

**To:** House Committee on Local Government  
**From:** Spencer Duncan, Government Affairs Director  
**Date:** February 15, 2023  
**RE:** HB 2376 – Prohibiting Restrictive Covenants  
*Neutral – Verbal Testimony*

Thank you to the Chair and Committee for the opportunity to provide this testimony today.

The overall goal of HB 2376 is supported by The League of Municipalities, as too many unlawful restrictive covenants are discriminatory and often violate the Kansas Act Against Discrimination. While many are unenforceable, they create issues as property changes hands and the authorities that created them have often dissolved while the covenants remain. HB 2376 addresses these concerns, and others that come with these covenants.

However, The League cannot support HB 2376 while it includes Section 2 of the bill. **The League respectfully asks this section be removed.** Section 2 can be taken out of HB 2376 and not negatively impact its overall intentions.

Section 2 preempts cities from passing non-discrimination provisions beyond what is in current state law. This would invalidate numerous non-discrimination ordinances passed by cities, which were approved with input and direction from their citizens.

Section 2 is a separate policy discussion independent of the issues HB 2376 addresses. Sections 1 & 3 provide a needed mechanism for removing unlawful, discriminatory covenants that adversely affect the classes of individuals protected by the Kansas Act Against Discrimination. Any protections added by city ordinance to supplement state law in areas defined by individual communities as needing additional protections in their city would not be covered by either of these sections such that a city could order additional covenants be removed. The inclusion of Section 2 unnecessarily complicates the legislation.

With the removal of Section 2, The League would support this Legislation. HB 2376 simplifies the process for property owners of eliminating outdated restrictive covenants and creates a needed tool for cities to remove these covenants from recorded deeds.

We ask that you remove Section 2 so The League and cities can support HB 2376. I am always available to provide more information and answer any questions.



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