

SENATE BILL No. 482

By Committee on Judiciary

2-4

AN ACT concerning the residential landlord and tenant act; relating to dwelling units that are condemned; requiring landlords to return the security deposit and certain portions of rent payments that would be due; amending K.S.A. 58-2562 and repealing the existing section.

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

Section 1. K.S.A. 58-2562 is hereby amended to read as follows: 58-2562. (a) (1) If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent that the use and habitability of the dwelling unit is substantially impaired, the tenant:

(A) May vacate the premises immediately and shall notify the landlord in writing within five days thereafter of such tenant's intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating; or

(B) if continued occupancy is lawful, may vacate any part of the dwelling unit rendered unusable by the fire or casualty, in which case the tenant's liability for rent is reduced in proportion to the diminution in the fair rental value of the dwelling unit.

(2) If the rental agreement is terminated pursuant to this ~~section~~ subsection, the landlord shall return that portion of the security deposit recoverable by the tenant under K.S.A. 58-2550, and amendments thereto, and accounting for rent in the event of either termination of the rental agreement or apportionment of rent shall occur as of the date of vacating.

(b) If the dwelling unit or premises are condemned due to an action or inaction by the landlord, the landlord shall return to the tenant:

(1) That portion of the security deposit recoverable by the tenant under K.S.A. 58-2550, and amendments thereto; and

(2) the total amount of rent that would be due by the tenant through the end of the rental agreement or two years, whichever is less.

Sec. 2. K.S.A. 58-2562 is hereby repealed.

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