

SENATE BILL No. 328

By Senator Haley

1-5

9 AN ACT amending the Kansas act against discrimination; concerning
10 certain homeowners association's restrictive covenants.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) No declaration or other governing document of a hom-
14 eowners association shall include a restrictive covenant in violation of
15 K.S.A. 44-1016, and amendments thereto.

16 (b) Notwithstanding any other provision of law or provision of the
17 governing documents, the board of directors of a homeowners association
18 shall amend, without approval of the owners, any declaration or other
19 governing document that includes a restrictive covenant in violation of
20 K.S.A. 44-1016, and amendments thereto, and shall restate the declara-
21 tion or other governing document without the restrictive covenant but
22 with no other change to the declaration or governing document.

23 (c) If after providing written notice to a homeowners association re-
24 questing that the association delete a restrictive covenant in violation of
25 K.S.A. 44-1016, and amendments thereto, and the association fails to
26 delete the restrictive covenant within 30 days of receiving the notice, the
27 Kansas human rights commission, a city or county in which a common
28 interest development is located, or any person may bring an action against
29 the homeowners association for injunctive relief to enforce the provisions
30 of subsections (a) and (b). The court may award attorney fees to the
31 prevailing party.

32 (d) The provisions of this section shall be supplemental to and a part
33 of the Kansas act against discrimination.

34 Sec. 2. This act shall take effect and be in force from and after its
35 publication in the statute book.