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# Topeka Independent Living Resource Center

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House Judiciary Committee

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Testimony By

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Topeka Independent Living Resource Center

Testimony in Opposition to HB2152

Thank you for the opportunity to provide testimony on behalf of Topeka Independent Living Resource Center and the people with disabilities who govern, serve, and are served by our agency. For almost 40 years, the Topeka Independent Living Resource Center has provided advocacy and service to people with disabilities and worked through public policy, individual advocacy, and legal avenues to promote a fully integrated and accessible society for all people with disabilities.

The Topeka Independent Living Resource Center opposes HB2152.

Housing presents a particular area of concern for people with disabilities; the lack of accessible, affordable, integrated housing makes people with disabilities extremely anxious when our housing is threatened. There simply are too few other places we can go. Threats to the security of our housing are not theoretical; fair housing complaints for discrimination on the basis of disability lead all other types of fair housing concerns for Kansans. (2019-2023 Consolidated Plan for the State of Kansas, Kansas Housing Resources Corporation, MA-40 Barriers to Affordable Housing Section 91.310(d) [www.kshousingcorp.org](http://www.kshousingcorp.org))

The extraordinary terms and conditions proposed in HB2152 would obviate some of the most critical aspects of fair housing protections extended under federal law.

Federal fair housing limits housing providers' inquiry into tenants' disability status at 24 C.F.R. 100.202(c). Department of Justice guidelines clarify that inquiries by housing providers should be limited to whether the applicant is an individual with a disability, and whether a requested accommodation is connected to a disability condition. (Joint Statement of The Department of Housing and Urban Development and the Department of Justice Reasonable Accommodations under the Fair Housing Act, May 14, 2004, <https://www.justice.gov/crt/us-department-housing-and-urban-development>).

It is no secret that people with certain types of disabilities experience prejudice and harassment because of attitudes about their disability or condition. In particular, we have seen people who may benefit from the services of an emotional support animal be exposed to innuendo about their condition, have their condition discussed with other tenants, or have inappropriate comments made about their treatments. The purpose of the limits on inquiries into nature and severity of a tenant's disability is to provide a first line of defense against such harmful treatment.

For years, our agency and other housing advocacy organizations across the country have provided tenants with a very simple and straightforward form to assist them in asking for any type of housing accommodation or modification. This form was specifically designed to document the existence of a disability and a needed accommodation, while maintaining the privacy and dignity of the tenant to the greatest degree possible. A copy of this form follows this testimony.

The very essence of discrimination is to impose burdensome terms and conditions on a specific group of people. The proposal from HB2152 is tantamount to asking people who intend to use mobility devices such as wheelchairs or scooters inside a rental unit to have their need for such accommodation certified.

It is our sincere hope that this body will not choose to insert discrimination into our housing laws by voting against HB2152.

