

SENATE BILL No. 77

By Committee on Federal and State Affairs

1-23

1 AN ACT concerning housing discrimination; relating to the Kansas act
2 against discrimination; authorizing the removal of unlawful restrictive
3 covenants; amending K.S.A. 44-1017a and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 44-1017a is hereby amended to read as follows: 44-
8 1017a. (a) No declaration or other governing document of an association
9 shall include a restrictive covenant in violation of K.S.A. 44-1016 and 44-
10 1017, and amendments thereto.

11 (b) Within 60 days of the effective date of this act, the board of
12 directors of an association shall amend any declaration or other governing
13 document that includes a restrictive covenant in violation of K.S.A. 44-
14 1016 and 44-1017, and amendments thereto, by removing such restrictive
15 covenant. Such amendment shall not require the approval of the members
16 of the association. No other change shall be required to be made to the
17 declaration or other governing document of the association pursuant to this
18 section. Within 10 days of the adoption of the amendment, the amended
19 declaration or other governing document shall be recorded in the same
20 manner as the original declaration or other governing document. No fee
21 shall be charged for such recording.

22 (c) *Except as provided in subsection (d)*, if the commission, a city or
23 county in which the association is located provides written notice to an
24 association requesting that the association delete a restrictive covenant in
25 violation of K.S.A. 44-1016 and 44-1017, and amendments thereto, the
26 association shall delete the restrictive covenant within 30 days of receiving
27 the notice. If the association fails to delete the restrictive covenant in
28 violation of K.S.A. 44-1016 and 44-1017, and amendments thereto, the
29 commission, a city or county in which the association is located, or any
30 person adversely affected by such restrictive covenant may bring an action
31 against the homeowners association for injunctive relief to enforce the
32 provisions of subsections (a) and (b) of this section. The court may award
33 attorney's fees to the prevailing party.

34 (d) *If the commission, city or county determines the association is no*
35 *longer active such that the written notice described in subsection (c)*
36 *cannot be provided to the association, then the commission, city or county,*

1 upon adoption of a resolution by the governing body of such entity, may
2 correct or remove such restrictive covenant that is in violation of K.S.A.
3 44-1016 or 44-1017, and amendments thereto, by recording a redacted
4 plat or declaration that deletes such restrictive covenant without any other
5 change or modification to such plat or declaration. A resolution may
6 authorize the correction or removal of more than one restrictive covenant
7 that is in violation of K.S.A. 44-1016 or 44-1017, and amendments thereto.
8 No signature or other consent of any property owner affected by such
9 recording shall be required to record any redaction of a plat or
10 declaration pursuant to this subsection. Any redaction to a plat or
11 declaration recorded under this subsection shall not affect the validity of
12 any property interest recorded within the original or redacted plat. Neither
13 the commission nor any city or county shall incur any liability arising
14 from recording any redacted plat or declaration pursuant to this
15 subsection. No fee shall be charged for any such recording. Any such
16 recording shall be exempt from the survey requirements of K.S.A. 58-2001
17 et seq., and amendments thereto.

18 (e) For the purposes of this section:

19 (1) "Association" means a non-profit homeowners association as
20 defined in K.S.A. 60-3611, and amendments thereto.

21 (2) "Commission" means the Kansas human rights commission as
22 defined in K.S.A. 44-1002, and amendments thereto.

23 ~~(e)~~(f) This section shall be supplemental to and a part of the Kansas
24 act against discrimination.

25 Sec. 2. K.S.A. 44-1017a is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.