

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 150

As Amended by Senate Committee on Judiciary

Brief*

SB 150, as amended, would create law prohibiting certain actions being taken against a tenant, lessee, or applicant for a lease because such person has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking, or stalking, as follows.

An applicant could not be denied tenancy on the basis of or as a direct result of the circumstances listed above, if the applicant otherwise qualifies for tenancy or occupancy.

A tenant or lessee could not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of or as a direct result of the circumstances listed above, if the tenant or lessee otherwise qualifies for tenancy or occupancy.

A tenant or lessee would not be liable for rent for the period after vacating rented or leased premises if the tenant or lessee is in the circumstances described above and notifies the landlord or property owner in accordance with provisions set forth in the bill. In an action brought against a tenant or lessee under Kansas law seeking recovery of rent, the tenant or lessee would have an affirmative defense and no liability for rent for the period after vacating the premises if, by preponderance of the evidence, the court finds the tenant or lessee was in the circumstances described above and provided the required notice.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

An applicant, tenant, or lessee would qualify for the protections of the bill if the applicant, tenant, or lessee provides a statement regarding the circumstances described above to the landlord or property owner, who could also request the applicant, tenant, or lessee provide additional documentation specified by the bill. Such documentation could include a document signed by the victim and any one of various specified professionals or providers from whom the victim sought assistance, declaring under penalty of perjury the individual believes the qualifying circumstances exist, or a record pertaining to the alleged qualifying circumstances from a court or federal, state, or local law enforcement agency, including a police report. The submission of false information by an applicant, tenant, or lessee would be a basis for denial of tenancy, eviction, or violation of a rental or lease agreement.

A landlord or property owner could impose a reasonable termination fee, not to exceed one month's rent, on a tenant or lessee requesting termination pursuant to the bill before the expiration date of the lease, but only if such fee is contained in the terms of the rental or lease agreement.

The bill would provide the definitions of "domestic violence," "human trafficking," "sexual assault," and "stalking" are the same as those provided by current statutes regarding substitute mailing addresses for victims of such offenses.

Background

The bill was introduced by Senators Sykes, Alley, Baumgardner, Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, McGinn, Miller, Olson, Pettey, Skubal, Taylor, Wagle, Ware, and Wilborn.

In the Senate Committee on Judiciary hearing, Senators Sykes and Faust-Goudeau and representatives of the Kansas Coalition Against Sexual and Domestic Violence, Keep Girls

Safe Foundation, Lenexa Police Department, Metropolitan Organization to Counter Sexual Assault, Sisters of Charity of Leavenworth, The Associated Landlords of Kansas, and YWCA Northeast Kansas testified in support of the bill. Written-only proponent testimony was provided by representatives of United Community Services of Johnson County, the Westwood Police Department, and the Wichita Family Crisis Center. No neutral or opponent testimony was provided.

The Senate Committee amended the bill to remove administrative agency records from the listed supporting documents, specify the allowable termination fee could not exceed one month's rent, and clarify terminology in the termination fee provision.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations.