

SENATE BILL No. 370

By Senator Sykes

1-22

1 AN ACT concerning the residential landlord and tenant act; relating to
2 termination of a rental agreement; modifying how a rental agreement
3 terminates in the case of material noncompliance by the landlord with a
4 rental agreement; amending K.S.A. 58-2559 and repealing the existing
5 section.

6

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

8 Section 1. K.S.A. 58-2559 is hereby amended to read as follows: 58-
9 2559. (a) Except as otherwise provided in this act, if there is a material
10 noncompliance by the landlord with the rental agreement or a
11 noncompliance with K.S.A. 58-2553, *and amendments thereto*, materially
12 affecting health and safety, the tenant may deliver a written notice to the
13 landlord specifying the acts and omissions constituting the breach and that
14 the rental agreement will terminate upon a ~~periodic rent paying~~ date not
15 less than ~~thirty~~ (30) days after receipt of the notice. The rental agreement
16 shall terminate as provided in the notice, *regardless of the periodic rent-*
17 *paying date*, subject to the following:

18 (1) If the breach is remediable by repairs or the payment of damages
19 or otherwise, and the landlord adequately initiates a good faith effort to
20 remedy the breach within ~~fourteen~~ (14) days after receipt of the notice, the
21 rental agreement shall not terminate. However, in the event that the same
22 or a similar breach occurs after the ~~fourteen day~~ 14-day period provided
23 ~~herein~~ *in this paragraph*, the tenant may deliver a written notice to the
24 landlord specifically describing the breach and stating that the rental
25 agreement shall terminate upon a ~~periodic rent paying~~ date not less than
26 ~~thirty~~ (30) days after the receipt of such notice by the landlord *without*
27 *providing the opportunity to remedy the breach*. The rental agreement then
28 shall terminate as provided in such notice *regardless of the periodic rent-*
29 *paying date*.

30 (2) The tenant may not terminate for a condition caused by an act or
31 omission of; ~~or which that is~~ or can be properly attributable or applicable
32 to₅ the tenant or any person or animal or pet on the premises at any time
33 with the tenant's express or implied permission or consent.

34 (b) Except as otherwise provided in this act, the tenant may recover
35 damages and obtain injunctive relief for any noncompliance by the
36 landlord with the rental agreement or K.S.A. 58-2553, *and amendments*

1 *thereto.* The remedy provided in this subsection shall be in addition to any
2 right of the tenant arising under subsection (a) of this section.

3 (c) If the rental agreement is terminated, the landlord shall return that
4 portion of the security deposit recoverable by the tenant under K.S.A. 58-
5 2550, and amendments thereto.

6 (d) The provisions of this section shall not limit a landlord's or
7 tenant's right to terminate the rental agreement pursuant to K.S.A. 58-
8 2570, and amendments thereto.

9 Sec. 2. K.S.A. 58-2559 is hereby repealed.

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