

HOUSE BILL No. 2065

By Representative Woodard

1-13

1 AN ACT concerning the Kansas act against discrimination and acts
2 supplemental thereto; prohibiting discrimination in housing based on
3 the source of income of the buyer or renter; amending K.S.A. 44-1015,
4 44-1016, 44-1017, 44-1018 and 44-1027 and repealing the existing
5 sections.

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

8 Section 1. K.S.A. 44-1015 is hereby amended to read as follows: 44-
9 1015. As used in this act, unless the context otherwise requires:

10 (a) "Commission" means the Kansas human rights commission.

11 (b) "Real property" means and includes:

12 (1) All vacant or unimproved land; and

13 (2) any building or structure ~~which~~ *that* is occupied or designed or
14 intended for occupancy, or any building or structure having a portion
15 thereof ~~which~~ *that* is occupied or designed or intended for occupancy.

16 (c) "Family" includes a single individual.

17 (d) "Person" means an individual, corporation, partnership,
18 association, labor organization, legal representative, mutual company,
19 joint-stock company, trust, unincorporated organization, trustee, trustee in
20 bankruptcy, receiver and fiduciary.

21 (e) "To rent" means to lease, to sublease, to let and otherwise to grant
22 for a consideration the right to occupy premises not owned by the
23 occupant.

24 (f) "Discriminatory housing practice" means any act that is unlawful
25 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto.

26 (g) "Person aggrieved" means any person who claims to have been
27 injured by a discriminatory housing practice or believes that such person
28 will be injured by a discriminatory housing practice that is about to occur.

29 (h) "Disability" has the meaning provided by K.S.A. 44-1002, and
30 amendments thereto.

31 (i) "Familial status" means having one or more individuals less than
32 18 years of age domiciled with:

33 (1) A parent or another person having legal custody of such
34 individual or individuals; or

35 (2) the designee of such parent or other person having such custody,
36 with the written permission of such parent or other person.

1 (j) "Source of income" means any lawful source of money paid
 2 directly or indirectly to a renter or buyer of housing, including any:

- 3 (1) Lawful profession or occupation;
- 4 (2) government or private assistance, grant or loan program;
- 5 (3) gift, inheritance, pension, annuity, alimony, child support or other
 6 consideration or benefit; and
- 7 (4) sale or pledge of property or interest in property.

8 Sec. 2. K.S.A. 44-1016 is hereby amended to read as follows: 44-
 9 1016. Subject to the provisions of K.S.A. 44-1018, and amendments
 10 thereto, it shall be unlawful for any person:

11 (a) To refuse to sell or rent after the making of a bona fide offer, to
 12 fail to transmit a bona fide offer or refuse to negotiate in good faith for the
 13 sale or rental of, or otherwise make unavailable or deny, real property to
 14 any person because of race, religion, *source of income*, color, sex,
 15 disability, familial status, national origin or ancestry.

16 (b) To discriminate against any person in the terms, conditions or
 17 privileges of sale or rental of real property, or in the provision of services
 18 or facilities in connection therewith, because of race, religion, *source of*
 19 *income*, color, sex, disability, familial status, national origin or ancestry.

20 (c) To make, print, publish, disseminate or use, or cause to be made,
 21 printed, published, disseminated or used, any notice, statement,
 22 advertisement or application, with respect to the sale or rental of real
 23 property that indicates any preference, limitation, specification or
 24 discrimination based on race, religion, *source of income*, color, sex,
 25 disability, familial status, national origin or ancestry, or an intention to
 26 make any such preference, limitation, specification or discrimination.

27 (d) To represent to any person because of race, religion, *source of*
 28 *income*, color, sex, disability, familial status, national origin or ancestry
 29 that any real property is not available for inspection, sale or rental when
 30 such real property is in fact so available.

31 (e) For profit, to induce or attempt to induce any person to sell or rent
 32 any real property by representation regarding the entry or prospective
 33 entry into the neighborhood of a person or persons of a particular race,
 34 religion, *source of income*, color, sex, disability, familial status, national
 35 origin or ancestry.

36 (f) To deny any person access to or membership or participation in
 37 any multiple-listing service, real estate brokers' organization or other
 38 service, organization or facility relating to the business of selling or renting
 39 real property, or to discriminate against such person in the terms or
 40 conditions of such access, membership or participation, because of race,
 41 religion, *source of income*, color, sex, disability, familial status, national
 42 origin or ancestry.

43 (g) To discriminate against any person in such person's use or

1 occupancy of real property because of the race, religion, *source of income*,
2 color, sex, disability, familial status, national origin or ancestry of the
3 people with whom such person associates.

4 (h) (1) To discriminate in the sale or rental, or to otherwise make
5 unavailable or deny, residential real property to any buyer or renter
6 because of a disability of:

7 (A) That buyer or renter;

8 (B) a person residing in or intending to reside in such real property
9 after it is sold, rented or made available; or

10 (C) any person associated with that buyer or renter.

11 (2) To discriminate against any person in the terms, conditions or
12 privileges of sale or rental of residential real property or in the provision of
13 services or facilities in connection with such real property because of a
14 disability of:

15 (A) That person;

16 (B) a person residing in or intending to reside in that real property
17 after it is so sold, rented or made available; or

18 (C) any person associated with that person.

19 (3) For purposes of this subsection (h), discrimination includes:

20 (A) A refusal to permit, at the expense of the person with a disability,
21 reasonable modifications of existing premises occupied or to be occupied
22 by such person if such modifications may be necessary to afford such
23 person full enjoyment of the premises;

24 (B) a refusal to make reasonable accommodations in rules, policies,
25 practices or services, when such accommodations may be necessary to
26 afford such person equal opportunity to use and enjoy residential real
27 property; or

28 (C) in connection with the design and construction of covered
29 multifamily residential real property for first occupancy on and after
30 January 1, 1992, a failure to design and construct such residential real
31 property in such a manner that:

32 (i) The public use and common use portions of such residential real
33 property are readily accessible to and usable by persons with disabilities;

34 (ii) all the doors designed to allow passage into and within all
35 premises within such residential real property are sufficiently wide to
36 allow passage by persons with disabilities who are in wheelchairs; and

37 (iii) all premises within such residential real property contain the
38 following features of adaptive design: An accessible route into and through
39 the residential real property; light switches, electrical outlets, thermostats
40 and other environmental controls in accessible locations; reinforcements in
41 bathroom walls to allow later installation of grab bars; and usable kitchens
42 and bathrooms such that an individual in a wheelchair can maneuver about
43 the space.

1 (4) Compliance with the appropriate requirements of the American
2 national standard for buildings and facilities providing accessibility and
3 usability for physically handicapped people, commonly cited as "ANSI A
4 117.1," suffices to satisfy the requirements of subsection (h)(3)(C)(iii).

5 (5) As used in this subsection (h), "covered multifamily residential
6 real property" means:

7 (A) Buildings consisting of four or more units if such buildings have
8 one or more elevators; and

9 (B) ground floor units in other buildings consisting of four or more
10 units.

11 (6) Nothing in this act shall be construed to invalidate or limit any
12 state law or ordinance that requires residential real property to be designed
13 and constructed in a manner that affords persons with disabilities greater
14 access than is required by this act.

15 (7) Nothing in this subsection (h) requires that residential real
16 property be made available to an individual whose tenancy would
17 constitute a direct threat to the health or safety of other individuals or
18 whose tenancy would result in substantial physical damage to the property
19 of others.

20 Sec. 3. K.S.A. 44-1017 is hereby amended to read as follows: 44-
21 1017. (a) It shall be unlawful for any person or other entity whose business
22 includes engaging in real estate related transactions to discriminate against
23 any person in making available such a transaction, or in the terms or
24 conditions of such a transaction, because of the race, religion, *source of*
25 *income*, color, sex, disability, familial status, national origin or ancestry of
26 such person or of any person associated with such person in connection
27 with any real estate related transaction.

28 (b) As used in this section, "real estate related transaction" means any
29 of the following:

30 (1) The making or purchasing of loans or providing other financial
31 assistance:

32 (A) For purchasing, constructing, improving, repairing or maintaining
33 a dwelling; or

34 (B) secured by real property.

35 (2) The selling, brokering or appraising of real property.

36 (c) Nothing in this section prohibits a person engaged in the business
37 of furnishing appraisals of real property to take into consideration factors
38 other than race, religion, *source of income*, color, sex, disability, familial
39 status, national origin or ancestry.

40 Sec. 4. K.S.A. 44-1018 is hereby amended to read as follows: 44-
41 1018. (a) Nothing in this act shall prohibit a religious organization,
42 association or society, or any nonprofit institution or organization
43 operated, supervised or controlled by or in conjunction with a religious

1 organization, association or society, from limiting the sale, rental or
2 occupancy of real property ~~which~~ *that* it owns or operates for other than a
3 commercial purpose to persons of the same religion, or from giving
4 preference to such persons, unless membership in such religion is
5 restricted on account of race, color, national origin or ancestry. Nor shall
6 anything in this act prohibit a nonprofit private club in fact not open to the
7 public, which as an incident to its primary purpose or purposes provides
8 lodgings ~~which~~ *that* it owns or operates for other than a commercial
9 purpose, from limiting the rental or occupancy of such lodgings to its
10 members or from giving preference to its members.

11 (b) Nothing in this act, other than the prohibitions against
12 discriminatory advertising as provided in ~~subsection (e)~~ of K.S.A. 44-
13 1016(c), and amendments thereto, shall apply to:

14 (1) The sale or rental of any single family house by an owner,
15 provided the following conditions are met:

16 (A) The owner does not own or have any interest in more than three
17 single family houses at any one time; and

18 (B) the house is sold or rented without the use of a real estate broker,
19 agent or salesperson or the facilities of any person in the business of
20 selling or renting dwellings. If the owner selling the house does not reside
21 in it at the time of the sale or was not the most recent resident of the house
22 prior to such sale, the exemption in this subsection applies to only one
23 such sale in any 24-month period; or

24 (2) rooms or units in buildings containing living quarters occupied or
25 intended to be occupied by no more than four families living
26 independently of each other, if the owner actually maintains and occupies
27 one of such living quarters as the owner's residence.

28 (c) (1) Nothing in this act limits the applicability of any reasonable
29 local, state or federal restrictions regarding the maximum number of
30 occupants permitted to occupy a dwelling. Nor does any provision in this
31 act regarding familial status apply with respect to dwellings provided
32 under any state or federal program specifically designed and operated to
33 assist elderly persons, as defined in the state or federal program, or to
34 housing for older persons.

35 (2) As used in this subsection (c), "housing for older persons" means
36 housing communities:

37 (A) Intended for, and at least 80% occupied by, at least one person 55
38 years of age or older per unit and providing significant facilities and
39 services specifically designed to meet the physical or social needs of such
40 persons; or

41 (B) intended for and occupied solely by persons 62 years of age or
42 older.

43 (d) Nothing in this act prohibits conduct against a person because

1 such person has been convicted two or more times by any court of
2 competent jurisdiction of the illegal manufacture or distribution of a
3 controlled substance as defined in section 102 of the federal controlled
4 substances act (21 U.S.C. 802).

5 (e) *Nothing in this act prohibits a person from:*

6 (1) *Refusing to consider income derived from any criminal activity;*
7 *or*

8 (2) *determining the ability of a potential buyer or renter to pay a*
9 *purchase price or pay rent by:*

10 (A) *Verifying, in a commercially reasonable manner, the source and*
11 *amount of income of the potential buyer or renter; or*

12 (B) *evaluating, in a commercially reasonable manner, the stability,*
13 *security and credit worthiness of the potential buyer or renter or any*
14 *source of income of the potential buyer or renter.*

15 Sec. 5. K.S.A. 44-1027 is hereby amended to read as follows: 44-
16 1027. (a) No person, whether or not acting under color of law, shall by
17 force or threat of force willfully injure, intimidate or interfere with, or
18 attempt to injure, intimidate or interfere with:

19 (1) Any person because of such person's race, religion, *source of*
20 *income*, color, sex, disability, familial status, national origin or ancestry
21 and because such person is or has been selling, purchasing, renting,
22 financing, occupying or contracting or negotiating for the sale, purchase,
23 rental, financing or occupation of any real property, or applying for or
24 participating in any service, organization or facility relating to the business
25 of selling or renting real property;

26 (2) any person because such person is or has been, or in order to
27 intimidate such person or any other person or any class of persons from:

28 (A) Participating, without discrimination on account of race, religion,
29 *source of income*, color, sex, disability, familial status, national origin or
30 ancestry, in any of the activities, services, organizations or facilities
31 described in subsection (a)(1); or

32 (B) affording another person or class of persons opportunity or
33 protection so to participate; or

34 (3) any citizen because such citizen is or has been, or in order to
35 discourage such citizen or any other citizen from lawfully aiding or
36 encouraging other persons to participate, without discrimination on
37 account of race, religion, *source of income*, color, sex, disability, familial
38 status, national origin or ancestry, in any of the activities, services,
39 organizations or facilities described in subsection (a)(1), or participating
40 lawfully in speech or peaceful assembly opposing any denial of the
41 opportunity to so participate.

42 (b) Violation of this section is punishable by a fine of not more than
43 \$1,000 or imprisonment for not more than one year, or both such fine and

1 imprisonment, except that:

2 (1) If bodily injury results, such violation shall be punishable by a
3 fine of not more than \$10,000 or imprisonment for not more than 10 years,
4 or both such fine and imprisonment; and

5 (2) if death results, such violation shall be punishable by
6 imprisonment for any term of years or for life.

7 Sec. 6. K.S.A. 44-1015, 44-1016, 44-1017, 44-1018 and 44-1027 are
8 hereby repealed.

9 Sec. 7. This act shall take effect and be in force from and after its
10 publication in the statute book.