

SENATE BILL No. 415

By Senator Shane

1-28

1 AN ACT concerning the residential landlord and tenant act; relating to  
2 remedies and penalties under the act; providing that violations of the  
3 act involving ~~action or inaction by a landlord that causes~~ **resulting in**  
4 a dwelling unit ~~to be considered~~ **being deemed** uninhabitable **by a**  
5 **governmental agency** shall be subject to the remedies and enforcement  
6 provisions of the Kansas consumer protection act.  
7

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

9 Section 1. (a) Any violation of the residential landlord and tenant act  
10 involving ~~an action or inaction by a landlord that causes a dwelling unit to~~  
11 ~~be considered uninhabitable~~ **intentional action or a failure to act by a**  
12 **landlord that results in a dwelling unit being deemed uninhabitable by a**  
13 **governmental agency responsible for enforcement of a building, housing**  
14 **or fire code** shall be subject to the remedies and enforcement provisions of  
15 the Kansas consumer protection act.

16 (b) For the purposes of the remedies and penalties provided by the  
17 Kansas consumer protection act:

18 (1) The landlord shall be deemed the supplier, and the tenant shall be  
19 deemed the consumer; and

20 (2) proof of a consumer transaction shall not be required.

21 (c) **The provisions of this section shall not apply if the tenant**  
22 **caused or materially contributed to the condition causing the dwelling**  
23 **unit to be deemed uninhabitable.**

24 (d) The remedies provided by this section are in addition to any other  
25 remedies provided by this act.

26 (e) **As used in this section, "failure to act" means the absence of**  
27 **reasonable corrective action to address a condition that materially**  
28 **affects the health and safety of the tenant after actual or constructive**  
29 **notice and reasonable opportunity to cure.**

30 ~~(f)~~ (f) This section shall be a part of and supplemental to the  
31 residential landlord and tenant act.

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