

Governor Kelly Signs Senate Bill 78

TOPEKA – In an effort to assist domestic violence survivors, Governor Laura Kelly signed Senate Bill 78 Monday providing protection for Kansans who must unexpectedly leave a rental arrangement.

“Kansans dealing with abusive domestic situations don’t always have time to plan their next move,” Kelly said. “When they need to leave a dangerous situation quickly, this legislation ensures landlords can’t discriminate, can’t evict, and can’t charge unreasonable fees for breaking a lease.”



Senate Bill 78 creates certain rights or benefits under an insurance policy on residential real estate and protections related to housing for victims of domestic violence, sexual assault, human trafficking, or stalking. Under the law, landlords cannot deny housing or evict someone for being a victim, if they otherwise qualify. Victims who must leave the property immediately will not be liable for future rent if certain conditions are met. This legislation will become effective upon its publication in the Kansas Statute Book.

“We must do all we can to encourage women and men to leave abusive relationships,” Kelly said. “These are our friends and neighbors and they need our support.”

SUMMARY OF SB 78 FROM THE KANSAS LEGISLATIVE RESEARCH DEPARTMENT

The bill creates law prohibiting certain actions being taken against a tenant, lessee, or applicant for a lease because such person is a “protected person,” defined by the bill to be a person who, during the preceding 12 months, has been, is, or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking, or stalking.

Specifically, an applicant cannot be denied tenancy on the basis of or as a direct result of being a protected person, if the applicant otherwise qualifies for tenancy or occupancy.

A tenant or lessee cannot be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of or as a direct result of being a protected person, if the tenant or lessee otherwise qualifies for tenancy or occupancy.

A tenant or lessee is not liable for rent for the period after vacating rented or leased premises if the tenant or lessee is a protected person and notifies the landlord or property owner in accordance with provisions set forth in the bill. In an action brought against a tenant or lessee under Kansas law seeking recovery of rent, the tenant or lessee will have an affirmative defense and no liability for rent for the period after vacating the premises if, by preponderance of the evidence, the court finds the tenant or lessee was a protected person on the date the tenant or lessee vacated the premises at issue and the tenant or lessee provided the required notice.

Governor Kelly Signs Senate Bill 78 (Cont'd)



The protections do not affect the tenant or lessee's liability for late or unpaid rent or other amounts owed for the period prior to vacating the premises at issue.

An applicant, tenant, or lessee qualifies for the protections of the bill if the applicant, tenant, or lessee is a protected person and provides a statement regarding the qualifying circumstances to the landlord or property owner, who may request the applicant, tenant, or lessee provide additional documentation specified by the bill. Such documentation can include a document signed by the victim and any one of various specified licensed persons from

whom the victim sought assistance, declaring under penalty of perjury the licensed person holds the opinion, in their professional judgment within their scope of practice, the qualifying incident occurred, or a court order granting relief to the protected person relating to the alleged qualifying circumstances. The submission of false information by an applicant, tenant, or lessee may be a basis for denial of tenancy, eviction, or violation of a rental or lease agreement.

A landlord or property owner may impose a reasonable termination fee, not to exceed one month's rent, on a tenant or lessee requesting termination pursuant to the bill before the expiration date of the lease, but only if such fee is contained in the terms of the rental or lease agreement.

The bill states the rights under this section shall not be waived (and a landlord or property owner shall not require a tenant or lessee to waive) in a rental or lease agreement, and a rental or lease agreement will continue for any remaining tenants or lessees upon termination of a protected person's agreement pursuant to the above provisions.

The bill allows a court to award statutory damages of \$1,000 and reasonable attorney fees and costs in an action against a landlord or property owner for a violation of the provisions created by the bill. The bill states the definitions of "domestic violence," "human trafficking," "sexual assault," and "stalking" are the same as those provided by continuing statutes regarding substitute mailing addresses for victims of such offenses.

Are Your Coil Ranges Meeting New Regulations?

All cooking appliances sold in North America are subject to testing and meeting established industry standards for safety. Until now there has never been a testing requirement for helping prevent stovetop cooking fires, especially in those instances where the stovetop is left unattended (the leading reason for these fires).

The new UL858 (60A) standard published by Underwriters Laboratories includes a new test requirement for cooking oil ignition. To be listed for sale anywhere in the United States, all new household electric coiled cooktops/ranges must meet the new test requirement as of April 2019.

Are Your Coil Ranges Meeting New Regulations? (Cont'd)

In its simplest form this new test requires that an electric coil stovetop be turned to its maximum heat setting with a pan of oil on the element and allowed to operate for 30 minutes or until the cooking oil ignites, whichever comes first. If there is ignition, then the product fails and cannot be listed for sale in North America.

In late 2014, acknowledging the technology advances related to cooking fires on electric coil ranges, the Association of Home Appliance Manufacturers (AHAM), the organization representing most kitchen range and cook top manufacturers selling in North America, announced a plan to help reduce the potential for unattended cooking fires.

In 2015, AHAM proposed to the two major North American certification services, Underwriters Laboratories (UL) and Canadian Standards Association (CSA), a change to industry safety standards for coil element cooktops/ranges centered on revising UL 858 and CSA C22.2 No. 61. The change would include a test procedure to evaluate sensors and other devices designed to prevent cookware from reaching the ignition temperatures associated with common cooking oils.

This newly published UL858 standard and test procedure will, for now, apply only to electric coil cooktops/ranges. Going forward AHAM has committed to working together with industry, the U.S. Consumer Product Safety Commission, Health Canada, as well as UL and CSA, to determine how similar tests and requirements can be applied to radiant glass ceramic, induction, and gas cooktops and ranges in future.

One company who has made adjustments for compliance is GE Appliances, their electric coil burners now use Sensi-Temp Technology. Each burner with this technology has a silver medallion with a button (sensor) in the center of the coil. This button must contact the bottom of the cookware for the Sensi-Temp Technology to sense the temperature properly. When the sensor detects a pan temperature near the limit (450F), the burner will shut off automatically until a lower, safe pan temperature is reached. At that point, heat will resume to the burner. This will not affect every day cooking, as automatic shut-off is temporary and only happens at very high temperatures.

How it Works:

1. Cookware is placed on the Sensi-Temp coil.
2. Power is turned on to the coil and a thermostat in the center of the coil opens and closes based on temperature.
3. The thermostat opens when the temperature gets too hot, temporarily removing power from the coil.
4. The thermostat closes when the temperature reaches an acceptable level.



****Special thank you to GE Appliances and Metro Appliances & More for providing materials for this article.***

Pittsburgh Source of Income Ordinance Found Invalid and Unenforceable

In a significant win for the industry, the Pennsylvania Commonwealth Court has affirmed the trial court decision to invalidate the City of Pittsburgh's Source of Income (SOI) Ordinance. The ordinance prohibits rental housing providers from denying housing to an applicant on the basis of an individual's status as a Section 8 voucher holder. In essence, the ordinance would mandate owners and operators' participation in the Section 8 Housing Choice Voucher (HCV) Program.



Unfortunately, SOI laws do not take in account that U. S. Department of Housing and Urban Development (HUD) and local Public Housing Authorities (PHAs) who administer the HCV program require participating owners and operators to adhere to additional regulatory requirements. These requirements are otherwise not imposed in a standard apartment leasing transaction and include significant challenges stemming from inconsistency in service and interactions with PHAs. These ongoing issues create uncertainty in rental housing operations and often undermine the ability of owners to properly manage risk, leading to negative outcomes for owners and residents alike.

Making arguments similar to the above, NAA and NMHC voiced concern when Congress unsuccessfully considered legislation last year to make "source of income" a protected class under the federal Fair Housing Act (the Act) which already prohibits discrimination in housing nationwide, on the basis of race, color, religion, sex, national origin, familial status and disability. In addition to activity at the federal level, thirteen states, the District of Columbia and more than seventy municipalities have enacted "source of income" protections under their fair housing laws, with no end to proposed legislation in sight. SOI laws impose additional requirements on housing providers beyond what is required under federal law.

NAA continues to work with its affiliates and members to oppose efforts to make voucher acceptance mandatory and engage HUD to offer solutions that would incentivize owners and operators in the private market to participate voluntarily as Congress intended. Moreover, Section 8 reform is one of NAA's 2019 federal priorities.

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