

SENATE BILL No. 443

By Senator Sykes

2-2

1 AN ACT concerning evictions; requiring cause for evictions from
2 residential property; modifying the petition and notice requirements in
3 residential eviction cases; removing the requirement to post bond
4 before the court may grant a continuance; amending K.S.A. 61-3801,
5 61-3804, 61-3805 and 61-3807 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 61-3801 is hereby amended to read as follows: 61-
9 3801. (a) K.S.A. 61-3801 through 61-3808, and amendments thereto, shall
10 govern lawsuits brought to evict a person from possession of real property
11 or of an interest in real property.

12 (b) *A lawsuit to evict a person from possession of real property that
13 is a residential property or dwelling unit shall only be brought if the
14 tenant:*

15 (1) *Has made entry without right or title;*

16 (2) *holds over and continues in possession of the property or
17 dwelling unit, or any portion thereof, after the expiration of the rental
18 agreement or after tenancy at will has been terminated by either party;*

19 (3) *has not paid rent;*

20 (4) *has materially violated the terms of the rental agreement after
21 notice of such violation;*

22 (5) *has engaged in conduct that creates a nuisance or disturbance
23 that interferes with the quiet enjoyment of the landlord or other tenants at
24 the property or dwelling unit; or*

25 (6) *has negligently damaged the property or dwelling unit.*

26 (c) *Nothing in this section shall be construed to authorize the filing of
27 a lawsuit to evict a person without providing all notices that are required
28 by law.*

29 (d) *As used in this section, the terms "dwelling unit", "landlord",
30 "tenant", "rent" and "rental agreement" mean the same as defined in
31 K.S.A. 58-2543, and amendments thereto.*

32 Sec. 2. K.S.A. 61-3804 is hereby amended to read as follows: 61-
33 3804. (a) The petition shall describe the premises for which possession is
34 sought and why the plaintiff is seeking possession. If there is rent due for
35 possession of the premises, the petition may include a request for
36 judgment for that amount or the plaintiff may bring a subsequent lawsuit

1 for that amount.

2 (b) (1) *A petition for possession of real property in a residential*
3 *eviction case shall include:*

4 (A) *The most recent rental agreement if such agreement is in writing;*

5 (B) *the notice to leave the premises that was served on the tenant;*
6 *and*

7 (C) *any exhibit that the landlord intends to introduce at trial.*

8 (2) *If the petition fails to include the items described in paragraph*
9 *(1), the case shall be dismissed. No exhibit that was not included with the*
10 *petition required by paragraph (1)(C) shall be admitted into evidence*
11 *unless such exhibit is properly introduced as rebuttal evidence.*

12 Sec. 3. K.S.A. 61-3805 is hereby amended to read as follows: 61-
13 3805. (a) The time stated in the summons requiring the defendant to
14 appear in response to the petition shall be determined by the court. Such
15 time shall be not less than three nor more than 14 days after the date the
16 summons is issued.

17 (b) *In residential eviction cases, a summons shall be served with:*

18 (1) *A copy of the petition;*

19 (2) *the instructions for responding; and*

20 (3) *a blank answer and self-represented litigant certification on forms*
21 *set forth by the judicial council.*

22 Sec. 4. K.S.A. 61-3807 is hereby amended to read as follows: 61-
23 3807. (a) If a trial is necessary, the trial shall be conducted within 14 days
24 after the appearance date stated in the summons.

25 (b) ~~No continuance shall be granted unless the defendant requesting a~~
26 ~~continuance shall file a bond with good and sufficient security approved~~
27 ~~by the court, conditioned for the payment of all damages and rent that may~~
28 ~~accrue if judgment is entered against the defendant.~~

29 Sec. 5. K.S.A. 61-3801, 61-3804, 61-3805 and 61-3807 are hereby
30 repealed.

31 Sec. 6. This act shall take effect and be in force from and after its
32 publication in the statute book.