

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **HB 2279**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"New Section 1. (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, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, 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, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, 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 which the tenant or lessee vacates the premises that are the subject of the rental or lease agreement if the tenant or lessee:

(A) Is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; 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 which the tenant or lessee vacates the premises that are the subject of the

rental or lease agreement if, by preponderance of the evidence, the court finds that the tenant or lessee:

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

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

(c) An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee 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) An attorney; (B) an employee, agent or volunteer of a victim service provider; or (C) a healthcare professional or mental health professional. The document must declare under penalty of perjury that the individual believes in the occurrence of the incident of domestic violence, sexual assault, human trafficking or stalking that is the ground for protection and that the incident meets the applicable definition of domestic violence, sexual assault, human trafficking or stalking; or

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

(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, "domestic violence," "human trafficking," "sexual assault" and "stalking" mean the same as in K.S.A. 2018 Supp. 75-452, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the second semicolon and inserting "victims of domestic violence, sexual assault, human trafficking or stalking; relating to housing protections; requiring law enforcement to provide information to victims when an arrest is made for a domestic violence offense"; and the bill be passed as amended.

Chairperson