

SENATE BILL No. 369

By Senator Sykes

1-22

1 AN ACT concerning the residential landlord and tenant act; requiring
2 certain disclosures be made to prospective tenants; providing
3 restrictions on fees for the late payment of rent.
4

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

6 Section 1. (a) A landlord may charge a reasonable late fee for the late
7 payment of rent as set forth in a rental agreement. Such fee shall:

8 (1) Not exceed 5% of the amount of the periodic rent;

9 (2) not be increased based upon a late fee that was previously
10 imposed; and

11 (3) only be charged after the tenant is allowed a minimum of five
12 days after the date that the rent is due to remit payment.

13 (b) Before a landlord accepts an application fee or any other payment
14 from a prospective tenant, the landlord shall disclose, in writing, as part of
15 the application or a written summary to the prospective tenant:

16 (1) A good faith estimate of the rent amount and the amount of each
17 fixed, non-rent expense that is part of the rental agreement;

18 (2) the type of each use-based, non-rent expense that is part of the
19 rental agreement;

20 (3) the day on which the dwelling unit is scheduled to be available;
21 and

22 (4) the criteria that the landlord will consider in determining the
23 prospective tenant's eligibility as a tenant in the dwelling unit, including
24 criteria related to the prospective tenant's criminal history, credit, income,
25 employment or rental history.

26 (c) (1) If a landlord violates subsection (a), the tenant or prospective
27 tenant shall be released from any rental agreement that was signed,
28 without penalty.

29 (2) If a landlord violates subsection (b):

30 (A) The tenant or prospective tenant shall be released from any rental
31 agreement that was signed, without penalty; and

32 (B) the landlord shall return to a prospective tenant any money that
33 was paid to the landlord related to the dwelling unit including any
34 application fee, security deposit or rent, and shall pay a penalty to the
35 prospective tenant in an amount equal to the total amount of money paid to
36 the landlord related to the dwelling unit.

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

3 Sec. 2. This act shall take effect and be in force from and after its
4 publication in the statute book.