor appliance equipped with outdoor air inlet and appliance~~
85 ~~vent.~~

86 ~~2. Closer than ten (10) feet (3048 mm) from a plumbing drainage system vent or~~
87 ~~from an exhaust system outlet, unless the outlet is three (3) feet (914 mm) above the~~
88 ~~outside air inlet.~~

89 ~~3. Where it will pick up objectionable odors, fumes or flammable vapors; or when~~
90 ~~it is less than ten (10) feet (3048 mm) above the surface of any abutting public way or~~
91 ~~driveway; or when it is in a horizontal position in a sidewalk, street, alley or driveway.~~

92 ~~4. A hazardous location.~~

93 ~~5. An unsanitary location.~~

94 Section 5. That section 14.50.080 of The Code of the City of Topeka, Kansas,
95 is hereby repealed.

96 **Chapter 4, Section 408.0, Return Air Location.**

97 ~~Chapter 4, Ventilation Air Supply, is hereby amended by adding the following~~

98 section:

99 408.0 Return Air Location. Return air shall be obtained from an approved interior
100 location of the same building. Return air shall not be obtained from the following
101 locations:

102 1. Where it will pick up objectionable odors, fumes or flammable vapors.

103 2. A hazardous location.

104 3. An unsanitary location.

105 4. An area having a volume less than 25 percent of the entire volume served by
106 the supply air system, unless there is a sufficient permanent communicating opening to
107 areas having a volume equal to the required 25 percent. Appropriately sized transfer
108 grills or door undercuts may be used to provide the required opening.

109 Exception: Such opening when used for a warm air furnace in a dwelling unit
110 may be reduced to no less than 50 percent of the required area, provided the balance of
111 the required return air is taken from a room or hall having at least three doors leading to
112 other rooms served by the furnace.

113 5. A refrigeration machinery room.

114 6. A room or space containing fuel-burning equipment.

115 Exceptions:

116 1. Fireplaces, fireplace appliances, residential cooking appliances, direct-
117 vent appliances, enclosed furnaces and domestic-type clothes dryers.

118 2. A listed vented wall furnace.

119 3. A blower-type system where:

120 a. The return air is taken from a room or space having a volume

121 ~~exceeding 1 cubic foot for each (10 Btu/h);~~

122 ~~b. At least 75 percent of the supply air is discharged back into the~~
123 ~~same room or space; and~~

124 ~~c. The return air inlet shall not be located within ten (10) feet (3048~~
125 ~~mm) of any appliance firebox or draft diverter in the same enclosed room~~
126 ~~or confined space.~~

127 ~~7. A closet, bathroom, toilet room or dwelling unit kitchen.~~

128 ~~8. Corridors shall not be used to convey air to or from rooms if the corridor is~~
129 ~~required to be of fire restrictive construction by the current Building Code.~~

130 ~~9. Return air from one dwelling unit shall not be discharged into another dwelling~~
131 ~~unit through the heating/cooling system.~~

132 Section 6. That section 14.50.090 of The Code of the City of Topeka, Kansas,
133 is hereby repealed.

134 **~~Chapter 5, Section 504.3.2.2, Length Limitation.~~**

135 ~~Chapter 5, Section 504.3.2.2, Length Limitation, is hereby deleted in its entirety~~
136 ~~and the following provisions shall be substituted therefor:~~

137 ~~Unless otherwise permitted or required by the dryer manufacturer's installation~~
138 ~~instructions and approved by the Authority Having Jurisdiction, domestic dryer moisture~~
139 ~~exhaust ducts shall not exceed a total combined horizontal and vertical length of thirty~~
140 ~~(30) feet (9135 mm), including two (2) 90 degree (1.57 rad.) elbows and not including~~
141 ~~the elbow(s) at the dryer connection. Two (2) feet (610 mm) shall be deducted for each~~
142 ~~90 degree (1.57 rad.) elbow in excess of two (2). At no time shall the manufacturer's~~
143 ~~installation instructions be exceeded.~~

144 Section 7. That section 14.50.100, Chapter 5, Section 507.1.5, of The Code of
145 the City of Topeka, Kansas, is hereby renumbered as 14.50.050 and amended to read
146 as follows:

147 **Chapter 5, Section ~~507.1.5~~508.1.**

148 Chapter 5, Section ~~507.1.5~~508.1, is hereby deleted in its entirety and the
149 following provisions shall be substituted therefor:

150 Cooking equipment that has been listed in accordance with UL 197 or an
151 equivalent standard for reduced emissions shall be required to be submitted to the
152 Mechanical Review Board for approval to be used without an exhaust system. All
153 manufacturer's product data and installation instructions shall be submitted.

154 Section 8. That section 14.50.110, Chapter 5, Section 510.3.2, of The Code of
155 the City of Topeka, Kansas, is hereby renumbered as 14.50.060 and amended to read
156 as follows:

157 **Chapter 5, Section 510.3.~~2~~1.**

158 Chapter 5, Section 510.3.~~2~~1, is hereby deleted in its entirety and the following
159 provisions shall be substituted therefor:

160 For hoods with dampers in the supply collar, an access panel for cleaning and
161 inspection shall be provided in the duct or the hood collar. For Type I duct system,
162 dampers shall not be permitted in the exhaust collar or in the exhaust duct. This access
163 panel shall be as close to the hood as possible but shall not exceed eighteen (18)
164 inches (457.2 mm).

165 Exception: Dampers that are accessible from under the hood.

166 Section 9. That section 14.50.115 of The Code of the City of Topeka, Kansas,

167 is hereby repealed.

168 **Chapter 5, Section 510.5.6.**

169 Chapter 5, Section 510.5.6, is hereby deleted in its entirety and the following
170 provision shall be substituted therefor:

171 ~~Duct Leakage Test — Prior to the use of or concealment of a grease duct system,~~
172 ~~a leakage test shall be performed to determine that welded joints and seams are liquid~~
173 ~~tight. The leakage test shall consist of a light test, water pressure test or an approved~~
174 ~~equivalent test. The permit holder shall be responsible for providing the necessary~~
175 ~~equipment and for performing the test. Such test shall be a light test using a 500 watt~~
176 ~~halogen lamp or equivalent. A light test shall consist of passing a minimum 500 watt~~
177 ~~halogen lamp or equivalent through the entire section of grease duct. The lamp shall be~~
178 ~~open and light shall be emitted equally in all directions perpendicular to the interior duct~~
179 ~~walls. No light shall be visible from the exterior.~~

180 Section 10. That section 14.50.120 of The Code of the City of Topeka, Kansas,
181 is hereby repealed.

182 **Chapter 5, Section 510.7.1.**

183 Chapter 5, Section 510.7.1, is hereby deleted in its entirety and the following
184 provisions shall be substituted therefor:

185 ~~In all buildings the ducts shall be enclosed in a continuous enclosure per Section~~
186 ~~507.2.3 extending from the hood, through any concealed spaces, to or through the roof~~
187 ~~so as to maintain the integrity of the fire separations required by the applicable Building~~
188 ~~Code provisions. The enclosure shall be sealed around the duct at the point of~~
189 ~~penetration of the ceiling or floor above the hood in order to maintain the fire resistance~~

190 ~~rating of the enclosure and shall be vented to the exterior of the building through~~
191 ~~weather-protected openings.~~

192 ~~Exception: The continuous enclosure provisions shall not be required where a~~
193 ~~field-applied grease duct enclosure or a factory-built grease duct enclosure (see Section~~
194 ~~507.2.3) is protected with a listed duct through penetration protection system equivalent~~
195 ~~to the fire resistance rating of the assembly being penetrated, and the materials are~~
196 ~~installed in accordance with the conditions of their listings and the manufacturers'~~
197 ~~instructions and are acceptable to the Authority Having Jurisdiction.~~

198 Section 11. That section 14.50.130 of The Code of the City of Topeka, Kansas,
199 is hereby repealed.

200 **~~Chapter 5, Section 511.2.1.~~**

201 ~~Chapter 5, Section 511.2.1, is hereby deleted in its entirety and the following~~
202 ~~provisions shall be substituted therefor:~~

203 ~~The air velocity through any duct shall be not more than 2,500 feet per minute~~
204 ~~nor less than 500 feet (152.4 m) per minute.~~

205 ~~Exception: Transition duct sections shall be permitted to be connected to hoods~~
206 ~~and exhaust fans that do not meet this velocity; provided, that they do not exceed three~~
207 ~~(3) feet (0.92 m) in length and do not contain traps for grease.~~

208 Section 12. That section 14.50.140 of The Code of the City of Topeka, Kansas,
209 is hereby repealed.

210 **~~Chapter 5, Section 511.4, Common Duct (Manifold) Systems.~~**

211 ~~Chapter 5, Section 511.4, Common Duct (Manifold) Systems, is hereby deleted~~
212 ~~in its entirety and the following provisions shall be substituted therefor:~~

213 ~~Master kitchen exhaust ducts that serve more than one tenant shall not be~~
214 ~~installed unless approved by the Mechanical Review Board.~~

215 Section 13. That section 14.50.150, Chapter 5, Section 513.0 through 513.11,
216 Fire-Extinguishing Equipment, of The Code of the City of Topeka, Kansas, is hereby
217 renumbered as 14.50.070 and amended to read as follows:

218 **Chapter 5, Sections 513.0 through 513.4413, Fire-Extinguishing Equipment.**

219 Chapter 5, Section 513.0 through Section 513.4413, Fire-Extinguishing
220 Equipment, are hereby deleted in their entirety and the following provisions shall be
221 substituted therefor:

222 Fire-extinguishing equipment shall be governed by the currently adopted Fire
223 Code of the City of Topeka.

224 Section 14. That section 14.50.160, Chapter 5, Sections 514.0 through 514.4,
225 Procedures for Use and Maintenance of Equipment, of The Code of the City of Topeka,
226 Kansas, is hereby renumbered as 14.50.080 and amended to read as follows:

227 **Chapter 5, Sections 514.0 through 514.45.1, Procedures for Use and**
228 **Maintenance of Equipment.**

229 Chapter 5, Section 514.0 through Section 514.45.1, Procedures for Use and
230 Maintenance of Equipment, are hereby deleted in their entirety and the following
231 provisions shall be substituted therefor:

232 Procedures for the use and maintenance of equipment shall be governed by the
233 currently adopted Fire Code of the City of Topeka.

234 Section 15. That section 14.50.170, Chapter 5, Sections 515.0 through 515.3,
235 Minimum Safety Requirements for Cooking Equipment, of The Code of the City of

236 Topeka, Kansas, is hereby renumbered as 14.50.090 and amended to read as follows:

237 **Chapter 5, Sections 515.0 through 515.32, Minimum Safety Requirements**
238 **for Cooking Equipment.**

239 Chapter 5, Section 515.0 through Section 515.32, Minimum Safety Requirements
240 for Cooking Equipment, are hereby deleted in their entirety and the following provisions
241 shall be substituted therefor:

242 Minimum safety requirements for cooking equipment shall be governed by the
243 currently adopted Fire Code of the City of Topeka.

244 Section 16. That section 14.50.180, Chapter 5, Sections 516.0 through 516.6,
245 Recirculating Systems, of The Code of the City of Topeka, Kansas, is hereby
246 renumbered as 14.50.100 and amended to read as follows:

247 **Chapter 5, Sections 516.0 through 516.6.6, Recirculating Systems.**

248 Chapter 5, Section 516.0 through Section 516.6.6, Recirculating Systems, are
249 hereby deleted in their entirety.

250 Section 17. That section 14.50.190, Chapter 5, Section 517.7, Fire-
251 Extinguishing Equipment for Solid-Fuel Cooking, of The Code of the City of Topeka,
252 Kansas, is hereby renumbered as 14.50.110 and amended to read as follows:

253 **Chapter 5, Section 517.7, Fire-Extinguishing Equipment for Solid-Fuel**
254 **Cooking.**

255 Chapter 5, Section 517.7, Fire-Extinguishing Equipment for Solid-Fuel Cooking,
256 is hereby deleted in its entirety and the following provisions shall be substituted therefor:

257 Fire-extinguishing equipment for solid-fuel cooking requirements shall be
258 governed by the currently adopted Fire Code of the City of Topeka.

259 Section 18. That section 14.50.200, Chapter 5, Section 517.8.4, of The Code of
260 the City of Topeka, Kansas, is hereby renumbered as 14.50.120 and amended to read
261 as follows:

262 **Chapter 5, Section 517.8.43.**

263 Chapter 5, Section 517.8.4, is hereby deleted in its entirety and the following
264 provisions shall be substituted therefor:

265 No solid-fuel cooking device of any type shall be permitted for deep-fat frying nor
266 shall any solid-fuel cooking device be permitted within three (3) feet (0.92 m) of any
267 deep-fat frying unit.

268 Section 19. That section 14.50.210 of The Code of the City of Topeka, Kansas,
269 is hereby repealed.

270 ~~**Chapter 6, Section 602.1, General.**~~

271 ~~Chapter 6, Section 602.1, General, is hereby deleted in its entirety and the~~
272 ~~following provisions shall be substituted therefor:~~

273 ~~Supply air, return air, and outside air for heating, cooling, or evaporative cooling~~
274 ~~systems shall be conducted through duct systems constructed of metal as set forth in~~
275 ~~Tables 6-1, 6-2, 6-3, 6-4, 6-7, 6-8, 6-9, and 6-10, or metal ducts complying with UMC~~
276 ~~Standard No. 6-2 or the referenced HVAC duct construction standard in Chapter 17.~~
277 ~~Rectangular ducts in excess of two (2) inches w.g. shall comply with UMC Standard No.~~
278 ~~6-2 or the referenced HVAC duct construction standard in Chapter 17. Ducts, plenums,~~
279 ~~and fittings may be constructed of concrete, clay, galvanized sheet metal coated with~~
280 ~~corrosion inhibiting material, or ceramics when installed in the ground or in a concrete~~
281 ~~slab, provided the joints are tightly sealed. PVC ducts encased in a concrete slab may~~

282 ~~be used only for one and two family residential installations.~~

283 ~~Corridors shall not be used to convey air to or from rooms if the corridor is~~
284 ~~required to be of fire resistive construction per the Building Code.~~

285 ~~Concealed building spaces or independent construction within buildings may be~~
286 ~~used as ducts or plenums.~~

287 ~~When gypsum products are exposed in ducts or plenums, the air temperature~~
288 ~~shall be restricted to a range from 50°F (10°C) to 125°F (52°C), and moisture content~~
289 ~~shall be controlled so that the material is not adversely affected. For the purpose of this~~
290 ~~section, gypsum products shall not be exposed in ducts serving as supply from~~
291 ~~evaporative coolers, and in other air handling systems regulated by this chapter when~~
292 ~~the temperature of the gypsum product will be below the dew point temperature.~~

293 ~~See Chapter 8 for limitations on combustion products venting systems extending~~
294 ~~into or through ducts and plenums.~~

295 ~~See Chapter 5 for limitations on environmental air systems exhaust ducts~~
296 ~~extending into or through ducts or plenums.~~

297 ~~Exhaust ducts under positive pressure and venting systems shall not extend into~~
298 ~~or pass through ducts or plenums. For appliance vents and chimneys, see Chapter 8.~~

299 Section 20. ~~That section 14.50.215 of The Code of the City of Topeka, Kansas,~~
300 ~~is hereby repealed.~~

301 **~~Chapter 6, Section 602.4.~~**

302 ~~Chapter 6, Section 602.4, is hereby deleted in its entirety and the following~~
303 ~~provision shall be substituted therefor:~~

304 ~~Joists and Seams of Ducts. Joints of duct systems shall be made substantially~~

305 ~~airtight by means of tapes, mastics, gasketing, or other means. Crimp joints for round~~
306 ~~ducts shall have a contact lap of at least 1 1/2" and shall be mechanically fastened by~~
307 ~~means of at least three (3) Sheet metal screws equally spaced around the joint, or an~~
308 ~~equivalent fastening method.~~

309 ~~Exception: Residential ducts and joints in conditioned spaces, as long as the~~
310 ~~joints for round ducts, in conditioned spaces, have a contact lap at least 1 1/2" and shall~~
311 ~~be mechanically fastened by means of at least three (3) Sheet metal screws equally~~
312 ~~spaced around the joint, or equivalent fastening method, the joint is substantially~~
313 ~~airtight.~~

314 Section 21. That section 14.50.220 of The Code of the City of Topeka, Kansas,
315 is hereby repealed.

316 **~~Chapter 6, Table 6-6 B (I-P Units), Notes.~~**

317 ~~Chapter 6, Table 6-6 B (I-P Units), Notes, is hereby deleted in its entirety and the~~
318 ~~following provisions shall be substituted therefor:~~

319 ~~a. Insulation R-values, measured in (h·ft²·°F)/Btu, are for the insulation as~~
320 ~~installed and do not include film resistance. The required minimum thicknesses do not~~
321 ~~consider water vapor transmission and possible surface condensation. Where exterior~~
322 ~~walls are used as plenum walls, wall insulation shall be as required by the most~~
323 ~~restrictive condition. Insulation resistance measured on a horizontal plane in~~
324 ~~accordance with ASTM C518 at a mean temperature of 75°F at the installed thickness.~~

325 ~~b. Includes crawl spaces, both ventilated and nonventilated.~~

326 ~~c. Includes air return plenums with or without exposed roofs above.~~

327 ~~d. Vapor retarders shall be installed on cooling supply ducts in spaces vented to~~

328 ~~the outside in geographic areas where the average summer dewpoint temperate based~~
329 ~~on the 2-1/2 percent column of dry bulb and mean coincident wet bulb temperature~~
330 ~~exceeds 60°F (16°C).~~

331 ~~e. Insulation shall have an approved weatherproof barrier.~~

332 ~~f. Buried heating and cooling ducts do not require insulation.~~

333 ~~g. City of Topeka jurisdiction shall use Envelope Criteria Table 5-15 for the~~
334 ~~climate zone.~~

335 Section 22. That section 14.50.230 of The Code of the City of Topeka, Kansas,
336 is hereby repealed.

337 **~~Chapter 7, Section 701.1.5, Prohibited Sources.~~**

338 ~~Chapter 7, Combustion Air, is hereby amended by adding the following section:~~

339 ~~701.1.5 Prohibited Sources. Openings and ducts shall not connect appliance~~
340 ~~enclosures with a space in which the operation of a fan may adversely affect the flow of~~
341 ~~combustion air. Combustion air shall not be obtained from a hazardous location or from~~
342 ~~any area in which objectionable quantities of flammable vapor, lint or dust are released.~~
343 ~~Combustion air shall not be taken from a refrigeration machinery room.~~

344 Section 23. That section 14.50.240 of The Code of the City of Topeka, Kansas,
345 is hereby repealed.

346 **~~Chapter 7, Section 701.8.2.~~**

347 ~~Chapter 7, Section 701.8.2 is hereby deleted in its entirety and the following~~
348 ~~provisions shall be substituted therefor:~~

349 ~~Each of the appliances served shall be interlocked to prove positive airflow for~~
350 ~~the mechanical air supply system to prevent main burner operation where the~~

351 ~~mechanical air supply system is not in operation.~~

352 Section 24. That section 14.50.250 of The Code of the City of Topeka, Kansas,
353 is hereby repealed.

354 **~~Chapter 7, Section 701.10, Combustion Air Ducts.~~**

355 ~~Chapter 7, Section 701.10, Combustion Air Ducts, is hereby deleted in its entirety~~
356 ~~and the following provisions shall be substituted therefor:~~

357 ~~Combustion air ducts shall comply with the following: [NFPA 54:8.3.8]~~

358 ~~(1) Ducts shall be of galvanized steel or a material having equivalent corrosion~~
359 ~~resistance, strength, and rigidity. [NFPA 54:8.3.8.1]~~

360 ~~Exception: Within dwelling units, unobstructed stud and joist spaces shall not be~~
361 ~~prohibited from conveying combustion air; provided, that not more than one fireblock is~~
362 ~~removed.~~

363 ~~(2) Ducts shall terminate in an unobstructed space, allowing free movement of~~
364 ~~combustion air to the appliances. [NFPA 54:8.3.8.2]~~

365 ~~(3) Ducts shall serve a single space. [NFPA 54:8.3.8.3]~~

366 ~~(4) Ducts shall not service both upper and lower combustion air openings where~~
367 ~~both such openings are used. The separation between ducts serving upper and lower~~
368 ~~combustion air openings shall be maintained to the source of combustion air. [NFPA~~
369 ~~54:8.3.8.4]~~

370 ~~(5) Ducts terminating in attics shall not be screened and the combustion air~~
371 ~~opening shall be provided with a galvanized sleeve of not less than 0.019 inch (0.48~~
372 ~~mm) (No. 26 gauge) steel or other approved material extending from the appliance~~
373 ~~enclosure to at least six (6) inches (153 mm) above the top of the ceiling joists and~~

374 insulation. [NFPA 54:8.3.8.5]

375 ~~(6) Intakes for combustion air ducts located exterior to the building shall have the~~
376 ~~lowest side of the combustion air intake openings located at least twelve (12) inches~~
377 ~~vertically from the adjoining grade level. [NFPA 54:9.3.8.8]~~

378 ~~(7) Horizontal upper combustion air ducts shall not slope downward toward the~~
379 ~~source of combustion air. [NFPA 54:9.3.8.6]~~

380 ~~(8) The remaining space surrounding a chimney liner, gas vent, special gas vent,~~
381 ~~or plastic piping installed within a masonry chimney flue metal or factory-built chimney~~
382 ~~shall not be used to supply combustion air unless it is listed and shown in the~~
383 ~~manufacturer's installation instructions. [NFPA 54:9.3.8.7]~~

384 Section 25. That section 14.50.255 of The Code of the City of Topeka, Kansas,
385 is hereby repealed.

386 **~~Chapter 9, Section 904.3.1.~~**

387 ~~Chapter 9, Section 904.3.1.1, is hereby deleted in its entirety and the following~~
388 ~~provision shall be substituted therefor:~~

389 ~~Supported by Ground. Where a furnace is supported by the ground, it shall be~~
390 ~~installed on a concrete slab or an approved material, not less than 3 inches (76mm)~~
391 ~~above the adjoining ground level.~~

392 ~~Chapter 9, Section 904.3.1.3, is hereby deleted in its entirety and the following~~
393 ~~provision shall be substituted therefor:~~

394 ~~Excavation.— Where excavation is necessary to install a furnace, it shall extend~~
395 ~~to a depth of 6 inches (152mm) below and 12 inches (305 mm) on all sides of the~~
396 ~~furnace, except the service side, which shall have 30 inches (762 mm). Where the~~

397 ~~depth of the excavation for either the furnace or passageway exceeds 12 inches (305~~
398 ~~mm), walls shall be lined with concrete or masonry or an approved material, 4 inches~~
399 ~~(102 mm) above the adjoining ground level.~~

400 Section 26. That section 14.50.260 of The Code of the City of Topeka, Kansas,
401 is hereby repealed.

402 **Chapter 9, Section 904.10.3.2.**

403 ~~Chapter 9, Section 904.10.3.2, is hereby deleted in its entirety and the following~~
404 ~~provisions shall be substituted therefor:~~

405 ~~Buildings of more than fifteen (15) feet (4.6 m) in height shall have an~~
406 ~~acceptable, permanent means of access to the roof, unless other means acceptable to~~
407 ~~the Authority Having Jurisdiction are used.~~

408 Section 27. That section 14.50.270, Chapter 9, Section 924.1.1, of The Code of
409 the City of Topeka, Kansas, is hereby renumbered as 14.50.130 and amended to read
410 as follows:

411 **Chapter 9, Section 924915.3.1.1.**

412 Chapter 9, Section ~~924~~915.3.1.1, is hereby deleted in its entirety and the
413 following provisions shall be substituted therefor:

414 Unvented room heaters shall not be installed in bathrooms or bedrooms. [NFPA
415 54:10.23.1] This subsection shall not apply to portable oil fired unvented heating
416 appliances used as supplemental heating in Group S, Divisions 3, 4, and 5, and Group
417 U occupancies, and regulated by the Fire Code.

418 No Exceptions.

419 Section 28. That section 14.50.280, Chapter 9, Section 925.0, Stationary Gas

420 Engines, of The Code of the City of Topeka, Kansas, is hereby renumbered as
421 14.50.150 and amended to read as follows:

422 **Chapter ~~916~~, Section ~~9251602.0~~, Stationary Gas Engines.**

423 Chapter ~~916~~, Section ~~9251602.0~~, Stationary Gas Engines, is hereby deleted in its
424 entirety.

425 Section 29. That section 14.50.285 of The Code of the City of Topeka, Kansas,
426 is hereby repealed.

427 **~~Chapter 11, Section 1107.6.~~**

428 Chapter ~~11~~, Section ~~1107.6~~, is hereby deleted in its entirety and the following
429 provision shall be substituted therefor:

430 ~~Emergency Control of the Ventilation Systems — Fans required by Section 1107.2~~
431 ~~to provide emergency purge ventilation shall be activated by refrigerant Alarm 1 in~~
432 ~~accordance with Section 1106.4 and by a clearly identified switch of the break-glass~~
433 ~~type, or protected by an approved tamper resistant cover located immediately adjacent~~
434 ~~to and outside of the principal refrigerant machinery room entrance. Two colored and~~
435 ~~labeled indicator lamps responding to the differential pressure across the purge fan~~
436 ~~shall be provided for each switch. One lamp shall indicate flow; the other shall indicate~~
437 ~~no flow.~~

438 Section 30. That section 14.50.290 of The Code of the City of Topeka, Kansas,
439 is hereby repealed.

440 **~~Chapter 13, Section 1312.4, Equipment Shutoff Valves and Connections.~~**

441 Chapter ~~13~~, Section ~~1312.4~~, Equipment Shutoff Valves and Connections, is
442 hereby deleted in its entirety and the following provisions shall be substituted therefor:

443 Gas utilization equipment connected to a piping system shall have an accessible,
444 approved manual shutoff valve with a nondisplaceable valve member or a listed gas
445 convenience outlet [NFPA 54:9.6.4] installed within six (6) feet (1.8m) of the equipment
446 it serves. Where a connector is used, the valve shall be installed up stream of the
447 connector. A union or flanged connection shall be provided downstream from this valve
448 to permit removal of controls.

449 Exceptions:

450 (1) Shutoff valves may be accessibly located inside or under an appliance when
451 such appliance can be removed without removal of the shutoff valve.

452 (2) Shutoff valves may be accessibly located inside wall heaters and wall
453 furnaces listed for recessed installation where necessary maintenance can be
454 performed without removal of the shutoff valve.

455 Section 31. That The Code of the City of Topeka, Kansas, is hereby amended
456 by adding a section, to be numbered 14.50.140, which said section reads as follows:

457 **Chapter 13, Section 1311.3, Arc Resistant Jacketed CSST**

458 Chapter 13, Section 1311.3, Arc Resistant Jacketed CSST, is hereby deleted in
459 its entirety.

460 Section 32. That section 14.50.300 of The Code of the City of Topeka, Kansas,
461 is hereby repealed.

462 **Chapter 14, Process Piping.**

463 Chapter 14, Process Piping, is hereby deleted in its entirety.

464 Section 33. That original § 14.50.010, § 14.50.100, § 14.50.110, § 14.50.150
465 through § 14.50.180, § 14.50.200, § 14.50.270 and § 14.50.280 of The Code of the City

466 of Topeka, Kansas, is hereby specifically repealed.

467 Section 34. This ordinance shall take effect and be in force effective 90 days
468 after its passage, approval and publication in the official City newspaper.

469 Section 35. This ordinance shall supersede all ordinances, resolutions or rules,
470 or portions thereof, which are in conflict with the provisions of this ordinance.

471 Section 36. Should any section, clause or phrase of this ordinance be declared
472 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
473 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

474 PASSED AND APPROVED by the Governing Body on _____.

475 CITY OF TOPEKA, KANSAS

476
477
478
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480
481 _____
Michael A. Padilla, Mayor

482 ATTEST:
483
484
485
486 _____
487 Brenda Younger, City Clerk



**City of Topeka
Policy &
Finance
Committee**

620 SE Madison St.
Topeka, Kansas 66603
www.topeka.org

DATE: July 8, 2025

CONTACT PERSON: Braxton Copley, Deputy City Manager

SUBJECT: Reinvestment Housing Incentive District (RHID) Policy Revisions

PROJECT #:

DOCUMENT DESCRIPTION:

Amending the City of Topeka's policy for Reinvestment Housing Incentive Districts (RHID) to add Capitalization Rate Criteria and rescinding Resolution No. 9627.

ATTACHMENTS:

Resolution
Resolution (red-lined)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez amending
4 City of Topeka's policy for Reinvestment Housing Incentive
5 Districts to add Capitalization Rate Criteria and rescinding
6 Resolution No. 9627.
7

8 WHEREAS, the City of Topeka, Kansas (the "City") recognizes that it is essential
9 to stimulate economic growth and development of new residential housing developments
10 in order to provide services, employment and tax revenues for the benefit of the
11 community; and
12

13 WHEREAS, the declared purpose of the Reinvestment Housing Incentive District
14 Act is to encourage the development and renovation of housing in areas of Kansas that
15 experience a shortage of housing by authorizing cities and counties to assist directly in
16 the financing of public improvements that will support such housing; and
17

18 WHEREAS, the Housing Study identified a need for approximately 720 units
19 annually to keep up with anticipated demand and another 2,367 units to catch up from
20 past demand in order to have a balanced market with lower housing cost burdens; and
21

22 WHEREAS, to meet these housing goals, the City recognizes the need to
23 occasionally assist in the redevelopment of property located within the City by the creation
24 of Reinvestment Housing Incentive Districts (RHID), an economic development tool
25 established by K.S.A. 12-5241 et seq. for the financing of qualified redevelopment
26 projects; and
27

28 WHEREAS, the City finds it in the best interest of the public it serves to establish
29 certain policies and guidelines for the consideration of proposals that may be presented
30 to the City by private developers requesting RHID assistance; and
31

32 WHEREAS, all prospective RHID projects must be carefully evaluated by the City
33 because the character of tax revenues generated by different developments can vary
34 widely, and in most cases, will impact other taxing jurisdictions in the Topeka community;
35 and
36

37 WHEREAS, the City desires to use RHID for projects that demonstrate the highest
38 public benefit and encourage an equitable distribution of projects citywide, including
39 downtown, in keeping with the documented demand for housing; and
40

41 WHEREAS, each RHID application submitted to the City will be evaluated on its
42 own merits, and an evaluation of the proposal will be performed by a RHID Committee
43 comprised of City staff and/or consultants; and
44

45 WHEREAS, all projects must demonstrate financial and economic reasons such
46 that but-for RHID assistance, the project could not proceed or could not address the City's
47 housing goals.

48
49 NOW THEREFORE, BE IT RESOLVED THAT THE REINVESTMENT HOUSING
50 INCENTIVE DISTRICT POLICY FOR THE CITY OF TOPEKA, KANSAS WILL BE AS
51 FOLLOWS:

52 **CITY OF TOPEKA**
53 **REINVESTMENT HOUSING INCENTIVE DISTRICT ("RHID") POLICY**

54
55 **SECTION ONE: PREFERENCES FOR PROJECTS**

56
57 1. The City will use RHID to address housing needs as described in its July
58 2020 Citywide Housing Market Study and Strategy document (the "Housing Study") as
59 amended from time to time as needed. The City will amend this policy from time to time
60 to adjust the targets below for progress to date or to address changing needs as identified
61 by updates to its Housing Study. The Housing Study identified a need for approximately
62 720 units per year over the next 20 years through 2040 to keep up with anticipated
63 demand and another 2,367 units to catch up from past demand in order to have a
64 balanced market with lower housing cost burdens. The City currently averages around
65 240 new residential units per year. Therefore, a target of up to 4,470 units by 2030 is the
66 substantiated need that is not being met by the market thus necessitating additional
67 incentives. This total is further broken down by affordable, workforce, senior, market rate,
68 and upscale units as referenced in the Housing Needs Analysis completed as an update
69 to the Housing Study.

70
71 2. The City will use RHID to encourage an equitable distribution of projects
72 citywide in keeping with the documented demand for 900 new units in downtown by 2030.

73
74 3. Per the Housing Study findings for greater housing choices, priority should
75 be given to those projects that diversify the City's inventory with more attached unit
76 typologies such as duplexes, townhomes, and multi-family projects.

77
78 4. The City will reserve a portion of projected RHID benefits to develop,
79 improve or replace public infrastructure supporting housing developments and to fund
80 multi-modal connections (transit, biking, walking) to housing developments.

81
82 5. The City will use a "but-for" approach (i.e., but-for the presence of the RHID
83 incentive the project could not proceed or could not address the City's housing goals) in
84 assessing the amount of RHID benefit granted to a housing development, maintaining
85 flexibility with respect to the amount of incremental taxes permitted to be captured and/or
86 the length of time an RHID will remain in place.

87
88 6. Housing developers seeking RHID assistance will need to be prepared to:
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- Bear the costs of effecting an RHID incentive (estimated at \$25,000 to \$50,000 per project plan). Cost may include, but are not limited to, updating the housing study, preparation of necessary resolutions, ordinances, publication notices, development agreement, and statutory feasibility findings. The City will first apply the nonrefundable application fee described below towards the costs. Once a better estimate of costs is obtained, the City may, at its sole discretion, require a deposit to cover outstanding costs. If an additional deposit is required in addition to the nonrefundable application fee, the City shall return any balance from this deposit upon the applicant’s withdrawal of the application or the conclusion of the approval processes.
 - Provide the contractual and financial feasibility guarantees contemplated in the RHID statute (see K.S.A. 12-5245(a)(6)).
 - Provide detailed information regarding the type, timing and implementation plan for the housing they propose to develop.
 - Provide all information to the City required to effect an RHID project plan, as contemplated by Kansas law.
 - Provide evidence in support of its need for RHID incentive under the but-for principle.

110 **SECTION TWO: PROCESS**

111

112 1. Creation of a District. The City intends to use the Housing Study, as updated

113 from time-to-time at the discretion of the City, to meet the statutory requirement (K.S.A.

114 12-5244) that the City conduct a “housing needs analysis” to determine that “housing

115 needs exist” in Topeka.

116

117 Either the City or a housing developer may initiate the district creation process by

118 delivering to the City Manager a District Application consisting of the following:

- 119
- 120 (a) A cover letter requesting the creation of a district, including a general
- 121 description of the housing development expected to occur within the district,
- 122 the names of the housing developer or developers expected to construct
- 123 such housing, the expected timing of such housing development, a narrative
- 124 describing how the district is likely to address the policy goals of the Housing
- 125 Study and discussion of how the use of RHID is consistent with the City’s
- 126 but-for principle.
- 127 (b) A legal description of the proposed district and a map depicting the existing
- 128 parcels of real estate in the proposed district.
- 129 (c) Evidence of site control or a detailed plan for which the developer intends
- 130 to secure site control.
- 131 (d) A certification that neither the developer entity nor any of its
- 132 shareholders/partners/members is delinquent on its property tax or special
- 133 assessment payments on any property it owns or controls in Shawnee
- 134 County.

- 135 (e) A certification that neither the developer entity nor any of its
136 shareholders/partners/members has any outstanding utility bills, zoning or
137 property maintenance, or other code cases pending with the city.
- 138 (f) A non-refundable application fee of \$5,000. If the Developer withdraws the
139 application, the City Governing Body elects not to create the District or does
140 not approve the Housing Plan, or Kansas Secretary of Commerce elects to
141 not approve the application, the City shall keep the application fee to
142 reimburse it for the costs of processing and reviewing the application. The
143 Developer shall not be entitled to any refund of the fee.
144

145 Within thirty (30) days of receipt of a complete District Application, the City Manager will
146 direct the preparation of a resolution for consideration by the Topeka Governing Body at
147 a regular meeting not later than sixty (60) days following the City Manager's receipt of a
148 complete District Application. The resolution shall include:

- 149
- 150 (a) The legal description and the map provided in the District Application; and
- 151 (b) The findings required in K.S.A. 12-5244(a)(1) through (a)(4).
- 152

153 If the resolution is adopted by the Topeka Governing Body, the City Manager or designee
154 will provide for publication of the adopted resolution as required in K.S.A. 12-5244(b) and
155 will request approval by the Kansas Secretary of Commerce in the manner provided in
156 K.S.A. 12-5244(c).

157

158 2. Creation of a Housing Development Plan. Once the Kansas Secretary of
159 Commerce has approved creation of a district, one or more housing developers may
160 petition the City Manager for the execution of a housing development plan within such
161 district. This petition will need to include all of the following:

- 162
- 163 (a) Narrative describing the overall development plan specifically addressing
164 how the plan meets the policy goals of the Housing Study.
- 165 (b) A legal description of the proposed project area if such project area is not
166 coterminous with the district boundaries.
- 167 (c) A map of the proposed project area if such project area is not coterminous
168 with the district boundaries.
- 169 (d) A table (Excel format preferred) listing (i) each parcel within the proposed
170 project area, listing the current Shawnee County assessed valuation of land
171 and improvements separately and (ii) the property owner's name and
172 address for each parcel.
- 173 (e) A narrative and a graphical description of the housing and public facilities
174 that the developer will construct or improve, and the location of each within
175 the project area.
- 176 (f) A narrative describing any improvements the developer expects the City to
177 make to support the planned project, including any on or off-site public
178 infrastructure and coordination with other public agencies, etc.

- 179 (g) A listing of the names, addresses and specific interests in real estate in the
180 project area of the housing developer(s) responsible for development of the
181 housing and public facilities in the project area.
182 For the purpose of this requirement, “housing developer(s)” means both the
183 name of the business entity or entities, and the natural persons comprising
184 the ownership of such entity or entities.
- 185 (h) A detailed total development cost budget for the housing and other
186 improvements to be constructed including an identification of costs for which
187 the developer will seek reimbursement from RHID proceeds.
- 188 (i) A narrative describing all public incentives sought in support of the planned
189 project (including those that might be provided by other government
190 agencies, foundations or non-profits), including identification of whether the
191 developer seeks potential bond financing related to the RHID.
- 192 (j) A detailed construction schedule, identifying any phasing of construction
193 anticipated.
- 194 (k) A detailed financial pro forma, showing the operation of the project over the
195 life of the RHID, including sufficient detail on assumptions so the City may
196 determine, among other things, the developer’s expectations for the number
197 and potential valuation of housing units to be constructed, the developer’s
198 expected private financing for the project (including debt, equity and other
199 sources), and sufficient other detail to permit the City to make the required
200 statutory finding as provided in K.S.A. 12-5245(a)(7).
- 201 (l) A detailed description of the contractual assurances the developer is willing
202 to make, including any financial guarantees it is willing to provide, to
203 “guarantee the financial feasibility” of the project, all as required by K.S.A.
204 12-5245(a)(6) (together, the “Housing Development Plan”), along with
205 commercially reasonable information evidencing developer’s financial and
206 operational capabilities to effect the proposed project as presented.

207
208 Unless there are extenuating circumstances, within fifteen (15) days of receipt of a
209 complete Housing Development Plan, the City Manager will direct the City’s Finance
210 Director, or other City Manager designee, to review the Housing Development Plan for
211 completeness (compared both to statutory requirements and the requirements of this
212 policy), to prepare a financial analysis of the developer’s proposal and to provide a written
213 report to the City in conformance with K.S.A. 12-5245(a)(7).

214
215 Also, within fifteen (15) days of receipt of the complete Housing Development Plan, the
216 Developer shall enter into a funding agreement with the City under which the developer(s)
217 will agree to pay the City sufficient moneys to cover the City’s costs in analyzing and
218 effecting the Housing Development Plan.

219
220 The City’s Finance Director may request additional information from the developer to
221 assist in its analysis and the developer may request to provide certain information directly
222 to the City’s Finance Director, particularly with respect to its financial capacity to perform.
223 The Finance Director may also consider: (a) the extraordinary or unique costs of the
224 housing development plan; (b) the developer’s (and its shareholders’/partners’/members’)

225 compliance with other City development agreements; (c) the creditworthiness of the
226 developer; and (d) the experience of the developer constructing, completing and
227 managing projects of a similar nature, scale and complexity. The City's Finance Director
228 will provide its written report in draft to the City Manager within thirty (30) days after receipt
229 of the Housing Development Plan and any supplemental information it requests of the
230 developer.

231
232 As authorized under the Kansas Open Records Act, the City will treat as confidential any
233 such sensitive financial information provided by the applicant or its guarantors to the City's
234 Finance Director, other city advisors or legal counsel, and will, if requested, enter on the
235 City's behalf into a non-disclosure agreement; provided, however, that such advisors or
236 legal counsel must have the right under such agreement to convey their conclusions
237 about the applicant's ability to meet the requirements above based upon its review.
238

239 Concurrently with the City Finance Director's work, the City Manager will coordinate with
240 City departments, as applicable, to identify any concerns with the City's ability to support
241 the proposed project, including, but not limited to, availability of utilities, the cost to
242 construct public infrastructure identified by the developer as the City's responsibility,
243 traffic considerations and the ability to provide public safety services to the project, etc.
244

245 3. RHID Review Team. Within fifteen (15) days of receipt of the City Finance
246 Director's draft analysis, the City Manager will convene a meeting of the RHID Review
247 Team to include: the Mayor, Deputy Mayor, affected district council member(s), City
248 Manager, Finance Director, Public Works Director, Utilities Director, Planning Director
249 and City Attorney. In the absence of one of the named members above, the City Manager
250 may designate alternative members to the RHID Review Team as appropriate. The RHID
251 Review Team will review the Housing Development Plan, the City Finance Director's draft
252 analysis and the City Manager's review of the City's ability to support the project, and may
253 call on the financial advisor, City bond counsel and other resources to assist in its
254 deliberations.
255

256 After reviewing the information presented, the RHID Review Team may (i) request the
257 City Manager to seek additional information or provide additional analysis; (ii) make a
258 recommendation to the Governing Body to establish the District and approve the plan
259 with or without conditions; or (iii) not approve the plan.
260

261 *Capitalization Rate Criteria*. The RHID Review Team may recommend a higher
262 capitalization rate (cap rate) than the standard cap rate for that type of development (i.e.
263 office or apartment) for projects that substantially meet one or more of the following
264 criteria:
265

266 (a) Downtown redevelopment: Projects located within Topeka's designated
267 central business district that contribute to the revitalization goals outlined in
268 current downtown development plans.

- 269 (b) Workforce housing: Projects that create housing units specifically
270 designated and priced for workforce households earning between 61% and
271 120% of the Area Median Income (AMI).
272
- 273 (c) Affordable housing: Projects that create housing for households below 60%
274 AMI
275
- 276 (d) Historically undeveloped areas: Projects developed on parcels that have
277 been vacant or undeveloped for at least 15 years and present unique
278 development challenges.
279
- 280 (e) Blighted areas: Projects in designated blighted areas as defined by K.S.A.
281 12-1770a that remediate deteriorated structures, infrastructure deficiencies,
282 or environmental concerns.
283
- 284 (f) Restrictive covenants: Projects that incorporate restrictive covenants
285 ensuring long-term affordability, restrict transfer of ownership, quality
286 standards, or other public benefits as approved by the City.
287

288 The RHID Review Team shall document how projects meet these criteria when
289 recommending the higher capitalization rate in their report to the Governing Body.
290

291 In the event the RHID Review Team requests the City Manager obtain additional
292 information from the developer, it will include a reasonable timeline for the completion of
293 such additional work and a schedule for its reconsideration. Upon reconsideration, the
294 RHID Review Team may take one of the actions identified above.
295

296 In the event the RHID Review Team makes a recommendation to not approve, the City
297 Manager will report on the action of the RHID Review Team at a future Governing Body
298 meeting.
299

300 In the event the RHID Review Team makes a recommendation of approval:

- 301 (a) The City Attorney, or appropriate designee, will prepare the resolution
302 contemplated in K.S.A. 12-5245(b), setting a date for a public hearing on
303 the creation of the district for inclusion on a regular City Governing Body
304 agenda within thirty (30) days of the action of the RHID Review Team.
305
- 306 (b) The City Attorney, or appropriate designee, will draft a development
307 agreement and enter into negotiations with the developer and its counsel
308 on the contents of such development agreement. The purpose of the
309 development agreement will be to translate into contract form the rights,
310 responsibilities and obligations of both the City and the developer in the
311 implementation of the housing development plan. The City Attorney may
312 involve the City's financial advisor, bond counsel and other resources in the
313 development and review of the development agreement.

- 314 (c) The City's Finance Director will finalize its analysis for inclusion in the
- 315 Governing Body agenda packet and will incorporate any provisions from the
- 316 development agreement that might affect its analysis.
- 317 (d) The City Manager will work with appropriate City departments to review
- 318 project budgets for any capital improvements required to effect the housing
- 319 development plan.
- 320 (e) The City Planning Director, or appropriate designee, will work with the
- 321 developer to effect any planning and zoning approvals required to effect the
- 322 housing development plan.

323

324 4. Governing Body Review and Approval. Once a housing development plan

325 is recommended for approval from the RHID Review Team, it will appear on the

326 Governing Body agenda as follows:

- 327
- 328 (a) A resolution setting a public hearing on the creation of the district, consistent
- 329 with the requirements of K.S.A. 12-5245(b), at least thirty (30) and not more
- 330 than seventy (70) days from the adoption date of this resolution.
- 331 (b) After this public hearing is held, at the same meeting or at a subsequent
- 332 meeting, the Governing Body may consider an ordinance creating the
- 333 district and adopting the housing development plan.
- 334 (c) At the meeting at which the Governing Body considers the ordinance
- 335 creating the district and adopting the housing development plan it will also
- 336 consider:
- 337 i. Approval of the fully-negotiated development agreement(s) with the
- 338 housing developer(s) for the project(s).
- 339 ii. Approval of any other City-provided incentives related to the
- 340 project(s).
- 341 iii. Approval of project budgets related to any City-financed
- 342 infrastructure related to the project(s) including the adoption or
- 343 amendment of the CIB/CIP, if necessary.
- 344 iv. Approval of any planning or zoning matters required to effect the
- 345 project(s).
- 346 (d) The effectiveness of all such related matters will be conditioned upon the
- 347 RHID district creation ordinance surviving the thirty (30) day veto period of
- 348 Shawnee County and any affected school district.

349

350 **SECTION THREE: INCENTIVE STRUCTURE**

351

352 1. Presumption of Pay-As-You-Go Incentives. The City will begin negotiations

353 with housing developers with the presumption that it will structure RHID incentives on a

354 pay-as-you-go basis.

355

356 2. Reimbursable Costs. The City will generally consider all statutorily-

357 permitted uses of RHID proceeds as reimbursable costs (see K.S.A. 12-5249); provided,

358 however, the City will generally not reimburse land acquisition costs from owners affiliated

359 with the housing developer unless the developer provides evidence of its actual

360 acquisition costs from a bona fide arms-length purchase from an unaffiliated owner or the
361 housing developer can provide satisfactory evidence to the City Manager that the land
362 acquisition was purchased at fair market value which may include the cost of reimbursing
363 delinquent special assessments or other delinquent taxes from an owner affiliated with
364 the housing developer and that the reimbursement of the acquisition costs satisfy the
365 public purpose doctrine.

366
367 3. Downtown. Buildings or structures must be more than twenty-five (25)
368 years old and used primarily for residential use located in the central business district or
369 in a business or commercial district within a qualified census tract as approved by the
370 Secretary of Commerce. Certification of the building/structure's age must be provided to
371 the Secretary of Commerce. Improvements are limited to the second or higher floors.
372 Improvements for commercial purposes are not eligible. K.S.A. 12-5249

373
374 4. Bonds. The City will generally not consider the issuance of special
375 obligation bonds. A housing developer may petition the City Manager in writing to issue
376 bonds secured by the proceeds of an RHID if:

- 377
378 (a) The project is complete, leased-up (multifamily)/substantially occupied
379 (single family) and stabilized (multifamily).
380 (b) Shawnee County has completed at least four (4) tax valuations of the
381 district.
382 (c) RHID-eligible costs exceed \$3 million.

383
384 Upon receiving a petition for bond issuance, the City Manager will engage the City's
385 financial advisor to assess the feasibility of bond issuance given the track record of the
386 project, the potential size of the financing and then-current market conditions. If the City's
387 financial advisor determines that a bond financing would be feasible and par offered
388 would be likely to exceed \$3 million, the financial advisor will report its findings to the City
389 Manager along with an estimate of the potential transaction costs to effect the financing.

390
391 If a bond financing would be feasible, upon receipt of the financial advisor's findings, the
392 City Manager will communicate the findings with the housing developer to determine
393 whether the housing developer desires to proceed. If the housing developer desires to
394 proceed, the City Manager will, within fifteen (15) days, convene the RHID Review Team
395 to evaluate the housing developer's petition for bond issuance and the financial advisor's
396 report.

397
398 After reviewing the information presented, the RHID Review Team may (i) request the
399 City Manager seek additional information or provide (or commission) additional analysis;
400 (ii) decline to advance the housing developer's petition for bond issuance; or (iii) direct
401 the City Finance Director to proceed with execution of a potential bond issuance.

402
403 Upon direction from the RHID Review Team to proceed, the Finance Director will
404 coordinate with the City's financial advisor and bond counsel to commence execution of
405 a bond financing. The financial advisor will advise on method of sale and will assist the

406 Finance Director in the selection of one or more underwriters for the financing. City bond
407 counsel will prepare a bond sale intent resolution, describing the intended sale and
408 authorizing appointment of the underwriter, directing staff and advisors/counsel to effect
409 the financing, and causing the preparation of customary bond and sale documents.

410
411 Within thirty (30) days of bond counsel's preparation of the bond sale intent resolution,
412 the City Manager will calendar the resolution for consideration by the Governing Body. If
413 the Governing Body adopts the bond sale intent resolution, the City will use its best efforts
414 to cause the issuance of the bonds.

415
416 5. No Issuance by Third Parties. The City will not consent to and will include
417 language in any development agreement prohibiting the issuance of bonds by any third-
418 party on behalf of the developer to be secured by an assignment of the developer's rights
419 under the development agreement. For the purposes of clarity, this language is not
420 intended to prevent or preclude developer's collateral assignment of the development
421 agreement to a bank to secure the developer's private financing of the project.

422
423 **SECTION FOUR: HOUSING DEVELOPER GUARANTEES**

424
425 1. Assurances Required. The City interprets K.S.A. 12-5245(a)(6) as requiring
426 that housing developers provide contractual assurances of their performance under a
427 development agreement related to an RHID project. The City will expect a housing
428 developer to offer one or more of the following contractual assurances of performance as
429 part of the development agreement. The City does not expect a developer to provide all
430 of these contractual assurances and will work with the developer on what is the most
431 appropriate assurance for a particular project:

- 432
433 (a) A firm commitment to construct and complete a substantial percentage of
434 the housing units and related infrastructure proposed in its Housing
435 Development Plan within a specified timeframe.
- 436 (b) A performance and payment bond sufficiently sized to cause completion of
437 a substantial percentage of the housing units and infrastructure proposed
438 in its Housing Development Plan.
- 439 (c) A bank letter of credit sufficiently sized to secure completion of a substantial
440 percentage of the housing units and infrastructure proposed in its Housing
441 Development Plan.
- 442 (d) Personal financial guarantees of one or more owners of the developer to
443 ensure completion of a substantial percentage of the housing units and
444 infrastructure proposed in its Housing Development Plan.
- 445 (e) Other contractual assurances that, in the sole determination of the City,
446 meet the intent of the statute.

447
448 **SECTION FIVE: CITY REMEDIES IN THE EVENT OF DEVELOPER DEFAULT**

449

450 Each development agreement will identify the conditions under which a developer may
451 cause a default under the agreement. The City may impose one or more of the following
452 remedies if a default occurs and is not cured timely:

- 453
- 454 (a) Reduction to or elimination of the amount of RHID proceeds that can be
455 used to reimburse eligible costs.
- 456 (b) Shortening of the expiration of the RHID incentive.
- 457 (c) Cross-default against other incentives granted by the City.
- 458 (d) Other penalties or claw backs unique to each development agreement.
- 459

460 NOW, THEREFORE BE IT FURTHER RESOLVED that Resolution Nos. 9627 is
461 hereby rescinded.

462 ADOPTED and APPROVED by the Governing Body on _____.

463 CITY OF TOPEKA, KANSAS

464
465
466
467
468 _____
469 Michael A. Padilla, Mayor

470 ATTEST:
471
472
473
474 _____
475 Brenda Younger, City Clerk

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez amending
4 City of Topeka's policy for Reinvestment Housing Incentive
5 Districts to add Capitalization Rate Criteria and rescinding
6 Resolution No. 9627.
7

8 WHEREAS, the City of Topeka, Kansas (the "City") recognizes that it is essential
9 to stimulate economic growth and development of new residential housing developments
10 in order to provide services, employment and tax revenues for the benefit of the
11 community; and
12

13 WHEREAS, the declared purpose of the Reinvestment Housing Incentive District
14 Act is to encourage the development and renovation of housing in areas of Kansas that
15 experience a shortage of housing by authorizing cities and counties to assist directly in
16 the financing of public improvements that will support such housing; and
17

18 WHEREAS, the Housing Study identified a need for approximately ~~720420~~ units
19 ~~annually per year over the next 5 years~~ to keep up with anticipated demand and another
20 ~~2,36700~~ units to catch up from past demand in order to have a balanced market with
21 lower housing cost burdens; and
22

23 WHEREAS, to meet these housing goals, the City recognizes the need to
24 occasionally assist in the redevelopment of property located within the City by the creation
25 of Reinvestment Housing Incentive Districts (RHID), an economic development tool
26 established by K.S.A. 12-5241 et seq. for the financing of qualified redevelopment
27 projects; and
28

29 WHEREAS, the City finds it in the best interest of the public it serves to establish
30 certain policies and guidelines for the consideration of proposals that may be presented
31 to the City by private developers requesting RHID assistance; and
32

33 WHEREAS, all prospective RHID projects must be carefully evaluated by the City
34 because the character of tax revenues generated by different developments can vary
35 widely, and in most cases, will impact other taxing jurisdictions in the Topeka community;
36 and
37

38 WHEREAS, the City desires to use RHID for projects that demonstrate the highest
39 public benefit and encourage an equitable distribution of projects citywide, including
40 downtown, in keeping with the documented demand for housing; and
41

42 WHEREAS, each RHID application submitted to the City will be evaluated on its
43 own merits, and an evaluation of the proposal will be performed by a RHID Committee
44 comprised of City staff and/or consultants; and
45

46 WHEREAS, all projects must demonstrate financial and economic reasons such
47 that but-for RHID assistance, the project could not proceed or could not address the City's
48 housing goals.

49
50 NOW THEREFORE, BE IT RESOLVED THAT THE REINVESTMENT HOUSING
51 INCENTIVE DISTRICT POLICY FOR THE CITY OF TOPEKA, KANSAS WILL BE AS
52 FOLLOWS:

53 **CITY OF TOPEKA**
54 **REINVESTMENT HOUSING INCENTIVE DISTRICT ("RHID") POLICY**

55
56 **SECTION ONE: PREFERENCES FOR PROJECTS**

57
58 1. The City will use RHID to address housing needs as described in its July
59 2020 Citywide Housing Market Study and Strategy document (the "Housing Study") as
60 amended from time to time as needed. The City will amend this policy from time to time
61 to adjust the targets below for progress to date or to address changing needs as identified
62 by updates to its Housing Study. The Housing Study identified a need for approximately
63 ~~720420~~ units per year over the next ~~205~~ years through 2040 to keep up with anticipated
64 demand and another ~~2,36700~~ units to catch up from past demand in order to have a
65 balanced market with lower housing cost burdens. The City's currently averages around
66 240 3-year average is almost 270 new residential units per year. Therefore, a target of up
67 to ~~4,4703,100~~ units by 2030 over a 5-year period is the substantiated need that is not
68 being met by the market thus necessitating additional incentives. This total is further
69 broken down by affordable, workforce, senior, market rate, and upscale units as
70 referenced in the Housing Needs Analysis completed as an update to the Housing Study.

71
72 2. The City will use RHID to encourage an equitable distribution of projects
73 citywide in keeping with the documented demand for 900 new units in downtown by 2030.

74
75 3. Per the Housing Study findings for greater housing choices, priority should
76 be given to those projects that diversify the City's inventory with more attached unit
77 typologies such as duplexes, townhomes, and multi-family projects.

78
79 4. The City will reserve a portion of projected RHID benefits to develop,
80 improve or replace public infrastructure supporting housing developments and to fund
81 multi-modal connections (transit, biking, walking) to housing developments.

82
83 5. The City will use a "but-for" approach (i.e., but-for the presence of the RHID
84 incentive the project could not proceed or could not address the City's housing goals) in
85 assessing the amount of RHID benefit granted to a housing development, maintaining
86 flexibility with respect to the amount of incremental taxes permitted to be captured and/or
87 the length of time an RHID will remain in place.

88
89 6. Housing developers seeking RHID assistance will need to be prepared to:
90

- 91 • Bear the costs of effecting an RHID incentive (estimated at \$25,000 to
- 92 \$50,000 per project plan). Cost may include, but are not limited to, updating
- 93 the housing study, preparation of necessary resolutions, ordinances,
- 94 publication notices, development agreement, and statutory feasibility
- 95 findings. The City will first apply the nonrefundable application fee described
- 96 below towards the costs. Once a better estimate of costs is obtained, the
- 97 City may, at its sole discretion, require a deposit to cover outstanding costs.
- 98 If an additional deposit is required in addition to the nonrefundable
- 99 application fee, the City shall return any balance from this deposit upon the
- 100 applicant’s withdrawal of the application or the conclusion of the approval
- 101 processes.
- 102 • Provide the contractual and financial feasibility guarantees contemplated in
- 103 the RHID statute (see K.S.A. 12-5245(a)(6)).
- 104 • Provide detailed information regarding the type, timing and implementation
- 105 plan for the housing they propose to develop.
- 106 • Provide all information to the City required to effect an RHID project plan,
- 107 as contemplated by Kansas law.
- 108 • Provide evidence in support of its need for RHID incentive under the but-for
- 109 principle.

110
 111 **SECTION TWO: PROCESS**

112
 113 1. Creation of a District. The City intends to use the Housing Study, as updated

114 from time-to-time at the discretion of the City, to meet the statutory requirement (K.S.A.

115 12-5244) that the City conduct a “housing needs analysis” to determine that “housing

116 needs exist” in Topeka.

117
 118 Either the City or a housing developer may initiate the district creation process by

119 delivering to the City Manager a District Application consisting of the following:

- 120
- 121 a) A cover letter requesting the creation of a district, including a general
- 122 description of the housing development expected to occur within the district,
- 123 the names of the housing developer or developers expected to construct
- 124 such housing, the expected timing of such housing development, a narrative
- 125 describing how the district is likely to address the policy goals of the Housing
- 126 Study and discussion of how the use of RHID is consistent with the City’s
- 127 but-for principle.
- 128 b) A legal description of the proposed district and a map depicting the existing
- 129 parcels of real estate in the proposed district.
- 130 c) Evidence of site control or a detailed plan for which the developer intends
- 131 to secure site control.
- 132 d) A certification that neither the developer entity nor any of its
- 133 shareholders/partners/members is delinquent on its property tax or special
- 134 assessment payments on any property it owns or controls in Shawnee
- 135 County.

- 136 e) A certification that neither the developer entity nor any of its
137 shareholders/partners/members has any outstanding utility bills, zoning or
138 property maintenance, or other code cases pending with the city.
139 f) A non-refundable application fee of \$5,000. If the Developer withdraws the
140 application, the City Governing Body elects not to create the District or does
141 not approve the Housing Plan, or Kansas Secretary of Commerce elects to
142 not approve the application, the City shall keep the application fee to
143 reimburse it for the costs of processing and reviewing the application. The
144 Developer shall not be entitled to any refund of the fee.
145

146 Within thirty (30) days of receipt of a complete District Application, the City Manager will
147 direct the preparation of a resolution for consideration by the Topeka Governing Body at
148 a regular meeting not later than sixty (60) days following the City Manager's receipt of a
149 complete District Application. The resolution shall include:

- 150
151 a) The legal description and the map provided in the District Application; and
152 b) The findings required in K.S.A. 12-5244(a)(1) through (a)(4).
153

154 If the resolution is adopted by the Topeka Governing Body, the City Manager or designee
155 will provide for publication of the adopted resolution as required in K.S.A. 12-5244(b) and
156 will request approval by the Kansas Secretary of Commerce in the manner provided in
157 K.S.A. 12-5244(c).
158

159 2. Creation of a Housing Development Plan. Once the Kansas Secretary of
160 Commerce has approved creation of a district, one or more housing developers may
161 petition the City Manager for the execution of a housing development plan within such
162 district. This petition will need to include all of the following:
163

- 164 (a) Narrative describing the overall development plan specifically addressing
165 how the plan meets the policy goals of the Housing Study.
166 (b) A legal description of the proposed project area if such project area is not
167 coterminous with the district boundaries.
168 (c) A map of the proposed project area if such project area is not coterminous
169 with the district boundaries.
170 (d) A table (Excel format preferred) listing (i) each parcel within the proposed
171 project area, listing the current Shawnee County assessed valuation of land
172 and improvements separately and (ii) the property owner's name and
173 address for each parcel.
174 (e) A narrative and a graphical description of the housing and public facilities
175 that the developer will construct or improve, and the location of each within
176 the project area.
177 (f) A narrative describing any improvements the developer expects the City to
178 make to support the planned project, including any on or off-site public
179 infrastructure and coordination with other public agencies, etc.

- 180 (g) A listing of the names, addresses and specific interests in real estate in the
181 project area of the housing developer(s) responsible for development of the
182 housing and public facilities in the project area.
183 For the purpose of this requirement, “housing developer(s)” means both the
184 name of the business entity or entities, and the natural persons comprising
185 the ownership of such entity or entities.
- 186 (h) A detailed total development cost budget for the housing and other
187 improvements to be constructed including an identification of costs for which
188 the developer will seek reimbursement from RHID proceeds.
- 189 (i) A narrative describing all public incentives sought in support of the planned
190 project (including those that might be provided by other government
191 agencies, foundations or non-profits), including identification of whether the
192 developer seeks potential bond financing related to the RHID.
- 193 (j) A detailed construction schedule, identifying any phasing of construction
194 anticipated.
- 195 (k) A detailed financial pro forma, showing the operation of the project over the
196 life of the RHID, including sufficient detail on assumptions so the City may
197 determine, among other things, the developer’s expectations for the number
198 and potential valuation of housing units to be constructed, the developer’s
199 expected private financing for the project (including debt, equity and other
200 sources), and sufficient other detail to permit the City to make the required
201 statutory finding as provided in K.S.A. 12-5245(a)(7).
- 202 (l) A detailed description of the contractual assurances the developer is willing
203 to make, including any financial guarantees it is willing to provide, to
204 “guarantee the financial feasibility” of the project, all as required by K.S.A.
205 12-5245(a)(6) (together, the “Housing Development Plan”), along with
206 commercially reasonable information evidencing developer’s financial and
207 operational capabilities to effect the proposed project as presented.
208

209 Unless there are extenuating circumstances, within fifteen (15) days of receipt of a
210 complete Housing Development Plan, the City Manager will direct the City’s Finance
211 Director, or other City Manager designee, to review the Housing Development Plan for
212 completeness (compared both to statutory requirements and the requirements of this
213 policy), to prepare a financial analysis of the developer’s proposal and to provide a written
214 report to the City in conformance with K.S.A. 12-5245(a)(7).
215

216 Also, within fifteen (15) days of receipt of the complete Housing Development Plan, the
217 Developer shall enter into a funding agreement with the City under which the developer(s)
218 will agree to pay the City sufficient moneys to cover the City’s costs in analyzing and
219 effecting the Housing Development Plan.
220

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222 assist in its analysis and the developer may request to provide certain information directly
223 to the City’s Finance Director, particularly with respect to its financial capacity to perform.
224 The Finance Director may also consider: (a) the extraordinary or unique costs of the
225 housing development plan; (b) the developer’s (and its shareholders’/partners’/members’)

226 compliance with other City development agreements; (c) the creditworthiness of the
227 developer; and (d) the experience of the developer constructing, completing and
228 managing projects of a similar nature, scale and complexity. The City's Finance Director
229 will provide its written report in draft to the City Manager within thirty (30) days after receipt
230 of the Housing Development Plan and any supplemental information it requests of the
231 developer.

232
233 As authorized under the Kansas Open Records Act, the City will treat as confidential any
234 such sensitive financial information provided by the applicant or its guarantors to the City's
235 Finance Director, other city advisors or legal counsel, and will, if requested, enter on the
236 City's behalf into a non-disclosure agreement; provided, however, that such advisors or
237 legal counsel must have the right under such agreement to convey their conclusions
238 about the applicant's ability to meet the requirements above based upon its review.

239
240 Concurrently with the City Finance Director's work, the City Manager will coordinate with
241 City departments, as applicable, to identify any concerns with the City's ability to support
242 the proposed project, including, but not limited to, availability of utilities, the cost to
243 construct public infrastructure identified by the developer as the City's responsibility,
244 traffic considerations and the ability to provide public safety services to the project, etc.

245
246 3. RHID Review Team. Within fifteen (15) days of receipt of the City Finance
247 Director's draft analysis, the City Manager will convene a meeting of the RHID Review
248 Team to include: the Mayor, Deputy Mayor, affected district council member(s), City
249 Manager, Finance Director, Public Works Director, Utilities Director, Planning Director
250 and City Attorney. In the absence of one of the named members above, the City Manager
251 may designate alternative members to the RHID Review Team as appropriate. The RHID
252 Review Team will review the Housing Development Plan, the City Finance Director's draft
253 analysis and the City Manager's review of the City's ability to support the project, and may
254 call on the financial advisor, City bond counsel and other resources to assist in its
255 deliberations.

256
257 After reviewing the information presented, the RHID Review Team may (i) request the
258 City Manager to seek additional information or provide additional analysis; (ii) make a
259 recommendation to the Governing Body to establish the District and approve the plan
260 with or without conditions; or (iii) not approve the plan.

261
262 Capitalization Rate Criteria. The RHID Review Team may recommend a higher
263 capitalization rate (cap rate) than the standard cap rate for that type of development (i.e.
264 office or apartment) for projects that substantially meet one or more of the following
265 criteria:

266
267 (a) Downtown redevelopment: Projects located within Topeka's designated
268 central business district that contribute to the revitalization goals outlined in
269 current downtown development plans.

270 (b) Workforce housing: Projects that create housing units specifically
271 designated and priced for workforce households earning between 61% and
272 120% of the Area Median Income (AMI).

273
274 (c) Affordable housing: Projects that create housing for households below 60%
275 AMI

276
277 (d) Historically undeveloped areas: Projects developed on parcels that have
278 been vacant or undeveloped for at least 15 years and present unique
279 development challenges.

280
281 (e) Blighted areas: Projects in designated blighted areas as defined by K.S.A.
282 12-1770a that remediate deteriorated structures, infrastructure deficiencies,
283 or environmental concerns.

284
285 (f) Restrictive covenants: Projects that incorporate restrictive covenants
286 ensuring long-term affordability, restrict transfer of ownership, quality
287 standards, or other public benefits as approved by the City.

288
289 The RHID Review Team shall document how projects meet these criteria when
290 recommending the higher capitalization rate in their report to the Governing Body.

291
292 In the event the RHID Review Team requests the City Manager obtain additional
293 information from the developer, it will include a reasonable timeline for the completion of
294 such additional work and a schedule for its reconsideration. Upon reconsideration, the
295 RHID Review Team may take one of the actions identified above.

296
297 In the event the RHID Review Team makes a recommendation to not approve, the City
298 Manager will report on the action of the RHID Review Team at a future Governing Body
299 meeting.

300
301 In the event the RHID Review Team makes a recommendation of approval:

302
303 (a) The City Attorney, or appropriate designee, will prepare the resolution
304 contemplated in K.S.A. 12-5245(b), setting a date for a public hearing on
305 the creation of the district for inclusion on a regular City Governing Body
306 agenda within thirty (30) days of the action of the RHID Review Team.

307 (b) The City Attorney, or appropriate designee, will draft a development
308 agreement and enter into negotiations with the developer and its counsel
309 on the contents of such development agreement. The purpose of the
310 development agreement will be to translate into contract form the rights,
311 responsibilities and obligations of both the City and the developer in the
312 implementation of the housing development plan. The City Attorney may
313 involve the City's financial advisor, bond counsel and other resources in the
314 development and review of the development agreement.

- 315 (c) The City's Finance Director will finalize its analysis for inclusion in the
316 Governing Body agenda packet and will incorporate any provisions from the
317 development agreement that might affect its analysis.
318 (d) The City Manager will work with appropriate City departments to review
319 project budgets for any capital improvements required to effect the housing
320 development plan.
321 (e) The City Planning Director, or appropriate designee, will work with the
322 developer to effect any planning and zoning approvals required to effect the
323 housing development plan.
324

325 4. Governing Body Review and Approval. Once a housing development plan
326 is recommended for approval from the RHID Review Team, it will appear on the
327 Governing Body agenda as follows:
328

- 329 (a) A resolution setting a public hearing on the creation of the district, consistent
330 with the requirements of K.S.A. 12-5245(b), at least thirty (30) and not more
331 than seventy (70) days from the adoption date of this resolution.
332 (b) After this public hearing is held, at the same meeting or at a subsequent
333 meeting, the Governing Body may consider an ordinance creating the
334 district and adopting the housing development plan.
335 (c) At the meeting at which the Governing Body considers the ordinance
336 creating the district and adopting the housing development plan it will also
337 consider:
338 i. Approval of the fully-negotiated development agreement(s) with the
339 housing developer(s) for the project(s).
340 ii. Approval of any other City-provided incentives related to the
341 project(s).
342 iii. Approval of project budgets related to any City-financed
343 infrastructure related to the project(s) including the adoption or
344 amendment of the CIB/CIP, if necessary.
345 iv. Approval of any planning or zoning matters required to effect the
346 project(s).
347 (d) The effectiveness of all such related matters will be conditioned upon the
348 RHID district creation ordinance surviving the thirty (30) day veto period of
349 Shawnee County and any affected school district.
350

351 **SECTION THREE: INCENTIVE STRUCTURE**

352

353 1. Presumption of Pay-As-You-Go Incentives. The City will begin negotiations
354 with housing developers with the presumption that it will structure RHID incentives on a
355 pay-as-you-go basis.
356

357 2. Reimbursable Costs. The City will generally consider all statutorily-
358 permitted uses of RHID proceeds as reimbursable costs (see K.S.A. 12-5249); provided,
359 however, the City will generally not reimburse land acquisition costs from owners affiliated
360 with the housing developer unless the developer provides evidence of its actual

361 acquisition costs from a bona fide arms-length purchase from an unaffiliated owner or the
362 housing developer can provide satisfactory evidence to the City Manager that the land
363 acquisition was purchased at fair market value which may include the cost of reimbursing
364 delinquent special assessments or other delinquent taxes from an owner affiliated with
365 the housing developer and that the reimbursement of the acquisition costs satisfy the
366 public purpose doctrine.

367
368 3. Downtown. Buildings or structures must be more than twenty-five (25)
369 years old and used primarily for residential use located in the central business district or
370 in a business or commercial district within a qualified census tract as approved by the
371 Secretary of Commerce. Certification of the building/structure's age must be provided to
372 the Secretary of Commerce. Improvements are limited to the second or higher floors.
373 Improvements for commercial purposes are not eligible. K.S.A. 12-5249

374
375 4. Bonds. The City will generally not consider the issuance of special
376 obligation bonds. A housing developer may petition the City Manager in writing to issue
377 bonds secured by the proceeds of an RHID if:

- 378
379 (a) The project is complete, leased-up (multifamily)/substantially occupied
380 (single family) and stabilized (multifamily).
381 (b) Shawnee County has completed at least four (4) tax valuations of the
382 district.
383 (c) RHID-eligible costs exceed \$3 million.

384
385 Upon receiving a petition for bond issuance, the City Manager will engage the City's
386 financial advisor to assess the feasibility of bond issuance given the track record of the
387 project, the potential size of the financing and then-current market conditions. If the City's
388 financial advisor determines that a bond financing would be feasible and par offered
389 would be likely to exceed \$3 million, the financial advisor will report its findings to the City
390 Manager along with an estimate of the potential transaction costs to effect the financing.

391
392 If a bond financing would be feasible, upon receipt of the financial advisor's findings, the
393 City Manager will communicate the findings with the housing developer to determine
394 whether the housing developer desires to proceed. If the housing developer desires to
395 proceed, the City Manager will, within fifteen (15) days, convene the RHID Review Team
396 to evaluate the housing developer's petition for bond issuance and the financial advisor's
397 report.

398
399 After reviewing the information presented, the RHID Review Team may (i) request the
400 City Manager seek additional information or provide (or commission) additional analysis;
401 (ii) decline to advance the housing developer's petition for bond issuance; or (iii) direct
402 the City Finance Director to proceed with execution of a potential bond issuance.

403
404 Upon direction from the RHID Review Team to proceed, the Finance Director will
405 coordinate with the City's financial advisor and bond counsel to commence execution of
406 a bond financing. The financial advisor will advise on method of sale and will assist the

407 Finance Director in the selection of one or more underwriters for the financing. City bond
408 counsel will prepare a bond sale intent resolution, describing the intended sale and
409 authorizing appointment of the underwriter, directing staff and advisors/counsel to effect
410 the financing, and causing the preparation of customary bond and sale documents.

411
412 Within thirty (30) days of bond counsel's preparation of the bond sale intent resolution,
413 the City Manager will calendar the resolution for consideration by the Governing Body. If
414 the Governing Body adopts the bond sale intent resolution, the City will use its best efforts
415 to cause the issuance of the bonds.

416
417 5. No Issuance by Third Parties. The City will not consent to and will include
418 language in any development agreement prohibiting the issuance of bonds by any third-
419 party on behalf of the developer to be secured by an assignment of the developer's rights
420 under the development agreement. For the purposes of clarity, this language is not
421 intended to prevent or preclude developer's collateral assignment of the development
422 agreement to a bank to secure the developer's private financing of the project.

423
424 **SECTION FOUR: HOUSING DEVELOPER GUARANTEES**

425
426 1. Assurances Required. The City interprets K.S.A. 12-5245(a)(6) as requiring
427 that housing developers provide contractual assurances of their performance under a
428 development agreement related to an RHID project. The City will expect a housing
429 developer to offer one or more of the following contractual assurances of performance as
430 part of the development agreement. The City does not expect a developer to provide all
431 of these contractual assurances and will work with the developer on what is the most
432 appropriate assurance for a particular project:

- 433
434 (a) A firm commitment to construct and complete a substantial percentage of
435 the housing units and related infrastructure proposed in its Housing
436 Development Plan within a specified timeframe.
- 437 (b) A performance and payment bond sufficiently sized to cause completion of
438 a substantial percentage of the housing units and infrastructure proposed
439 in its Housing Development Plan.
- 440 (c) A bank letter of credit sufficiently sized to secure completion of a substantial
441 percentage of the housing units and infrastructure proposed in its Housing
442 Development Plan.
- 443 (d) Personal financial guarantees of one or more owners of the developer to
444 ensure completion of a substantial percentage of the housing units and
445 infrastructure proposed in its Housing Development Plan.
- 446 (e) Other contractual assurances that, in the sole determination of the City,
447 meet the intent of the statute.
- 448

449 **SECTION FIVE: CITY REMEDIES IN THE EVENT OF DEVELOPER DEFAULT**

450

451 Each development agreement will identify the conditions under which a developer may
452 cause a default under the agreement. The City may impose one or more of the following
453 remedies if a default occurs and is not cured timely:

- 454
- 455 (a) Reduction to or elimination of the amount of RHID proceeds that can be
456 used to reimburse eligible costs.
- 457 (b) Shortening of the expiration of the RHID incentive.
- 458 (c) Cross-default against other incentives granted by the City.
- 459 (d) Other penalties or claw backs unique to each development agreement.
- 460

461 NOW, THEREFORE BE IT FURTHER RESOLVED that Resolution Nos. 9627 is
462 hereby rescinded.

463 ADOPTED and APPROVED by the Governing Body on _____.

464 CITY OF TOPEKA, KANSAS

465

466

467

468

469 _____
Michael A. Padilla, Mayor

470

471 ATTEST:

472

473

474

475 _____
476 Brenda Younger, City Clerk



**City of Topeka
Policy &
Finance
Committee**

620 SE Madison St.
Topeka, Kansas 66603
www.topeka.org

DATE: July 8, 2025
CONTACT PERSON: Michelle Hoferer
SUBJECT: Rooster Ownership
PROJECT #:

DOCUMENT DESCRIPTION:

Discussion on consideration of limits of rooster ownership.

ATTACHMENTS:



**City of Topeka
Policy &
Finance
Committee**

620 SE Madison St.
Topeka, Kansas 66603
www.topeka.org

DATE: July 8, 2025

CONTACT PERSON:

SUBJECT: Citizen Government Review Committee Recommendations

PROJECT #:

DOCUMENT DESCRIPTION:

Discussion on the Citizen Government Review Committee Recommendations.

ATTACHMENTS:



**City of Topeka
Policy &
Finance
Committee**

620 SE Madison St.
Topeka, Kansas 66603
www.topeka.org

DATE: July 8, 2025

CONTACT PERSON:

SUBJECT: Anti-Discrimination Policies

PROJECT #:

DOCUMENT DESCRIPTION:

Discussion on the Anti-discrimination policies.

ATTACHMENTS: