

To: House Committee on Federal and State Affairs

From: Michelle Ewert

Date: February 5, 2026

Re: Opposition to HB 2504, Prohibiting cities and counties from restricting the discretion of landlords not to rent residential or commercial property on grounds including prospective tenants' receipt of housing assistance, etc.

I write this honorable committee to express my strong opposition to HB 2504, which would prohibit cities and counties from enacting and enforcing legislation to prohibit discrimination based on lawful source of income. I am a Professor of Law at Washburn University School of Law and Director of the Washburn Law Clinic. My students and I provide free legal services to low-income Kansans who would not otherwise have access to counsel. I previously served as staff attorney and housing law supervisor at the Homeless Persons Representation Project in Baltimore, Maryland, and as staff attorney for HOPE Fair Housing Center in Wheaton, Illinois, and Central California Legal Services in Visalia, California. In each of these positions, I have represented low-income individuals who were struggling to overcome very significant barriers to moving out of poverty.

Summary of Fair Housing Law

The federal Fair Housing Act (FHA) was enacted in 1968 to address rampant housing discrimination throughout the United States.¹ It initially prohibited discrimination based on race, color, religion, and national origin. Congress amended the FHA in 1974 to add sex as a protected class and again in 1988 to add disability and familial status as protected classes.

Additional fair housing protections exist at the state and local level around the country. For example, the Kansas Acts Against Discrimination adds ancestry as a protected class, in addition to the protected classes included in the FHA.² Many state and local governments also prohibit discrimination based on lawful source of income, including housing assistance vouchers.³

The HUD regulations governing the Housing Choice Voucher Program (HCVP) specifically say that federal law does not preempt state or local laws that prohibit discrimination against voucher holders.⁴

¹ See 42 U.S.C. § 3601 et seq.

² See K.S.A. 44-1001 et seq.

³ For a discussion of the many state and local laws prohibiting discrimination against lawful source of income, see *Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination*, Poverty & Race Research Action Council (updated January 2025), available at <https://www.prrac.org/pdf/AppendixB.pdf>.

⁴ “Nothing in [the federal law] is intended to pre-empt operation of State and local laws that prohibit discrimination against a Section 8 voucher-holder because of status as a Section 8 voucher-holder.” 24 C.F.R. § 982.53(d).

Problems with HB 2504

HB 2504 is problematic for several reasons. For the following reasons, I ask this Committee to vote against HB 2504.

1. HB 2504 would prevent local governments from enacting fair housing protections to further protect vulnerable Kansans.

Over the course of my career in legal services, I have represented many people with HCVP vouchers. This includes women who have fled domestic violence,⁵ veterans,⁶ and people with disabilities. A problem I have seen repeatedly in jurisdictions without source of income protections is that many tenants cannot find a landlord who will accept their voucher in time to submit the Request for Tenancy Approval⁷ before the voucher expires. When that happens, the tenant loses their voucher and must try to find housing without any subsidy assistance. For low-income people, this is very difficult.⁸

A report released last year found that in 2022, 43% of voucher holders were unsuccessful in using their voucher to obtain housing, and that the median time for a search was 78 days.⁹ Municipalities that choose to enact lawful source of income protections to help their constituents have better access to housing should be allowed to do so. HB 2504 would make it harder for local governments to provide such protections to vulnerable Kansans.

2. HB 2504 disregards the findings that a local source of income ordinance is constitutional and promotes Congress’s goals for “decent and affordable” housing.

In the recent case *Landlords of Lawrence v. City of Lawrence*, a landlord group challenged amendments to Chapter 10 of the City Code of Lawrence, which prohibited discrimination based on source of income and immigration status. The Kansas Court of Appeals upheld the ordinance, in part because the city code provided adequate notice and clear standards, rejecting the

⁵ Domestic violence is widely recognized as one of the leading causes of homelessness for women. For a recent study of the link between domestic violence and housing instability, see Danielle Chiramonte, Kathryn A. V. Clements, Gabriela López-Zerón, Oyesola O. Ayeni, Adam M. Farero, Wenjuan Ma, and Cris M. Sullivan, *Examining Contextual Influences on the Service Needs of Homeless and Unstably Housed Domestic Violence Survivors*, *Journal of Community Psychology*, 50(4):1831–1853 (2021).

⁶ Some veterans participate in the HUD-Veterans Affairs Supportive Housing (VASH) program and others participate in the regular HCVP voucher program. For a discussion of the differences, see the HUD-VASH Vouchers chapter of HUD’s Housing Choice Voucher Program Guidebook (2021), available at https://www.hud.gov/sites/dfiles/PIH/documents/HUD_VASH_HCV_Guidebook_Chapter_July_2021.pdf.

⁷ The HUD Request for Tenancy Approval form is what the tenant and landlord submit to the Public Housing Authority to start the inspection and leasing process. The form is available at <https://www.hud.gov/sites/dfiles/OCHCO/documents/52517ENG.pdf>.

⁸ For a discussion of the impacts of source of income discrimination on Kansans, see the series in the Kansas Reflector. The first in the series includes links to the subsequent pieces. Kelm Lear, *Housing Vouchers Help Shelter Kansas Families. But Too Many Landlords Discriminate Against Them.*, *Kansas Reflector* (June 11, 2024).

⁹ The study included 1,232 of the 2,141 public housing authorities across the country that administered HCVP vouchers in 2022. Ingrid Gould Ellen, Katherine O’Regan, and Sarah Stochak, *Success Rates in the Housing Choice Voucher Program: 2018-2022*, NYU Furman Center (April 2025), available at https://furmancenter.org/files/Success_Rates_in_the_Housing_Choice_Voucher_Program_508.pdf.

argument that the ordinance was unconstitutionally vague and finding it not preempted by current federal law.¹⁰

In addressing the claims that the source of income protections were unconstitutional, the Court of Appeals said the Lawrence ordinance was “consistent with the purposes and objectives stated by Congress to prevent discrimination in housing. We also find these amendments to be consistent with Congress' intent to increase the availability of decent and affordable housing to voucher holders.”¹¹

Further, in response to the landlords’ claims that the ordinance violated their Fourth Amendment rights against unreasonable search and seizure, the Court of Appeals found that there was no evidence any landlords were at risk of imminent injury. The Court said

Here, based on our review of the record on appeal, we do not find that the Landlords of Lawrence has demonstrated an imminent loss based on a violation of the landlords’ Fourth Amendment rights. We find that the Fourth Amendment challenge asserted by the Landlords of Lawrence hinges on a possibility that the landlords’ property or records may be subject to inspections by government agencies. But at this point in time, they have not yet been subjected to such searches.¹²

The City of Lawrence has had source of income protections in place, yet landlords have not experienced demonstrated violations of their Fourth Amendment rights or other constitutional rights.

3. HB 2504 unnecessarily duplicates existing law that protects landlords.

Portions of HB 2504 are unnecessarily duplicative of state and federal law protecting landlords. First, Kansas landlord-tenant law already allows landlords to deny applicants—including HCVP voucher holders—with disqualifying criminal or rental history.¹³ Further, state landlord-tenant law allows landlords to evict tenants—including voucher holders—who violate their lease. This includes evictions for nonpayment of rent¹⁴ and other breaches of lease.¹⁵

Similarly, federal law explicitly protects landlords who accept vouchers. Federal law allows landlords to screen applicants for payment of rent, caring for property, drug-related criminal activity and criminal activity that would threaten health, safety, and property of others, and compliance with other terms of tenancy.¹⁶ Federal law also allows landlords to evict

¹⁰ *Landlords of Lawrence v. City of Lawrence*, 569 P.3d 165 (Kan. Ct. App. 2025), *review denied* (Sept. 19, 2025).

¹¹ *Landlords of Lawrence v. City of Lawrence*, 569 P.3d 165, 6 (Kan. Ct. App. 2025), *review denied* (Sept. 19, 2025).

¹² *Landlords of Lawrence v. City of Lawrence*, 569 P.3d 165, 10 (Kan. Ct. App. 2025), *review denied* (Sept. 19, 2025).

¹³ See Kansas Residential Landlord and Tenant Act, K.S.A. 58-2540 et seq.

¹⁴ See K.S.A. 58-2561.

¹⁵ See K.S.A. 58-2564.

¹⁶ 24. C.F.R. § 982.307(a).

voucher holders who engage in serious or repeated lease violations and for other good cause.¹⁷ HUD has specifically said that “HCV tenants are bound by the terms of their rental agreements and are subject to eviction as is any non-HCV tenant.”¹⁸

Landlords have the ability under existing law to deny bad applicants who have vouchers and evict bad tenants who use vouchers. In addressing landlord concerns that voucher holders are “problem tenants,” HUD said

Actually, HCV tenants are typically long-term tenants, living in a unit for 7-8 years on average. There are no documented statistics showing that HCV participants are any more likely to damage units or not pay rent than are non-HCV tenants. Landlords use their own screening criteria and should screen HCV tenants as they would screen any other tenant to avoid problem tenants.¹⁹

Additionally, HUD has addressed landlord concerns about rent amounts in the HCVP, saying “Landlords can charge the full rent no matter who the tenant is. The housing authority must determine that the proposed rent is reasonable and is not higher than units in that area with similar amenities.”²⁰ While landlords can’t charge *more* rent for assisted units just because the government is paying, they can charge the same amount as unassisted units.

Both Kansas and federal law already protect landlords. Duplicative protections in HB 2504 are unnecessary.

Conclusion

I ask this committee to vote no on HB 2504. Vulnerable Kansans like my clients benefit when state and local government expand anti-discrimination protections in housing, not increase discrimination.

The ideas expressed in this statement are mine as an individual faculty member at the law school and do not represent Washburn University or Washburn University School of Law.

¹⁷ 24. C.F.R. § 982.310.

¹⁸ See Housing Choice Voucher (HCV) Myth-Busting and Benefits Fact Sheet, U.S. Dept. of Hous. and Urb. Dev., available at <https://files.hudexchange.info/resources/documents/PIH-HCV-Landlord-Myth-Busting-and-Benefits-Fact-Sheet.pdf>

¹⁹ See Housing Choice Voucher (HCV) Myth-Busting and Benefits Fact Sheet, U.S. Dept. of Hous. and Urb. Dev., available at <https://files.hudexchange.info/resources/documents/PIH-HCV-Landlord-Myth-Busting-and-Benefits-Fact-Sheet.pdf>.

²⁰ See Housing Choice Voucher (HCV) Myth-Busting and Benefits Fact Sheet, U.S. Dept. of Hous. and Urb. Dev., available at <https://files.hudexchange.info/resources/documents/PIH-HCV-Landlord-Myth-Busting-and-Benefits-Fact-Sheet.pdf>.