

2019 Kansas Statutes

58-25,137. Housing protections for persons affected by domestic violence, sexual assault, human trafficking or stalking.

(a) (1) An applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is a protected person if the applicant otherwise qualifies for tenancy in or occupancy of the premises.

(2) A tenant or lessee shall 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 fact that the tenant or lessee is a protected person if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.

(b) (1) A tenant or lessee shall not be liable for rent for the period after the tenant or lessee vacates the premises that is the subject of the rental or lease agreement if the tenant or lessee:

(A) Is a protected person; and

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

(2) In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after the tenant or lessee vacated the premises that is the subject of the rental or lease agreement if, by a preponderance of the evidence, the court finds that the tenant or lessee:

(A) Was a protected person on the date the tenant or lessee vacated the premises that is the subject of the rental or lease agreement; and

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

(3) This section shall not affect a tenant or lessee's liability for late or unpaid rent or other amounts owed to the landlord for the period before the tenant or lessee vacates the premises that is the subject of the rental or lease agreement.

(c) An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee is a protected person and provides a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee shall provide documentation of the domestic violence, sexual assault, human trafficking or stalking, which may be in any of the following forms:

(1) A document signed by the victim and any of the following individuals from whom the victim has sought assistance relating to domestic violence, sexual assault, human trafficking or stalking, or the effects of such abuse: A person licensed by the state board of healing arts to practice medicine and surgery; a person licensed as a physician assistant by the state board of healing arts; a person licensed by the board of nursing; or a person licensed by the behavioral sciences regulatory board. The document must declare under penalty of perjury that the licensed person holds the opinion, in their professional judgment within their scope of practice, that the incident of domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section occurred; or

(2) a court order granting relief to the protected person relating to the alleged domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section.

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

(e) A landlord or property owner may impose a reasonable termination fee not to exceed one month's rent on a tenant or lessee who requests termination of a rental or lease agreement under the provisions of this section before the expiration date of such agreement. Such termination fee may only be imposed if it is contained in the terms of the rental or lease agreement.

(f) As used in this section:

(1) "Protected person" means a person who, during the preceding 12 months, has been, is or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(2) "domestic violence," "human trafficking," "sexual assault" and "stalking" mean the same as in K.S.A. 75-452, and amendments thereto.

(g) A tenant or lessee shall not waive, and a landlord or property owner shall not require a tenant or lessee to waive, any rights under this section in a rental or lease agreement.

(h) Notwithstanding a termination of a protected person's rental or lease agreement under this section, the rental or lease agreement shall continue for any remaining tenants or lessees.

(i) In an action against a landlord or property owner for a violation of this section, the court may award statutory damages of \$1,000. The court may also award reasonable attorney fees and costs.

History: L. 2019, ch. 56, § 2; July 1.