

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
HOUSE BILL NO. 2020**

As Agreed to May 9, 2002

Brief *

HB 2020 would establish accessibility standards for certain dwellings. The bill would require that any single family residence and each individual living unit in a duplex or triplex which is constructed with public financial assistance would have to meet certain accessibility standards. The required accessibility standards include an accessible entrance on an accessible route; accessible doors and doorways; accessible routes within the dwelling; reinforcements for "grab bars"; and accessible light switches, electrical outlets, and other controls.

As introduced, the bill also included dwellings which were "reconstructed, structurally remodeled, or rehabilitated." A House floor amendment deleted these provisions.

The Senate Committee amended the bill to:

- delete all references to the American National Standards Institute (ANSI) standards;
- add language specifying the accessibility requirements which must be met;
- provide that the accessibility requirements would have to be met only on the same floor on which the accessible entrance is located;
- allow the Secretary to waive any requirement of the act (rather than only requirements relating to the accessible entrance);
- allow for discretion in whether a person who violates the act may receive public financial assistance in the future; and
- make technical and conforming changes.

*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

The Senate Committee of the Whole added clarifying language which provides additional details of the accessibility requirements to be met.

The term “public financial assistance” is defined to include:

- a building contract with any state agency;
- any real estate received by the owner through a donation by the state;
- state tax credits;
- grant assistance from state funds;
- state loan guarantees; and
- federal funds administered by the state or a state agency.

The provisions of the act would not apply to a:

- private residence which is owner-occupied;
- private residence for which an individual tax credit or rebate is received;
- private residence which is financed under certain specified federal housing programs;
- private residence for which rental vouchers or certificates are accepted under a specific federal program;
- dwelling which is financed with public funds other than state or federal funds; or
- dwelling, the design or construction of which commenced prior to July 1, 2002.

Persons receiving public financial assistance for dwellings covered by this act would be required to sign an affidavit of intent to comply with the requirements of the act. Any person who accepts public financial assistance and fails to comply with the act could be ineligible to receive public financial assistance in the future.

The Secretary of Commerce and Housing is authorized to waive any requirement of the act upon application therefor. If the Secretary determines that such compliance is financially or environmentally impractical, the Secretary may waive the requirement. The Secretary must render a decision on any requested waiver within 60 days. The Secretary is directed to adopt rules and regulations for the implementation of the act.

The House Committee amended the bill to clarify that the tax credit language refers to “state” tax credits. Other amendments are technical.

The Conference Committee added the provisions of HB 2999 into HB 2020.

HB 2999 exempts landlords, who receive water by a city or water district and who furnish water to tenants, from the definition of public utility under KSA 66-104. Under the bill, the landlord would be allowed to charge the tenant the same rate charged by the city or water district to the landlord, plus the actual cost of the billing and collection of such charge, and the charge would not be construed as a sale.

Background

HB 2020 is the result of an interim study by the Special Committee on Federal and State Affairs during the 2000 Interim on the topic of “Handicapped Accessibility for Dwellings.” A similar bill, SB 304, was considered during the 2000 Session; that bill passed the Senate but died in House Committee.

Proponents who testified in favor of HB 2020 included Senator Oleen; Representative Thimesch; and representatives of the Wichita Independent Living Resources Center; Independence Inc., of Lawrence; the Disability Rights Action Coalition for Housing, Topeka; the Kansas Disability Rights Action Coalition for Housing, Hays; the Kansas Department of Human Resources through the Kansas Commission on Disability Concerns; the Western Kansas Association on Concerns of the Disabled; Living Independently in Northwest Kansas, Hays; Families Together, Inc.; the Kansas Association of Centers for Independent Living, Salina; the Southeast Kansas Independent Living Resource Center, Inc., Chanute; the Topeka Independent Living Resource Center; the Statewide Independent Living Council of Kansas; and Showcase Homes, Auburn.

Testifying in opposition to the bill were the Kansas Building Industry Association, Inc. and the Director of Community Development of the City of Parsons.

The fiscal note on the original bill prepared by the Division of the Budget states that the Department of Commerce and Housing indicates that the bill would probably affect the number of rental rehabilitation projects funded by its Community Development Division.

This Division funds 30 to 45 projects per year, including projects for accessibility modifications when the tenant is disabled. If all single or multi-family dwellings that receive financial assistance through the state are to be made accessible, the Division estimates that the increased cost per home could reduce the number of rental units by as many as 17 per year.