

HOUSE BILL No. 2258

By Representatives Holscher, Alcalá, Barker, Clayton, Ellis, Frownfelter, Henderson, Horn, Kessinger, Lusk, Murnan, Parker, Probst, Resman, L. Ruiz, S. Ruiz, Schreiber, E. Smith, Stogsdill, Toplikar, Whipple, Winn, Woodard and Xu

2-12

1 AN ACT concerning victims of domestic violence, sexual assault, human
2 trafficking or stalking; relating to housing protections; notification
3 requirements.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) (1) An applicant shall not be denied tenancy on the
7 basis of, or as a direct result of, the fact that the applicant is, has been or is
8 in imminent danger of becoming a victim of domestic violence, sexual
9 assault, human trafficking or stalking, if the applicant otherwise qualifies
10 for tenancy in or occupancy of the premises.

11 (2) A tenant or lessee shall not be evicted from the premises or found
12 to be in violation of a rental or lease agreement on the basis of, or as a
13 direct result of, the fact that the tenant or lessee is, has been or is in
14 imminent danger of becoming a victim of domestic violence, sexual
15 assault, human trafficking or stalking, if the tenant or lessee otherwise
16 qualifies for tenancy in or occupancy of the premises.

17 (b) (1) A tenant or lessee shall not be liable for any termination fee or
18 for rent for the period after which the tenant or lessee vacates the premises
19 that are the subject of the rental or lease agreement if the tenant or lessee:

20 (A) Is, has been or is in imminent danger of becoming a victim of
21 domestic violence, sexual assault, human trafficking or stalking; and

22 (B) notifies the landlord or property owner as required in subsection
23 (c).

24 (2) In any action brought against a tenant or lessee under Kansas law
25 that seeks recovery of any fee or rent, the tenant or lessee shall have an
26 affirmative defense and not be liable for any termination fee or for rent for
27 the period after which the tenant or lessee vacates the premises that are the
28 subject of the rental or lease agreement if, by preponderance of the
29 evidence, the court finds that the tenant or lessee:

30 (A) Was a victim or was in imminent danger of becoming a victim of
31 domestic violence, sexual assault, human trafficking or stalking; and

32 (B) notified the landlord or property owner as required in subsection
33 (c).

34 (c) An applicant, tenant or lessee qualifies for the protections under

1 this section if the applicant, tenant or lessee provides a statement regarding
2 domestic violence, sexual assault, human trafficking or stalking to the
3 landlord or property owner. If the landlord or property owner requests, the
4 applicant, tenant or lessee shall provide documentation of the domestic
5 violence, sexual assault, human trafficking or stalking, which may be in
6 any of the following forms:

7 (1) A document signed by the victim and any of the following
8 individuals from whom the victim has sought assistance relating to
9 domestic violence, sexual assault, human trafficking or stalking, or the
10 effects of such abuse: (A) An attorney; (B) an employee, agent or
11 volunteer of a victim service provider; or (C) a healthcare professional or
12 mental health professional. The document must declare under penalty of
13 perjury that the individual believes in the occurrence of the incident of
14 domestic violence, sexual assault, human trafficking or stalking that is the
15 ground for protection and that the incident meets the applicable definition
16 of domestic violence, sexual assault, human trafficking or stalking; or

17 (2) a record pertaining to the alleged incident of domestic violence,
18 sexual assault, human trafficking or stalking that is the ground for
19 protection from: (A) A court; (B) an administrative agency; or (C) a
20 federal, state or local law enforcement agency, including, but not limited
21 to, a police report.

22 (d) The submission of false information by an applicant, tenant or
23 lessee under this section may be a basis for a denial of tenancy, eviction or
24 a violation of a rental or lease agreement.

25 (e) As used in this section, "domestic violence," "human trafficking,"
26 "sexual assault" and "stalking" mean the same as in K.S.A. 2018 Supp. 75-
27 452, and amendments thereto.

28 Sec. 2. This act shall take effect and be in force from and after its
29 publication in the statute book.