

State of Kansas
House of Representatives



REP. PATRICK PENN
District 85

Proponent In-Person Testimony, HB 2376
Representative Patrick Penn
District 85

Mr. Chairman and Honorable Members of the Committee:

This Black History Month, I appear before you in strongest support of HB 2376.

The bill is simple and empowers local governments across Kansas to both ensure alignment and compliance with governing U.S. Federal and Kansas State law on anti-discrimination and finally have the tools to begin more easily rectifying a decades-old issue: racially-discriminatory “restrictive covenants.”

Section 1 prohibits recording discriminatory restrictive covenants and provides that owners can file a certificate of release.

Section 2 prohibits cities and counties from adopting any local law or regulation against discrimination that is more restrictive than the Kansas Act Against Discrimination (KAAD), which is identical to federal anti-discrimination statutory law.

Section 3 amends KSA 44-1017a to authorize cities and counties to file a certificate of release when the HOA is no longer active to file such corrective documents itself. (The Human Rights Commission is authorized to notice HOAs of unlawful covenants and can bring an action to enjoin the HOA, but the Commission is not to file a certificate of release on its own. In the interest of efficient governance, it would need to request the city or county make such filing.)

I have worked to bring to the table constituents, key stakeholders, and many others to both confirm the prevalence of the issue and ascertain the bill accurately and feasibly addresses it. I am confident the language of this bill is acceptable, meets the need, and aligns with our law, the Kansas Act Against Discrimination. I am attaching two examples of the racially-discriminatory, restrictive covenants found in Sedgwick County.

Also, here are a few weblinks covering the topic of discriminatory covenants in Kansas and Missouri. They show how this legislation, as written and plainly intended, is urgently needed to help correct the deficiency in our law and prevent, going forward, any future acceptance or filing of such racist language from finding a home here with our Kansas families:

1. <https://www.kake.com/story/45842033/racial-discrimination-from-a-century-ago-still-plays-a-role-in-housing-today>
2. <https://www.npr.org/2021/11/17/1049052531/racial-covenants-housing-discrimination>
3. <https://ehocstl.org/restrictive-covenants/>
4. <https://missouriindependent.com/2022/06/30/new-missouri-law-mandates-removal-of-discriminatory-covenants-from-property-deeds/>
5. <https://www.kcur.org/politics-elections-and-government/2022-06-09/missouri-on-the-verge-of-removing-unenforceable-discriminatory-restrictions-from-housing-deeds>
6. <https://www.kansascity.com/news/politics-government/article272225728.html>

Our fight now is not amongst ourselves. Our fight is to protect our citizens by providing clarity and ensuring Kansas Anti-Discrimination law is not only uniform, compliant, and congruent with Federal law in its application across the state, but that it also has the proper mechanisms to be enforced down to the local government level.

We can make this a win for Kansas. Let us Do Something That Does Something.

I urge you to join me in support and vote “Yes” on House Bill 2376 when you have an opportunity to recommend it favorable to the full body.

Thank you, Mr. Chair. I will be happy to stand for questions at the appropriate time.

Sincerely,



Rep. Patrick Penn
District 85