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4 **SENATE BILL No. 265**

5
6 By Senator Schmidt
7 (By request)

8
9 2-7

10
11 AN ACT concerning ~~the residential landlord and tenant act~~ **landlords**
12 **and tenants**; notice of termination of tenancy; **notice to file suit to**
13 **evict**; amending K.S.A. 58-2570 **and K.S.A. 2001 Supp. 61-2803** and
14 repealing the existing ~~section~~ **sections**.

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

17 Section 1. K.S.A. 58-2570 is hereby amended to read as follows: 58-
18 2570. (a) The landlord or the tenant may terminate a week-to-week ten-
19 ancy by a written notice given to the other at least seven days prior to the
20 termination date specified in the notice.

21 (b) The landlord or the tenant may terminate a month-to-month ten-
22 ancy by a written notice given to the other party stating that the tenancy
23 shall terminate upon a periodic rent-paying date not less than ~~thirty (30)~~
24 30 days after the receipt of the notice, except that not more than ~~fifteen~~
25 ~~(15)~~ 15 days' written notice by a tenant shall be necessary to terminate
26 any such tenancy where the tenant is in the military service of the United
27 States and termination of the tenancy is necessitated by military orders.
28 Any rental agreement for a definite term of more than ~~thirty (30)~~ 30 days
29 shall not be construed as a month-to-month tenancy, even though the
30 rent is reserved payable at intervals of ~~thirty (30)~~ 30 days.

31 (c) If the tenant remains in possession without the landlord's consent
32 after expiration of the term of the rental agreement or its termination,
33 the landlord may bring an action for possession, ~~and~~. *In addition*, if the
34 tenant's holdover is ~~willful~~ *intentional* and not in good faith the landlord,
35 ~~in addition~~, may recover an amount not more than ~~one and one-half (1½)~~
36 1½ months' periodic rent or not more than ~~one and one-half (1½)~~ 1½
37 times the actual damages sustained by the landlord, whichever is greater.
38 If the landlord consents to the tenant's continued occupancy subsection
39 (d) of K.S.A. 58-2545, *and amendments thereto* shall govern.

40 (d) In any action for possession, the landlord may obtain an order of
41 the court granting immediate possession of the dwelling unit to the land-
42 lord by filing a motion therefor in accordance with subsection (b) of
43 K.S.A. 60-207, *and amendments thereto* and service thereof on the tenant

1 pursuant to K.S.A. 60-205, *and amendments thereto*. After a hearing and
2 presentation of evidence on the motion, and if the judge is satisfied that
3 granting immediate possession of the dwelling unit to the landlord is in
4 the interest of justice and will properly protect the interests of all the
5 parties, the judge may enter or cause to be entered an order for the
6 immediate restitution of the premises to the landlord upon the landlord
7 giving an undertaking to the tenant in an amount and with such surety as
8 the court may require, conditioned for the payment of damages or oth-
9 erwise if judgment be entered in favor of the tenant.

10 (e) *If either the landlord or the tenant want to terminate the tenancy*
11 *and the landlord provides the tenant with a written notice of termination*
12 *for the tenant to sign that contains provisions that include additional*
13 *terms that were not contained in the rental agreement between the land-*
14 *lord and the tenant, such notice of termination shall contain a statement*
15 *in not less than 10-point bold face type: "YOU DO NOT HAVE TO SIGN*
16 *THIS NOTICE OF TERMINATION BECAUSE IT CONTAINS TERMS*
17 *NOT CONTAINED IN YOUR RENTAL AGREEMENT."*

18 (f) *A tenant's signature on a notice of termination provided by a land-*
19 *lord shall not bind the tenant to any additional terms contained in such*
20 *notice of termination but not contained in the rental agreement between*
21 *the landlord and the tenant.*

22 **Sec. 2. K.S.A. 2001 Supp. 61-3803 is hereby amended to read**
23 **as follows: 61-3803. Before a lawsuit to evict a person pursuant to**
24 **K.S.A. 2001 Supp. 61-3801 through 61-3808, and amendments**
25 **thereto, is filed, the party desiring to file such lawsuit shall deliver**
26 **to the other party a notice to leave the premises for which possession**
27 **is sought. The notice shall be delivered at least three days before**
28 **commencing the lawsuit, by leaving a written copy with the other**
29 **party or by leaving a copy thereof with any person over the age of**
30 **12 years residing on the premises described in such notice, or if no**
31 **such person is found upon the premises, by posting a copy of such**
32 **notice in a conspicuous place thereon, or by mailing a copy of the**
33 **notice to the other party at the address of the premises described in**
34 **the notice. The three day notice period provided for in this section**
35 **shall be computed as three consecutive 24-hour periods to com-**
36 **mence at the time the notice is delivered, posted or mailed. If the**
37 **notice is mailed, an additional two days from the date of mailing**
38 **shall be allowed for the person to leave the premises before the**
39 **lawsuit is filed. Intermediate Saturdays, Sundays and legal holidays**
40 **shall be included in the computation of the notice period. If the law**
41 **suit to be brought is to evict a person for the nonpayment of rent, a**
42 **combined notice to terminate the tenancy and of intent to file suit may be**
43 **given to the person and only one such notice to the person shall be re-**

1 *quired in this event. **The form of the notice of all notices required or***
2 *allowed under this section **shall be substantially in the form set forth***
3 ***in the rules or by order or orders of the supreme court of this state.***

4 Sec. ~~2~~ **3.** K.S.A. 58-2570 ~~is~~ **and K.S.A. 2001 Supp. 61-2803 are**
5 hereby repealed.

6 Sec. ~~3~~ **4.** This act shall take effect and be in force from and after its
7 publication in the statute book.

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