

**HOUSE BILL No. 2707**

By Committee on Judiciary

2-14

1 AN ACT concerning military service members; relating to termination of  
2 rental and lease agreements; specifying when effective; prohibiting  
3 fees; amending K.S.A. 58-2570 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 58-2570 is hereby amended to read as follows: 58-  
7 2570. (a) The landlord or the tenant may terminate a week-to-week  
8 tenancy by a written notice given to the other at least seven days prior to  
9 the termination date specified in the notice.

10 (b) The landlord or the tenant may terminate a month-to-month  
11 tenancy by a written notice given to the other party stating that the tenancy  
12 shall terminate upon a periodic rent-paying date not less than 30 days after  
13 the receipt of the notice, ~~except that not more than 15 days' written notice~~  
14 ~~by a tenant shall be necessary to terminate any such tenancy where the~~  
15 ~~tenant is in the military service of the United States and termination of the~~  
16 ~~tenancy is necessitated by military orders.~~ Any rental agreement for a  
17 definite term of more than 30 days shall not be construed as a month-to-  
18 month tenancy, even though the rent is reserved payable at intervals of 30  
19 days.

20 (c) *A tenant who is in the military service of the United States may*  
21 *terminate a tenancy at any time during the tenancy, if necessitated by*  
22 *military orders. The termination is effective upon written notice to the*  
23 *landlord. No termination fee shall be collected for a termination made*  
24 *pursuant to this subsection.*

25 ~~(e)~~(d) If the tenant remains in possession without the landlord's  
26 consent after expiration of the term of the rental agreement or its  
27 termination, the landlord may bring an action for possession. In addition, if  
28 the tenant's holdover is willful and not in good faith the landlord may  
29 recover an amount not more than 1 1/2 months' periodic rent or not more  
30 than 1 1/2 times the actual damages sustained by the landlord, whichever is  
31 greater. If the landlord consents to the tenant's continued occupancy  
32 ~~subsection (d) of K.S.A. 58-2545(d), and amendments thereto, shall~~  
33 ~~govern.~~

34 ~~(d)~~(e) In any action for possession, the landlord may obtain an order  
35 of the court granting immediate possession of the dwelling unit to the  
36 landlord by filing a motion therefor in accordance with ~~subsection (b) of~~

1 K.S.A. 60-207(b), and amendments thereto, and service thereof on the  
2 tenant pursuant to K.S.A. 60-205, and amendments thereto. After a hearing  
3 and presentation of evidence on the motion, and if the judge is satisfied  
4 that granting immediate possession of the dwelling unit to the landlord is  
5 in the interest of justice and will properly protect the interests of all the  
6 parties, the judge may enter or cause to be entered an order for the  
7 immediate restitution of the premises to the landlord upon the landlord  
8 giving an undertaking to the tenant in an amount and with such surety as  
9 the court may require, conditioned for the payment of damages or  
10 otherwise if judgment be entered in favor of the tenant.

11 ~~(e)~~(f) If a landlord provides to a tenant a document which, if signed  
12 by the landlord or tenant or both, would constitute the tenant's written  
13 notice to the landlord that the tenant intends to vacate the premises, and if  
14 such document contains any additional terms that are not contained in the  
15 rental agreement between the landlord and tenant, then the document shall  
16 include the following statement in no less than ten-point boldface type:  
17 'YOUR SIGNATURE ON THIS DOCUMENT MAY BIND YOU TO  
18 ADDITIONAL TERMS NOT IN YOUR ORIGINAL LEASE  
19 AGREEMENT. IF YOUR LEASE REQUIRES YOU TO GIVE  
20 WRITTEN NOTICE OF YOUR INTENT TO VACATE, YOU HAVE  
21 THE RIGHT TO DECLINE TO SIGN THIS DOCUMENT AND TO  
22 PROVIDE WRITTEN NOTICE IN ANOTHER FORM.' If such statement  
23 does not appear in such document, a tenant's signature on such document  
24 shall not bind the tenant to any additional terms that are not contained in  
25 the rental agreement.

26 Sec. 2. K.S.A. 58-2570 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its  
28 publication in the statute book.