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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 14, 2019

Subject: HB 2378 – Restrictions on firearm possession in subsidized housing

House Bill No. 2378 (HB 2378) proposes a new section of law that prohibits provisions in subsidized apartment rental agreements that restrict the ownership, use, or possession of firearms, firearm components, or ammunition in a tenant's dwelling. A subsidized apartment is defined in the bill as one where the landlord receives rental assistance under one of the identified federal housing assistance programs. A rental agreement for such subsidized housing cannot prohibit or otherwise restrict a tenant's possession of a firearm, firearm component, or ammunition in the tenant's apartment. However, the landlord may impose reasonable restrictions on such possession in the common areas of the property. Further, a landlord is not civilly liable for damages or injuries resulting from an incident involving a firearm that the landlord must allow on the property, unless the landlord acted willfully, recklessly, or with gross negligence which led to the damages or injury.

HB 2378 also amends K.S.A. 75-7c10 to make that statute subject to the provisions of section 1 of the bill. K.S.A. 75-7c10 generally allows private property owners to prohibit concealed handguns on their property. The provisions of section 1 regarding subsidized apartment landlords would supercede the provisions of K.S.A. 75-7c10.

If enacted, HB 2378 would become effective on July 1, 2019.