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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: March 6, 2019
Subject: Bill Brief for SB 150

Senate Bill 150 enacts housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.

Subsection (a)(1) prohibits denying tenancy to an applicant on the basis of, or as a direct result of, the fact that the applicant is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, if the applicant otherwise qualifies for tenancy in or occupancy of the premises. Subsection (a)(2) prohibits evicting a tenant or lessee under the same circumstances described in subsection (a)(1).

Subsection (b)(1) eliminates a tenant's or lessee's liability for rent for the period after which the tenant or lessee vacates the premises if the tenant or lessee is a victim of domestic violence, sexual assault, human trafficking or stalking and gives the landlord or property owner the notice required in subsection (c). Subsection (b)(2) provides an affirmative defense for the tenant or lessee in any action brought against them under Kansas law that seeks recovery of rent if the tenant or lessee meets the same requirements described in subsection (b)(1).

Subsection (c) provides that an applicant, tenant or lessee qualifies for the protections described above by providing a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee is required to provide a signed document described in subsection (c)(1) or a record from a court or other agency described in subsection (c)(2).

Subsection (d) provides that the submission of false information by an applicant, tenant or lessee may be a basis for a denial of tenancy, eviction or a violation of a rental or lease agreement. Subsection (e) authorizes a landlord or property owner to impose a reasonable termination fee on a tenant or lessee who requests termination of a rental or lease agreement

before the expiration date, but only if the fee is contained in the terms of the rental or lease agreement.

Finally, subsection (f) provides that the definitions of “domestic violence,” “human trafficking,” “sexual assault,” and “stalking” are the same as in K.S.A. 75-452 (see below). K.S.A. 75-451 through 75-458 provides address confidentiality for victims of domestic violence, sexual assault, human trafficking or stalking, and enables state and local agencies to accept a program participant’s use of an address designated by the secretary of state as a substitute mailing address.

75-452. Definitions. The following words and phrases when used in K.S.A. 2018 Supp. 75-451 to 75-458, inclusive, and amendments thereto, shall have the meanings respectively ascribed to them herein, unless the context clearly requires otherwise:

(a) "Abuse" means:

- (1) Causing or attempting to cause physical harm;
- (2) placing another person in fear of imminent physical harm;
- (3) causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so;
- (4) engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror;
- (5) depriving another person of necessary health care, housing or food; or
- (6) unreasonably and forcibly restraining the physical movement of another.

(b) "Confidential address" means a residential street address, school street address or work street address of an individual, as specified on the individual's application to be a program participant under K.S.A. 2018 Supp. 75-451 to 75-458, inclusive, and amendments thereto.

(c) "Confidential mailing address" means an address that is recognized for delivery by the United States postal service.

(d) "Domestic violence" means abuse committed against a victim or the victim's spouse or dependent child by:

- (1) A current or former spouse of the victim;
- (2) a person with whom the victim shares parentage of a child in common;
- (3) a person who is cohabitating with, or has cohabitated with, the victim;
- (4) a person who is related by blood or marriage; or
- (5) a person with whom the victim has or had a dating or engagement relationship.

(e) "Program participant" means a person certified as a program participant under K.S.A. 2018 Supp. 75-453, and amendments thereto.

(f) "Enrolling agent" means state and local agencies, law enforcement offices, nonprofit agencies and any others designated by the secretary of state that provide counseling and shelter services to victims of domestic violence, sexual assault, human trafficking or stalking.

(g) "Sexual assault" means an act which if committed in this state would constitute any crime defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2018 Supp. 21-6419 through 21-6422, and amendments thereto.

(h) "Stalking" means an act which if committed in this state would constitute "stalking" as defined by K.S.A. 60-31a01, and amendments thereto.

(i) "Human trafficking" means an act which if committed in this state would constitute the crime of human trafficking as defined by K.S.A. 21-3446, prior to its repeal, or K.S.A. 2018 Supp. 21-5426(a), and amendments thereto.

History: L. 2006, ch. 213, § 2; L. 2010, ch. 122, § 9; L. 2011, ch. 30, § 261; L. 2015, ch. 94, § 25; July 1.