

Approved A.W. Douville 3-28-89  
Date

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Arthur Douville at  
Chairperson

9:10 a.m./~~pm~~ on March 15, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Gomez - Excused                      Representative O'Neal - Excused  
Representative Hensley - Excused  
Representative Holmes - Excused

Committee staff present:

Jerry Donaldson - Legislative Research Department  
Kay Johnson - Committee Secretary

Conferees appearing before the committee:

Yo Bestgen - Kansas Association of Rehabilitation Facilities  
Ruth Shechter - Executive Director, Greater Kansas City Housing Information Center  
Ann Heberger - President, Kansas League of Women Voters  
Michael Lechner - Department of Human Resources  
Brandon Myers - Kansas Commission on Civil Rights

Chairman Douville called the meeting to order at 9:10 a.m. Hearings continued on HB 2083 and HB 2084.

HB 2083 - prohibiting discrimination based on mental handicap.

HB 2084 - prohibiting discrimination in housing based on handicap or familial status.

Yo Bestgen - Kansas Association of Rehabilitation Facilities, testified in support of HB 2083. The national trend is to integrate people with disabilities into the mainstream of society and this bill will help reduce barriers to employment. She also summarized "The ICD Survey II: Employing Disabled Americans" which emphasizes the reliability of disabled workers and business' response to the cost of employing and accommodating people with disabilities, attachment #1.

Ruth Shechter - Executive Director, Greater Kansas City Housing Information Center and a member of the Kansas Advisory Council on Civil Rights, testified in support of HB 2084. She stated the bill is a simple one, providing for the Kansas Act Against Discrimination to be consistent with the federal law which took effect on March 12, 1989. Adding families with children was long overdue. For the past 3 years the Housing Information Center has conducted a survey which shows that denial of housing does exist toward families with children, attachment #2.

Representative Patrick asked if this law is passed, and a person rents to a family with children, can a higher rent be charged? Mrs. Shechter responded that under federal law, no. You can perhaps ask for an additional damage deposit. Representative Patrick asked if the scope of the proposed Kansas law is broader than the federal law. Mrs. Shechter stated it is consistent with the federal law, but would not have the same penalties.

Ann Heberger - President, Kansas League of Women Voters, testified in support of HB 2084. The League of Women Voters believes that no person or group should suffer legal, economic or administrative discrimination. This bill calls for the state to be in compliance with the federal law, attachment #3.

Chairman Douville asked about the term "reasonable accommodation" What, specifically, will a homeowner or employer have to do? Brandon Myers, Kansas Commission on Civil Rights, said Michael Lechner's testimony can answer that question.

Michael Lechner - Department of Human Resources. Accommodations are made for everyone. What they do is increase effectiveness and conserve resources. For example, using a microphone today makes it easier to hear a person

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Labor and Industry,  
room 526-S, Statehouse, at 9:10 a.m./<sup>XX</sup>p.m. on March 15, 1989.

speaking. Accommodations, as required under HB 2084, are anything a tenant would need to live in a house comfortably. The federal law says tenants can make them at their own expense, and then return them to their former condition when they vacate the premises. The cost is born by the tenant.

Chairman Douville stated that is not true with respect to new buildings. Mr. Lechner responded that new construction is already covered by another set of Kansas laws.

Mr. Lechner continued, saying that accommodation, in regard to employment, is individual and tailored and is anything to help an employee perform the job more efficiently. For example, air conditioning and microphones. The cost can be offset by the Kansas tax credit. Cost is not proven to be a factor. Studies have shown that 50% of all accommodations cost nothing and 30% cost less than \$500.00. Accommodation can be as simple as raising a work surface with bricks; things that are common sense and reasonable. The problem is that the law currently excuses employers from making any accommodations. Technical assistance on accommodation is provided by the Department of Human Resources and the Mobile Rehabilitation Engineering Unit.

Chairman Douville asked how HB 2083 compares with the federal law. Mr. Lechner responded that the definitional language is in compliance with the federal law. The flaw in the current law is that it only protects the handicapped. But, there is a difference between disabled and handicapped. For example, a person in a wheelchair will always be disabled. But, if the job requirement is not affected by that disability, then the person is not handicapped. Chairman Douville said he was advised that the federal law is different than that proposed in HB 2083. Mr. Lechner responded the reasonable accommodation mandate is different in so far as reasonable accommodation is required by the federal government in their regulations and in Kansas it would be required by law.

Brandon Myers - Kansas Commission on Civil Rights. Mr. Myers testified in support of HB 2083 and HB 2084, attachment #4. In response to a question by Chairman Douville, Mr. Myers said the definition of reasonable accommodation in HB 2083 is the same as the federal law. Mr. Myers said the basic problems with the Kansas Act Against Discrimination are 1) current definition of handicap only addresses physical handicaps - it excludes mental impairment, 2) definition of physical handicap - first you must prove a person has a substantial disability and 3) there is no statement of reasonable accommodation. Mr. Myers said the real question is: "is the problem job related?". HB 2084 is written as precisely as possible with the federal Fair Housing Act.

Chairman Douville asked if HB 2083 is not passed, doesn't every individual have a right under the federal law. Yes, responded Mr. Myers. If the law is passed, then an individual would have two options, as you can file with various agencies at any level, but only one resolution.

Additional written testimony was submitted by Carol Renzulli, Lawrence Coalition for Citizens with Disabilities, attachment #5; Pat Weichman, Apartment Council of Topeka, attachment #6; Robert Mikesic, Residential Services Specialist, Independence, Inc., attachment #7; Cecil Eyestone, Kansas Alliance For The Mentally Ill, attachment #8; Glen White, Director of Training, Research and Training Center on Independent Living at KU, attachment #9.

The meeting adjourned at 9:57 a.m. The next meeting of the committee is scheduled for Thursday, March 16, 1989 at 9:00 a.m. in room 526-S.





# Kansas Association of Rehabilitation Facilities

Jayhawk Tower • 700 Jackson • Suite 802  
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TO: House Labor and Industry Committee  
Rep. Authur Douville, Chairman

FROM: Kansas Association of Rehabilitation Facilities

RE: HB 2083; amending the Kansas act against  
discrimination; relating to discrimination because of handicap

DATE: March 14, 1989

The Kansas Association of Rehabilitation Facilities is a state-wide Association representing not for profit community-based rehabilitation facilities. These facilities serve over 5000 (average daily attendance) children and adults with mental retardation and developmental disabilities across Kansas. The programs and services offered by these community programs include: vocational/employment; day activity; community living, children's services and support programs. The mission of these rehabilitation programs/services is to provide opportunities for people with disabilities to gain maximum independence, according to their abilities, in a community setting.

The Kansas Association of Rehabilitation Facilities requests your support of HB 2083 which amends the Kansas act against discrimination. This bill would extend the rights and privileges to persons with disabilities now afforded other Kansas citizens.

The national trend is to integrate people with disabilities into the mainstream of society. No longer is it regarded as sufficient to "keep" and "care" for people with disabilities. Those individuals have voiced loudly their desire to live and work in their home communities alongside friends and family. It is with a bill such as HB 2083 that the Kansas legislature can reduce the barriers and open the door of opportunity for this viable group of citizens.

The Federal government through the Office of Special Education and Rehabilitation Services (OSERS) and under the direction of Madeline Will, has pressed hard for the development of supported employment in community work settings. Supported employment is designed to provide employment for more severely disabled individuals. Community programs have been expanding their services to establish supported employment sites. Many of these have been initiated with federal funding through the Supported Employment in Kansas (SEIK) project. This SEIK project is administered by the Kansas Rehabilitation Services division of SRS. It can boast of placing persons with disabilities into competitive employment, making real wages on a real job. Many of these individuals were thought to be unemployable and today they are tax payers.

HOUSE LABOR AND INDUSTRY  
Attachment #1  
03-15-89

Today the Kansas Association of Rehabilitation Facilities is celebrating a Day at the Capitol. On the first floor rotunda area of the state capitol are displays of many of the facilities and the services they offer. Included in those displays are samples of products produced by people with disabilities. What is more difficult to put on display are the jobs held by people in their home communities. I would invite you to stop by the KARF display and view the short (6 minutes) video showing people with disabilities in a variety of work settings across Kansas. There are many work sites across the state, some shown on the tape include jobs with Hypermart USA, Presbyterian Manor, Paradise Cafe in Lawrence, M-C Industries, Quaker Oats, Tony's Pizza and a woman with a disability who owns her own business at the Town West Mall in Wichita. The question is not whether people with disabilities can be employed, it's whether or not the barriers to employment can be reduced. I will leave with the Chairman a copy of the tape for the committee to view at their leisure.

In 1987, Louis Harris and Associates, Inc. of New York published the results of a nationwide survey entitled, "The ICD Survey II: Employing Disabled Americans". Harris surveyed 920 employers across of the nation for the ICD-International Center for the Disabled. I have attached a summary of the survey highlights for your review.

I would like to point out a few of the summary statements emphasizing the reliability of the workers and the business's response to the cost of employing and accommodating people with disabilities.

KARF would ask your strong support for HB 2083. It is past time for the discussion about whether or not anyone, including people with disabilities, should be discriminated against. It is time to reduce the barriers and provide an equal opportunity for those citizens to participate in today's workforce.

Thank you for your consideration.

THE ICD SURVEY II:  
EMPLOYING DISABLED AMERICANS

A Nationwide Survey of 920 Employers

Conducted for  
ICD-International Center for the Disabled  
New York, New York

In Cooperation With  
National Council on the Handicapped  
and  
The President's Committee on Employment  
of the Handicapped

March 1987

Harris Survey Directors

Humphrey Taylor, President

Michael R. Kagay, Ph.D.,  
Vice President

Stuart Leichenko,  
Research Associate

ICD Survey Staff

John B. Wingate  
Executive Director

Nina M. Hill, Ph.D.  
Survey Director

Thomas G. Mehnert,  
Assistant Survey Director

Mary E. Boyd  
Research Analyst

Sanders W. Davis, M.D.,  
Medical Director

LOUIS HARRIS AND ASSOCIATES, INC.  
New York, New York

## SURVEY HIGHLIGHTS

This summary provides an overview of the survey findings. Many findings described in the chapters of the report do not appear in this summary. Readers are urged to read the chapters in order to understand the full findings of the survey.

### Employers' Experiences With Disabled Employees

1. Overwhelming majorities of managers give disabled employees a good or excellent rating on their overall job performance. Only one in twenty managers say that disabled employees' job performance is only fair, and virtually no one says that they do poor work.

Twenty-four percent of top managers give disabled employees an excellent performance rating, 64% rate their job performance as good, 5% call it only fair, and 1% call it poor.

Twenty-percent of equal employment opportunity (EEO) officers say that disabled employees do an excellent job, 71% say that they do a good job, 4% say only fair, and none rate their job performance as poor.

Twenty-seven percent of department heads and line managers give disabled employees an excellent rating, 64% rate their job performance as good, 3% call it only fair, and none said that disabled employees do a poor job.

2. Nearly all disabled employees do their jobs as well or better than other employees in similar jobs.

The great majority of managers say that disabled employees work as hard or harder than non-disabled employees, and are as reliable and punctual or more so. They produce as well or better than non-disabled employees, and

demonstrate average or better than average leadership ability. They are also ambitious. In other words, disabled employees are an asset to any employer.

Line managers' comparisons between disabled and non-disabled employees are indicative of the total responses:

- On willingness to work hard: 46% of line managers rate disabled employees as better than non-disabled employees, and 33% rate them about the same.
- On reliability: 39% rate disabled employees as better than non-disabled employees, and 42% rate them about the same.
- On attendance and punctuality: 39% rate disabled employees as better than non-disabled employees, and 40% rate them about the same.
- On productivity: 20% rate disabled employees as better, and 57% rate them about the same as non-disabled employees.
- On desire for promotion: 23% rate disabled employees as better, and 55% rate them about the same as non-disabled employees.
- On leadership ability: 10% rate disabled employees as better, and 62% rate them about the same as non-disabled employees.

3. Eight out of ten department heads and line managers feel that disabled employees are no harder to supervise than non-disabled employees. Eighty-four percent of line managers who have supervised disabled employees, and 80% of those who have not, feel this way.

4. The majority of managers (60% of top managers and 61% of E.E.O. officers) report that their companies can provide in-house training for disabled employees.



## The Cost of Employing and Accommodating Disabled People

1. Cost should not be a barrier to increased employment of disabled people. A three-fourths majority of all three manager groups say that the average cost of employing a disabled person is about the same as the cost of employing a non-disabled person.

Eighty-one percent of top managers, 79% of EEO officers, and 75% of department heads and line managers say that it costs about the same amount to employ either a disabled or non-disabled person. Only 13% to 17% of these managers consider it more expensive to employ a disabled person.

2. Large majorities of managers also say that making accommodations for disabled employees is not expensive. The cost of accommodations rarely drives the cost of employment above the average range of costs for all employees.

3. About half of EEO officers (48%) say that their company has made accommodations for disabled employees. The most common accommodations are the removal of architectural barriers in the workplace, the purchase of special equipment for disabled employees, and adjusting work hours or restructuring jobs for disabled employees.

A recent federal study emphasized that accommodations, when needed, are a crucial step toward the full integration of disabled employees into the workforce.

Most managers whose companies have not made accommodations say that they were not needed. However, the survey did not determine the extent to which accommodations were actually needed. Nevertheless, it seems likely that many managers could benefit from further education about the excellent performance record achieved by disabled employees, the generally low cost of accommodations, and their effectiveness in helping people do their jobs well.

### **Recent Hiring of Disabled People**

1. Strong performance evaluations and an absence of cost barriers have not translated into widespread hiring of disabled employees. Only 43% of EEO officers say that their company has hired a disabled employee in the past year. This number does not take account of the hiring of people with "invisible disabilities" or those who do not self-identify as disabled.

2. Large companies are much more likely to hire disabled employees than are smaller companies. Fifty-two percent of companies with at least 10,000 employees have hired disabled people in the past year. That percentage drops to 27% for companies with 50-999 employees, and 16% for companies with 10-49 employees. These differences reflect, at least in part, the obvious fact that large employers hire more people of all kinds. The survey does not provide information on whether the proportion of disabled employees hired is greater among large, medium-sized or small companies.

3. Companies that have federal contracts are also more likely to hire disabled people than are companies without federal contracts. Federal law requires companies that have federal contracts in excess of \$2,500 to provide equal employment opportunities to disabled people.

### **Barriers to Increased Hiring of Disabled People**

1. Companies that have not hired disabled people in the past three years say that a lack of qualified applicants is the most important reason. Sixty-six percent of managers say that a lack of qualified applicants is an important reason why they have not hired disabled people.

The message in this finding is clear: increase the pool of qualified disabled people through education and appropriate training efforts. A new generation of disabled people are now being educated under the auspices of the 1975 Education for All Handicapped Children Act. These young people must also receive the training necessary to enter the profession of their choice.

Millions of unemployed disabled people who finished their education before 1975 also need to acquire additional job skills. The 1985 ICD Survey of Disabled Americans showed that only one-third of working-age disabled people are employed either full-time or part-time, even though a two-thirds majority of unemployed disabled persons want to work. The evidence suggests many employers could acquire valuable employees and help more disabled people to become productive members of society.

2. A second key barrier is that few companies have established a policy or program for the hiring of disabled employees. Only 37% of managers say that their company has such a policy or program, and these are mostly large companies.

Employment of disabled people would increase dramatically if many more companies established these policies. Sixty-seven percent of companies that have such a hiring policy have hired disabled employees in the past year, compared to only 42% of companies that do not have a policy. The active dissemination of these employment policies raises the consciousness of managers, and increases the likelihood that they will try harder to employ disabled people. Many companies could clearly do much more in this area.

3. Top managers can play a vital role in raising the consciousness of middle managers about employing disabled people, and ensuring that hiring policies are followed. In companies that have such a policy, 88% of top managers say that they play an active role in disseminating the policy.

4. But managers generally display a low level of consciousness toward disabled people as a group, which is another barrier to their increased employment. The consciousness of all managers -- top, middle, and line supervisors -- toward disabled people needs to be raised. Many managers are not aware that unemployed disabled people want to work, and are capable of becoming loyal, productive employees.

For example, only one in ten top managers display a strongly optimistic attitude toward disabled people as a potential source of employees. Both minority groups and elderly people are more likely to be considered an excellent source of employees by top managers, than are disabled people.

5. Job discrimination remains one of the most persistent barriers to increased employment of disabled people. A three-fourths majority of managers feel that disabled people often encounter discrimination from employers.

This finding supports the anecdotal evidence of job discrimination that disability advocates and journalists have gathered for years. Until discrimination from employers is eliminated, large numbers of unemployed disabled people may never join the working mainstream of American life.

6. The majority of managers say that their companies can provide in-house training for disabled employees. Sixty percent of top managers and 61% of EEO officers say their companies can do this. Among small businesses, however, only 46% of managers say they can provide in-house training. The main reasons why employers cannot provide in-house training are the lack of special training for managers, the lack of special equipment and architectural barriers.

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Member, Kansas Advisory Council on Civil Rights  
Executive Director, Greater Kansas City Housing Information Center

March 15, 1989

Mr. Chairman, ladies and gentlemen of the committee, I want to thank you for the opportunity to speak to you and with you about the amendments proposed in H.B. 2084, adding families with children (familial Status) and handicapped to the Kansas Act Against Discrimination. I will speak only to the section on housing,

The bill is a relatively simple one, merely providing for the Kansas Act Against Discrimination to be consistent with the federal law which took effect on March 12, 1989. Adding families with children to the protected classes has been a long time coming - those of us working in the field of equal opportunity have known all along that discrimination against children causes havoc with many families, as denial of decent, adequate shelter sends a not so subtle message that families are not acceptable in a society which publicly places great store on so-called 'traditional family values', but at the same time, . denies the family their right to shelter. This is an awful contradiction, and the message is not lost on those so denied and discriminated against.

If you have any question that such discrimination did in fact occur, I call to your attention a simple survey conducted by my office - the Housing Information Center - each summer for the past three years, to determine for our own information if in fact such denials were occurring. We called advertisers weekly, and then followed those calls with another to verify information, limiting our calls to the rental market, asking if children would be accepted. In each of the three years we found that as much as 67% of the rental market did indeed deny the families access to housing. The survey covered the metropolitan area of Kansas City, including Johnson and Wyandotte counties in Kansas and Jackson, Clay and Platte counties in Missouri. Studio apartments were not included, and questions were tailored to family and apartment or house size, from one-bedroom apartments all the way up to four-bedroom single family houses, and some advertising fenced yards, which would certainly be adaptable to families with children. Some landlords or owners would accept children, but with limitations such as

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page 2 - March 15, 1989

first floor, section of a building, age of the child or children, such as under 5, or no teen-agers, or only up to a particular age, often 16 years of age being the limit. Pets we found, were more often acceptable. Percentages varied somewhat from 52% to 67% of the market, but the numbers were consistently high enough to prove without a doubt that discrimination was in fact occurring throughout the private rental market.

These denials send strong messages that can and do result in subconscious hostilities and anger expressed later on in life in anti-social behavior which is costly to our society, and, producing a low self esteem in a highly competitive society which demands a strong sense of self-confidence to deal with the many pressures with which we must cope daily.

And, the impact is greatest on the single parent, female-headed household, more often than not less well-paid, with limited choices. Thus, a large segment of our population is relegated to often sub-standard and overcrowded housing conditions. This of course, denies equal opportunity, which is contrary to the laws of Kansas and of the United States.

If Kansas law is not consistent with federal law, we lose our ability to contract with the U.S. Dept. of Housing and Urban Development for deferral agreements, which are paid for by the Dept. of HUD. While the amount is not significant in terms of the total Kansas Commission on Civil Rights budget, what is significant is that the much stronger federal law, which now provides for criminal penalties and substantial damages - starting at \$10,000 for a first offense - will prevail. Then local respondents could be subject to two investigations, as complaints can be filed with both the State and Federal enforcement agencies. It has always been more effective to have local control, local enforcement, local negotiation to resolve complaints. Further, the history of the Kansas Commission on Civil Rights is one of handling complaints with dispatch and efficiency, and we certainly want to continue this practice.

If I may be so familiar with you, Mr. Chairman, I recall with pleasure the years we served together on the Board of Directors of the

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page 3 - March 15, 1989

Shawnee Mission Fair Housing Council in the days when we were working toward a law guaranteeing equal opportunity in housing. This amendment to the Kansas Act Against Discrimination is merely an extension of that law, and I expect that you will give it your full support as you did almost 20 years ago. Thank you for your time and consideration. I urge you to adopt H.B. 2084, to keep Kansas current, maintaining its nation-wide reputation for fair play and commitment to equal opportunity for all of its residents.

# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue Topeka, KS 66612 234-5152

March 15, 1989

STATEMENT TO THE HOUSE COMMITTEE ON LABOR AND INDUSTRY RE: HB 2084

Mr. Chairman and Members of the Committee:

I am Ann Hebberger, President of the League of Women Voters of Kansas, speaking in favor of HB 2084.

One of the basic principles of the League of Women Voters is the strong belief that no person or group should suffer legal, economic or administrative discrimination. We are therefore in agreement with this bill because it calls for the State to be in compliance with federal law stating that it is discriminatory to deny housing to those who are handicapped or those who have children.

Speaking specifically to the familial status amendments, the number of homeless American families with children is growing at the shocking rate of 25 percent annually nationwide. Because of a shortage of affordable housing, many families who do find shelter, end up paying more than half of their income for rent. If those who own housing are aware that Kansas does not allow this kind of discrimination, it might open up more access to affordable shelter.

Many of the Legislators have expressed concern about homeless children not attending school. We certainly hope that such concern extends to providing a means to more housing for these homeless children.

We are aware that those who believe that they have been discriminated against can find relief through Title Eight, but the League would rather know that these same people can find relief through the Kansas Commission on Civil Rights.

Thank you for the opportunity to appear before you today, and on behalf of the League of Women Voters of Kansas, I urge your consideration of HB 2084.

HOUSE LABOR AND INDUSTRY  
Attachment #3  
03-15-89



TESTIMONY OF  
BRANDON L. MYERS, SENIOR LEGAL COUNSEL  
KANSAS COMMISSION ON CIVIL RIGHTS  
IN SUPPORT OF HOUSE BILL NO. 2084  
HOUSE LABOR AND INDUSTRY COMMITTEE  
MARCH 15, 1989

This bill proposes to amend the housing discrimination section of the Kansas Act Against Discrimination (KAAD) and prohibit discrimination due to "handicap" (both mental and physical), "familial status" (families with children) in the sale, rental, leasing, financing and appraisal of real estate. The KAAD housing discrimination provisions have always been substantially consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) which is administered by the U.S. Department of Housing and Urban Development (HUD). These KAAD provisions currently prohibit discrimination based upon race, religion, sex, national origin, ancestry and color.

Title VIII was recently expanded by enactment of the Fair Housing Amendments Act of 1988 to prohibit housing discrimination based upon familial status and handicap. Working in conjunction with the Department of Human Resources' Committee on the Employment of the Handicapped, the KCCR has drawn H.B. 2084 to bring the KAAD into substantial conformity with its counterpart in federal law (Title VIII) in light of the recent federal law changes.

The Federal Fair Housing Amendments were signed into law in September, 1988, by President Reagan. In their final form the amendments were supported by all Kansas' U.S. Senators and

Representatives. The federal law changes became effective March 12, 1989. The practical impact of adopting H.B. 2084 is therefore limited because the federal law has already changed. In short, housing discrimination against families with children and the handicapped is already illegal in Kansas in generally the same way proposed by H.B. 2084.

The Kansas Commission on Civil Rights (KCCR) nevertheless believes H.B. 2084 is needed. The KAAD exists as a statement of the public policy of the State of Kansas, and the Commission, first and foremost, believes that the State's public policy should stand in opposition to these types of insidious discriminatory practices. Although there is a comparable federal antidiscrimination law (just as there has long been with regard to other types of discrimination), the Commission does not believe that Kansas should merely leave it to the federal government to take care of problems within the State. The challenge of fighting discrimination has always been a shared responsibility of the state and nation and H.B. 2084 is consistent with that approach. As is well known, the KCCR (and comparable agencies in other states responsible to enforce state antidiscrimination statutes) maintain worksharing and case processing agreements with comparable federal administrative agencies to insure that individuals who believe they have been discriminated against are fully assisted in exercising all their rights under applicable

laws. These agreements (authorized by relevant statutes) also insure coordination of activities between agencies to minimize duplication of investigative and administrative effort. The system benefits both landlords and tenants. Double recovery by a complainant for a discriminatory act does not occur.

The KCCR currently has such an agreement with HUD and receives approximately \$30,000 annually in federal funds which go into the state general fund. In implementing the Fair Housing Amendments Act of 1988, the federal government has indicated that if a state which has such an agreement with HUD does not substantially conform its state law to the federal (by adding familial status and handicap discrimination) by forty (40) months after the March 12, 1989, effective date of the Act HUD cannot continue its cooperative agreements with the state agency in any way. The forty (40) month period we are now in is a grace period in which to align our law. The KCCR believes it is of benefit to maintain its agreement with HUD and the correlary payment of federal funds. If this is not maintained, the possibility exists of two, full-blown investigations of every alleged discriminatory housing practice filed on a basis (such as race, etc.) existing under each law.

H.B. 2084 was drawn directly from the 1988 Title VIII amendments and HUD's implementing regulations (24 C.F.R., Part 14, et al). The bill requires allowing reasonable nondestructive

modifications of a landlord's existing premises at the expense of the tenant to make the premises accessible and useable by the handicapped. It requires that new construction of multi-family rental/lease properties after 1991 make allowances for handicapped accessibility. It prohibits refusing housing just based upon having a record of an impairment. It prohibits refusing to rent to families with children. It eliminated "adults only" housing except for certain types of housing for the edlerly. It still allows landlords to comply with maximum occupancy codes. It imposes no recordkeeping or reporting procedures not otherwise required already by federal law. All this is in line with the federal law changes. It provides an administrative complaint investigation and hearing process currently in place before the KCCR, with an alternative right to to file a civil action in state district court (with attendant right to jury trial and damages) consistent with that currently existing under the KAAD (see Van Scoyck v St. Mary's Assumption Parochial School, 224 Kan. 304 (1978)). In short, the bill carries on the intent of the federal law to insure the integration of the handicapped within society, and to assure that families with children are not merely stereotyped out of decent housing.

The familial status provisions are supportive and protective of the currently-existing provisions of the KAAD. There is reason to believe that denying housing because a family has children often is a thinly-veiled pretext for denying housing to the family because of their race, ancestry, etc.

The bill does not prohibit a landlord from checking into a person's or family's rental history to determine whether they have been dangerous, destructive or poor renters in the past, and acting accordingly. The bill just prohibits stereotyping a family with children as certainly to be destructive of the rental premises, or that a person with a record of an impairment will automatically be a dangerous tenant.

In adopting the federal changes, the Congress took cognizance of information showing, among other things that:

(1) "adult only" housing tended to be that with the best amenities, thus often relegating families with children to lesser housing despite their financial ability:

(2) discriminatory practices prohibited by the amendments previously allowed less available housing for families and the handicapped and could result in having to live further from a place of employment, causing difficulties in maintaining employment, etc.;

(3) without accessibility requirements in the law, handicapped individuals often were literally banned from generally available housing.

(4) By being prohibited from affordable rental housing, families with children were often forced into trying to buy a house with a mortgage they could not afford, with resulting court proceedings for default and attendant financial problems resulting in divorce and hardships for the family.

For these and many other reasons revealed in Congressional testimony and records, the Congress amended the federal law as we seek here. There was significant support even from many landlords for the amendments. Even before the 1988 federal law changes, numerous states had laws providing handicap and familial status discrimination in housing.

In examining the experience of agencies in other states which have adopted these types of provisions, the KCCR anticipates any increase in complaint filings to be within the range of normal year-to-year fluctuations in the number of housing complaints filed. We do not anticipate asking for increased funding if this is passed, although a minimal funding increase (as calculated in our fiscal note response) is possible in the future.

The KCCR urges the adoption of H.B. 2084.

Testimony on H.B. 2084 By Committee on Federal and State Affairs

Thank you Chairman Douville, ladies and gentlemen of the committee for the opportunity to give this testimony today. I shall state at the outset that I endorse and urge you to support H.B. 2084.

There are some pitfalls, however that I would bring to your attention. If only because I have lived out-of-state and have seen a good bit of our country, I would draw your attention to one characteristic concerning housing discrimination that has attended in each state where it has been adopted. I refer to the most acid test of any piece of pending legislation--that is: Is it enforceable? Certainly it was on New York State Statute books by the early 1960's. When my ex-husband and I looked for an apartment in 1972 in Long Island, New York, upon seeing a vacancy sign appearing on an apartment complex, we would go in to inquire about apartment size, price, etc. I began to notice a curious pattern of questions the "Super" would ask. The first question would always be: Do you have any pets? Only if the answer was an firm NO, would you be asked the second question: Do you have ANY CHILDREN OR ARE YOU EXPECTING TO HAVE ANY DURING THE TERM OF YOUR LEASE? If you were hesitant or indicated that you had not yet made that decision, you would be advised that the landlord had just rented the last available apartment. If you answered "No" you were promptly shown and prodded to sign a lease. Upon a careful study of the lease you would find in the "fine print" a clause which clearly stated that if you were tom acquire a minor child or a pet, the lease would be considered terminated. The point I'm making is that there will always be some landlords who will deliberately challenge discrimination statutes. I think one

way to approach this problem might be to set up an agency which would have the authority to rule on discrimination disputes between landlords and tenants.

I see this that there are a couple of agencies who might have the expertise to address these issues. The most often used agency in other states to handle these problems is the Civil Rights Commission, or another possibility might be that the Department of Human Resources could perform this adjudicative function. I am very sure that you, as legislators, could find a home for this very valuable negotiating vehicle.

I think that to hand Legal Aid yet another responsibility would not be a good idea. Every time I have tried to call them, I have been told they were "swamped."

Man's basic need for shelter goes undisputed. During the Depression, I read of the homeless while in high school. Sadly, I never expected to see a time where the homeless would be on the nightly news, not to mention those people who, in Lawrence, sleep under the Kaw River bridge, winter and summer, spring and fall. I was living only a few miles in the 1970's from some large mental institutions on Long Island which were deservedly closed, due to the fact they were not fit for human habitation, and the patients were thrown out on the streets. This turned out to be a disaster. People who were very well-intentioned created a monstrosity. There had been no plans to accommodate these hundreds of helpless people who had lived institutionalized their entire lifetimes.

I would hope that Kansas would not repeat mistakes made by other states, for I too, "am looking toward a kinder gentler nation." I fully support anti-discrimination legislation, but I



would implore you to build in a policing mechanism.

Respectfully submitted,

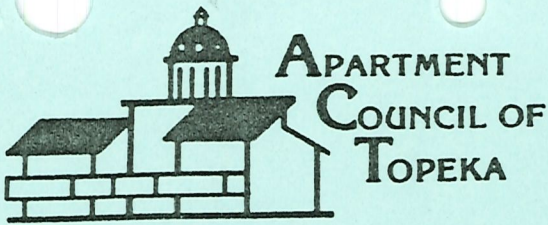
*Carol Renzulli*  
Carol Renzulli

533 Alabama

Lawrence, Ks 66044

(913) 841-7719

Lawrence Coalition for Citizens with  
Disabilities, Lobbyist



HOUSE COMMITTEE ON LABOR AND INDUSTRY

March 15, 1989

HOUSE BILL 2083 and HOUSE BILL 2084

Mr. Chairman and Members of the Committee:

I am Pat Wiechman, appearing on behalf of the Apartment Council of Topeka. A.C.T. was established in 1982 and is made up of apartment owners, managers, staff and others supportive of the rental industry; combining the voices of members representing over 2,000 rental units.

I have supplied you with brochures that tell about our association in which you will find a statement entitled "Code For Equal Opportunity." That code sets forth A.C.T.'s policy as it applies to discrimination. Without going into detail, the code reflects support for the ideology and doctrine found in HB 2083 and HB 2084.

Title VIII prohibits discrimination in the sale, rental and financing of dwellings based on color, religion, sex, or national origin. As you know, the Federal Department of Housing and Urban Development has issued its implementation of the Fair Housing Amendments Act of 1988. In these Rules and Regulations, HUD sets forth the means by which Title VIII is expanded to prohibit discriminatory housing practices based

HOUSE LABOR AND INDUSTRY  
Attachment #6  
03-15-89

*"Better Living is Our Goal"*

on handicap and familial status. All of which is echoed in HB 2083 and HB 2084.

While A.C.T. supports these concepts, we do not see the need to duplicate the Federal law on the State level. The matter is thoroughly covered by the Federal Act of 1988 and comprehensively implemented by the adoption of the Rules and Regs that went into effect on March 12, 1989. Creating additional law to be enforced on the State level that parallels Federal law does nothing but add bulk to the volumes.

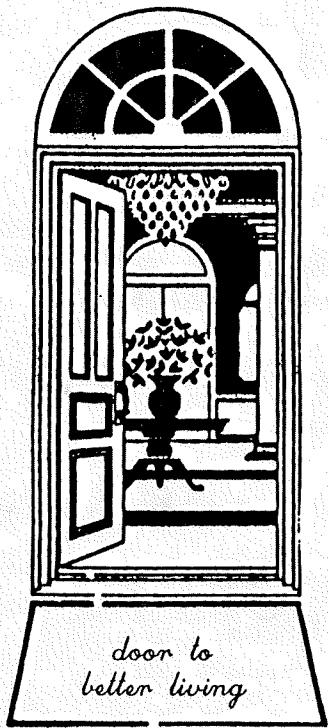
There is also concern that we may create an unwieldy monster that would be beyond control of the Commission, if these additional state laws are enacted without careful consideration.

A.C.T. urges you to consider that the Feds have handled the problem, firmly and substantially. The teeth are already in place. Kansas does not need to duplicate legislation that has already been addressed on the Federal level.

Thank you for allowing me to present A.C.T.'s position. If there are questions, I will be happy to try to address them.

Respectfully submitted,

Pat Wiechman  
Apartment Council of Topeka



# Apartment Council of Topeka

... helping the industry that provides quality housing for Topekans.

THE COMMON INTERESTS WE MAKE IT WORK !!!

## APARTMENT COUNCIL OF TOPEKA (ACT)

was established in 1982; and now combines the voices of members representing over 2,000 rental units.



Working as one, the ACT provides impact by representing Topeka's total rental housing industry thru educational programs and legislative efforts.



Every size and type of business related to the rental industry is represented in the Apartment Council of Topeka (ACT).

The only Topeka organization devoted solely to the needs and problems of the multi-family housing industry.

### WHAT WE DO

The purposes and goals of ACT:

1. Strengthen the multi-housing market.
2. Promote cooperation and interaction in the community.
3. Provide information and education.
4. Shape Kansas legislative priorities.

### WHO WE ARE:

6-3

ACT is comprised of owners, developers, property managers, on-site managers, maintenance personnel and other real estate oriented businesses.

The association membership is divided into three categories:

- **Members:** Limited to individuals, firms, partnerships or corporations primarily engaged in the business of rental property, to include owners, property managers and on-site managers.
- **Affiliate Members:** Maintenance and other personnel employed by members.
- **Associate Members:** Individuals, firms, partnership or corporations supportive of the rental industry.

### Standing Committees:

- ◆ Membership
- ◆ Marketing / Public Relations
- ◆ Education
- ◆ Finance & Budget
- ◆ Legislative / Government
- ◆ Organization & Bylaws

*"Those who expect to reap the blessing of freedom must undergo the fatigue of supporting it."*

**Thomas Paine**  
*The American Crisis*  
1777

## REASONS WHY YOU SHOULD BELONG TO A.C.T.

### VALUABLE MONTHLY COMMUNICATION



Monthly newsletter with important news of seminars, work-shops, education courses and trade shows; plus helpful articles and suggestions on **MANAGING YOUR APARTMENTS.**

### PROFESSIONAL GUIDANCE



Assn. Attorney who is skilled in the art of "keeping you out of trouble" and can offer advise, is on hand 5 days a week at a reduced rate.

### OPERATIONAL FORMS



Complete set of operational forms available at nominal cost. Use of these forms is the surest way to profit.

### MEMBERSHIP MEETINGS, FORUMS & SEMINARS



To provide you with up-to-date information to aid you in the operation of your apartments; plus meetings each month for the general membership.

### CREDIT REPORTING SERVICES



Low-cost service to members supplies the credit information so necessary to keep you OUT of trouble! DO qualify your residents.

### PROFESSIONAL NETWORKING



Did you "inherit problems" or get into them all by yourself? Your fellow members are your best resource for information. There is strength and knowledge in numbers.



Apartment Council of Topeka

CODE OF ETHICS

We, the members of this association, proudly assume the responsibility of providing adequate and desirable accommodations and facilities for the enjoyment of apartment residents, being ever mindful of our obligations to all regulations governing the free enterprise system of which we are proud to be a part.

Having united ourselves for the purpose of improving the services and conditions of the apartment industry, each member individually and severally, subscribes to this Code of Ethics.

- 1. We adhere to and practice the Golden Rule in all of our endeavors and conduct ourselves in a forthright and ethical manner to better the communities of which we are a part.
2. We believe that every resident is entitled to the quiet enjoyment of a clean and respectable atmosphere.
3. We adhere to the profit principle and believe that the investment, risk, labor and effort required to present an appropriate and high quality product to our residents deserves a fair return so as to maintain the high standards we believe essential in the apartment industry.
4. We respect the right of competitors to determine the value of their products and services.
5. We adhere to the principles of cooperation and friendship among the members of this association so as to further the interests of all members.
6. We believe in the sanctity of contracts and their enforcement.
7. We uphold our emblem as a symbol of excellence, and we believe that it is the duty of each of us to conduct ourselves in accordance with the principles of this Code of Ethics.

CODE FOR EQUAL OPPORTUNITY

A.C.T. affirms its policy that equal opportunity in the rental industry can best be accomplished through leadership, example, education and mutual cooperation. In this spirit, we proclaim these provisions:

- 1. In the rental, lease, sale, purchase or exchange of real property, owners and their managers have the responsibility to offer housing accommodations to all prospects without regard to color, race, religion sex, physical handicaps, national origin or familial relationship, and including all other statutes applicable to equal opportunities.
2. Members shall stand ready to enter into owner/resident relationships and to show housing accommodations to all equally.
3. Members, individually and collectively, in performing these functions have no right or responsibility to volunteer information regarding the racial, creedal or ethnic composition of any neighborhood or any part thereof.
4. Members shall not print, display or circulate any statement or advertisement with respect to the rental or sale of a dwelling that indicates any preference, limitations or discrimination as applied to state, federal and local statutes on equal opportunity.
5. Members who violate the spirit or any provisions of the Code of Equal Opportunity shall be subject to appropriate action.



The cover illustration "Kansas Capital — Summer" is from a water color by Richard D. Ross, Topeka, Attorney. His contribution to this brochure is greatly appreciated.

"The preservation of the rights of private property is the keystone of the arch upon which civilized governments rest."

Joseph Choate, 1968



PROTECT YOUR RIGHTS GET INVOLVED

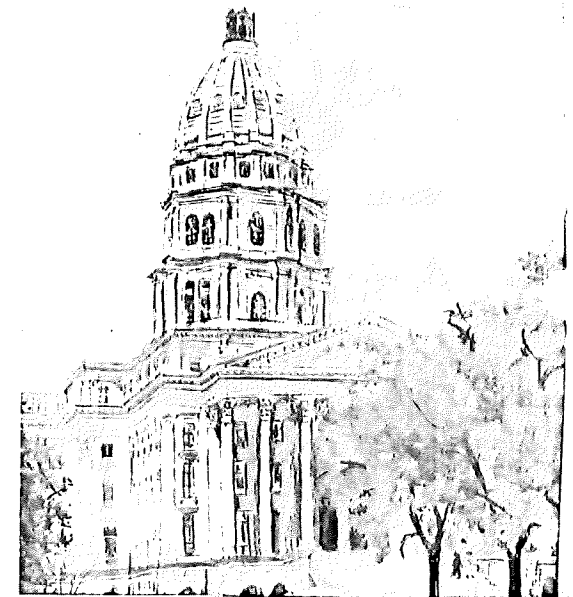


Apartment Council of Topeka

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Apartment Council of Topeka



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(913) 233-8899



House Labor & Industry Committee  
HB 2084

Robert Mikesic, Residential Services Specialist  
Independence Inc., Lawrence KS  
March 15, 1989

As the staff person who assists people with a disability with housing issues, consumer's and I have repeatedly run into obstacles which go beyond a person's ability to pay. People with disabilities have often been confronted with a refusal to rent couched in such terms as, "I don't think you'd like it", "I don't think it would work for you" Or following a lengthy discussion of an apartment during which the landlord learns the prospective tenant has a physical or mental disability, there suddenly comes a change of direction, "Oh, but it's already been rented".

Since 1968 when I began using a wheelchair, during the times I've looked for rental housing (for myself and others during my job) I have found an abundance of apartments within the acceptable price range that could not be obtained because of architectural barriers. It has taken between 70 to 200 phone calls during each search to find accessible housing.

Many times places over the phone sounded accessible or only needing minor modification. On arrival they were all too often unobtainable due to the number of steps at the entrance and/or the "traditional" narrow bathroom doorway. In 1984 I began offering to pay any professional carpenter of the landlord's choice, someone they knew did good work, to widen a narrow bathroom doorway and install a new door and trim. Out of around fifty such inquiries and offers to modify, only once was I allowed to accomplish this bathroom door widening, enabling me to rent the apartment.

Another result of these restrictions on my freedom of choice, is that since 1980 I have been living in rental housing that is below the standard of quality that I am willing and able to pay. A recent example: As my lease was about to run out the summer of 87, I looked for two months for a better apartment (ie. wider bathroom

door, one with a hallway closet, and better insulated). Five apartments were found which had a ground level front entrance. The insurmountable obstacle: bathroom doors too narrow with owners who had a standing rule " no structural mod-ifications". I was not able to persuade them to make an exception.

The Fair Housing Amendments Act of 1988 (P.L. 100-430) changes all this. Beginning in March of 1989 landlords must allow reasonable accessibility modifications to be made, at the tenants expense, so people with a disability can have full use and enjoyment of the premises. With House Bill 2084 the Kansas Act Against Discrimination would follow suite. And it does so in a number of ways.

The accessibility requirements in Section 4 (h), lines 179-210 for new multi-unit construction after March of 1991 is a long overdue initiative. It reflect the universal design concept which considers changes experienced by everyone as they grow from infancy to old age. Building features are incorporated which can be used by everyone, regardless of the presence or absence of a disability. The advantage to the people of Kansas is more usable and comfortable rental housing that will suite a lifetime of changing needs.

The entire Board and staff of Independence Inc., supports all of the changes and new additions to the Kansas Act that are in House Bill 2984.

It's important the Kansas law reflect the State's firm commitment to prohibit housing discrimination based on disability and family status.

Thank you.

# Kansas AMI

## Kansas Alliance For The Mentally Ill

4811 W. 77th Place  
Prairie Village, Kansas 66208  
913-642-4389

March 13, 1989

To Those Representatives considering House Bill 2084:

The Kansas Alliance for the Mentally Ill, composed of families who have a mentally ill member encourage you to vote in favor of House Bill 2084.

We believe those persons suffering with a mental handicap or illness should not be discriminated against in receiving proper housing. Our years of experience in living with and working with mentally ill persons, leads us to know those suffering from this illness are no more dangerous than our next door neighbors. It is the wide spread publicity attracted by the misfortune of a very few mentally ill individuals that leads the public to believe every one suffering with a mental illness is violent.

Studies show that the mentally ill are more subdued, shy, and withdrawn, and have very few violent emotions. (Of course there can be exceptions and this is what reaches the news media.)

We ask you to give this bill your favorable consideration.

Sincerely,

*Cecil Eyestone*  
Cecil Eyestone  
Kansas AMI, pres.

HOUSE LABOR AND INDUSTRY  
Attachment #8  
03-15-89



March 15, 1989

Glen W. White  
2608 Bond Place,  
Lawrence, KS 66044

Mr. Chairman and Members of the Committee:

My name is Glen White. I live in Lawrence and am currently the Director of Training at the Research and Training Center on Independent Living, located at KU. Today I would like to speak in favor of House Bill 2084, an act amending the Kansas act against discrimination; concerning discrimination in housing.

As a person who is disabled, I would like to share a personal experience I had when I first moved to Lawrence to attend KU three years ago. Before my arrival in Lawrence, I made arrangements to rent an apartment with another roommate who used a wheelchair. I thought that if my roommate could use the apartment, the apartment would also meet my needs. I was surprised to learn that my wider wheelchair could not go through the bathroom doorway. The small trim strips on the doorway prevented the necessary clearance to get through the door. The landlord was contacted to see if the trim could be removed to allow my wheelchair to go through the doorway. The landlord said, "No." As a result, that fall and part of winter, I had to use a commode which sat outside in the attached garage. This could have been prevented if the proposed House Bill 2084 had been in effect. Under the law, my landlord could not prohibit me from making reasonable access modifications at my own expense.

Mr. Chairman and Committee Members, the sad fact of the matter is that most persons with physical disabilities do not live in "fully accessible" apartments. Either these type of apartments are already occupied (with tenants who may or may not be disabled), or the accessible apartments that are vacant are too expensive to rent. Thus, people with physical disabilities' primary concern is finding an apartment that they can afford, with the hope of making it accessible enough to live in as independently as possible. But, if these disabled individuals cannot make necessary access modifications, such as lever-type door handles, ramps, and larger bathroom doors, their potential for independence will be severely hampered.

I would urge all of the committee members to give Bill 2084 their full support to protect citizens with disabilities from discrimination that citizens of other races, religions, colors, sex, national origin, or ancestry enjoy. House Bill 2084 offers people with disabilities such protection from discrimination. Thank you.