

HOUSE BILL No. 2454

By Representatives Howerton, Howell and Tarwater

1-15

1 AN ACT concerning the residential landlord and tenant act; requiring
2 landlords to accept full or partial payment amounts and to consider
3 certain income of a tenant or prospective tenant when demonstrating
4 income as a condition of qualifying for housing; providing that
5 violations of such requirements shall be deemed to be a deceptive or
6 unconscionable act or practice under the provisions of the Kansas
7 consumer protection act and subject to the remedies and enforcement
8 provisions of such act.
9

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

11 Section 1. (a) If the tenant or a party on behalf of the tenant tenders
12 payment of an amount, full or partial, to the landlord or the landlord's
13 designee and the tender is refused, there is discharge, to the amount of the
14 tender, of the obligation of the tenant. Nothing in this section shall limit a
15 landlord's other rights under this act.

16 (b) Any violation of this section, including, but not limited to,
17 refusing tender of a full or partial payment amount or failure to discharge
18 the obligation of the tenant as described in subsection (a), shall be deemed
19 to be a deceptive or unconscionable act or practice under the provisions of
20 the Kansas consumer protection act and subject to the remedies and
21 enforcement provisions of the Kansas consumer protection act. The
22 requirements and remedies of this subsection are in addition to any other
23 requirements and remedies provided by law.

24 (c) This section shall be a part of and supplemental to the residential
25 landlord and tenant act.

26 Sec. 2. (a) If a landlord requires a tenant or prospective tenant to
27 demonstrate income as a condition of qualifying for housing, all income
28 shall be considered.

29 (b) Except as provided further, as used in this section, "income"
30 means any lawful source of money paid directly or indirectly to a renter or
31 buyer of housing, including, but not limited to, any: (1) Lawful profession
32 or occupation; (2) government or private income, assistance, grant, or loan
33 program; (3) gift, inheritance, pension, annuity, alimony, child support or
34 other consideration or benefit; and (4) sale or pledge of property or interest
35 in property. "Income" does not include any federal housing assistance
36 issued under section 8 of the United States housing act of 1937, 42 U.S.C.

1 § 1437f.

2 (c) Any violation of this section shall be deemed to be a deceptive or
3 unconscionable act or practice under the provisions of the Kansas
4 consumer protection act and subject to the remedies and enforcement
5 provisions of the Kansas consumer protection act. The requirements and
6 remedies of this subsection are in addition to any other requirements and
7 remedies provided by law.

8 (d) This section shall be a part of and supplemental to the residential
9 landlord and tenant act.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the Kansas register.