

HOUSE BILL No. 2823

By Committee on Federal and State Affairs

Requested by Representative W. Carpenter

3-7

1 AN ACT concerning the residential landlord tenant act; creating an
2 expedited process for eviction of persons not authorized to occupy the
3 dwelling unit; amending K.S.A. 58-2545 and 58-2557 and repealing the
4 existing sections.
5

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

7 New Section 1. (a) Any landlord who has reason to believe that a
8 rental unit is occupied by a person or persons who are not authorized to
9 reside in that dwelling unit shall notify such person or persons by posting
10 on the door of the dwelling unit a notice to vacate the premises within
11 three days and by leaving a copy of such notice with any person over 12
12 years of age residing within the dwelling unit.

13 (b) If such person or persons refuse to vacate the dwelling unit within
14 three days, the landlord may file a petition with the district court in the
15 judicial district where the dwelling unit is located describing the premises
16 for which possession is sought and why the landlord is seeking possession.

17 (c) The court shall schedule a hearing on the petition within seven
18 days and shall issue a summons requiring the defendant or defendants to
19 appear at the hearing.

20 (d) A defendant or defendants shall either appear in person or by
21 counsel at the time and date set forth in the summons. If the defendant or
22 defendants fail to appear or if the court finds the defendant or defendants
23 have no right to inhabit the dwelling unit then the court shall issue an order
24 requiring eviction of such defendant or defendants.

25 (e) The sheriff shall enforce the order of eviction within five days
26 from the date of the eviction order.

27 (f) The eviction procedures established by this section shall be an
28 alternative to the eviction procedures established by K.S.A. 61-3801 et
29 seq., and amendments thereto, and shall not be subject to the provisions of
30 such act.

31 (g) This section shall be a part of and supplemental to the residential
32 landlord tenant act.

33 Sec. 2. K.S.A. 58-2545 is hereby amended to read as follows: 58-
34 2545. (a) The landlord and tenant may include in a rental agreement, terms
35 and conditions not prohibited by this act or other rule of law, including

1 rent, term of the agreement and other provisions governing the rights and
2 obligations of the parties.

3 (b) In absence of agreement, the tenant shall pay as rent the fair rental
4 value for the use and occupancy of the dwelling unit.

5 (c) Rent shall be payable without demand or notice at the time and
6 place agreed upon by the parties. Unless otherwise agreed, rent is payable
7 at the dwelling unit, and periodic rent is payable at the beginning of any
8 term of one-~~(1)~~ month or less and otherwise in equal monthly installments
9 at the beginning of each month. Unless otherwise agreed, rent shall be
10 uniformly apportionable from day-to-day.

11 (d) Unless the rental agreement fixes a definite term, the tenancy shall
12 be week-to-week, in the case of a roomer who pays weekly rent, and in all
13 other cases month-to-month.

14 (e) *Every rental agreement shall list all persons who shall reside at*
15 *the dwelling unit. With the landlord's permission, names of persons living*
16 *in the dwelling unit may be added to the rental agreement. The tenant*
17 *shall notify the landlord of any person who is a guest of the tenant and*
18 *who intends to stay longer than seven days.*

19 Sec. 3. K.S.A. 58-2557 is hereby amended to read as follows: 58-
20 2557. (a) The landlord shall have the right to enter the dwelling unit at
21 reasonable hours, after reasonable notice to the tenant, in order to inspect
22 the premises, make necessary or agreed repairs, decorations, alterations or
23 improvements, supply necessary or agreed services, or exhibit the dwelling
24 unit to prospective or actual purchasers, mortgagees, tenants, workmen or
25 contractors.

26 (b) The landlord may enter the dwelling unit without consent of the
27 tenant in case of an extreme hazard involving the potential loss of life or
28 severe property damage *or when the landlord has a reasonable belief that*
29 *the dwelling unit is occupied by a person or persons not listed in the rental*
30 *agreement.*

31 (c) The landlord shall not abuse the right of access or use it to harass
32 the tenant.

33 Sec. 4. K.S.A. 58-2545 and 58-2557 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the statute book.