Proponent Testimony on House Bill 2768

Chair Tarwater, Vice Chair Ward, and Members of the Committee:

Thank you for the opportunity to present proponent testimony on House Bill 2768. I present this legislation grounded in the principles of individual liberty, contractual fairness, and equal treatment under the law.

HB 2768 modernizes the Kansas Residential Landlord and Tenant Act to reflect current economic realities while preserving legitimate landlord protections. The bill contains two primary components.

1. A Reasonable Accommodation for Multiple On-Time Payments

HB 2768 requires landlords to accept multiple payments toward rent so long as the full rent is paid on time.

- Tenants may remit rent in installments if the entire amount is paid by the due date.
- If a landlord refuses a timely payment that contributes to the rent being paid in full, that refused portion is forfeited and the tenant's obligation for that portion is discharged.
- Violations create liability for actual damages, potential punitive damages, and reasonable attorney fees.
- The provision supplements existing remedies and does not limit other lawful landlord rights.

This section does not diminish contractual obligations. Rent must still be paid in full and on time. What the bill provides is flexibility in how that obligation is satisfied.

Allowing for Kansas renters to set up digital automatic payments from their weekly or biweekly paychecks is a reasonable accommodation and is not an undue hardship for our landlords.

Modern banking platforms already process recurring electronic transfers and automated clearing systems. Providing flexibility in payment timing—so long as rent is timely and complete—reflects contemporary financial practice and promotes housing stability without shifting risk.

2. Requiring Consideration of All Lawful Income

When landlords require tenants or prospective tenants to meet income thresholds, HB 2768 requires that all lawful income be considered.

- Wages or compensation from lawful employment;
- Government or private assistance programs;
- Veterans' compensation under applicable federal regulations;
- Pensions, annuities, alimony, child support;
- Lawful grants, loans, or proceeds from property.

If a landlord rejects an applicant after failing to consider all qualifying income, the applicant is entitled to double the application fees and costs.

Increasingly, rental applications are processed through automated digital screening systems with preset income filters that may automatically reject non-traditional income sources, including veterans' disability compensation or retirement income.

HB 2768 promotes flexibility, accountability, and fairness. It strengthens contractual integrity by ensuring rent is paid in full and on time. It protects veterans and retired Kansans from unintended digital exclusion. And it aligns landlord-tenant practices with modern financial realities.

I am available to answer questions at the appropriate time.

Representative Leah Howell