

## SENATE BILL No. 482

By Committee on Judiciary

2-4

1 AN ACT concerning the residential landlord and tenant act; relating to  
2 dwelling units that are condemned; requiring landlords to return the  
3 security deposit and certain portions of rent payments that would be  
4 due; amending K.S.A. 58-2562 and repealing the existing section.  
5

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

7 Section 1. K.S.A. 58-2562 is hereby amended to read as follows: 58-  
8 2562. (a) (1) If the dwelling unit or premises are damaged or destroyed by  
9 fire or casualty to an extent that the use and habitability of the dwelling  
10 unit is substantially impaired, the tenant:

11 (1) May vacate the premises immediately and shall notify the  
12 landlord in writing within five (5) days thereafter of such tenant's intention  
13 to terminate the rental agreement, in which case the rental agreement  
14 terminates as of the date of vacating; or

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

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

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

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

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

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 K.S.A. 58-2562 is hereby repealed.

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