

SENATE BILL No. 266

By Committee on Federal and State Affairs

2-24

1 AN ACT concerning landlords and tenants; relating to the residential
2 landlord and tenant act; amending K.S.A. 58-2543 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 58-2543 is hereby amended to read as follows: 58-
7 2543. As used in ~~this~~ *the residential landlord and tenant act*:

8 (a) "Action" includes recoupment, counterclaim, setoff, suit in equity
9 and any other proceeding in which rights are determined, including an
10 action for possession.

11 (b) "Building and housing codes" includes any law, ordinance or
12 governmental regulation concerning fitness for habitation, or the
13 construction, maintenance, operation, occupancy, use or appearance of any
14 premises or dwelling unit.

15 (c) "Dwelling unit" means a structure or the part of a structure that is
16 used as a home, residence or sleeping place by one person who maintains a
17 household or by two or more persons who maintain a common household;
18 but such term shall not include real property used to accommodate a
19 manufactured home or mobile home, unless such manufactured home or
20 mobile home is rented or leased by the landlord.

21 (d) "Good faith" means honesty in fact in the conduct of the
22 transaction concerned.

23 (e) "Landlord" means the owner, lessor or sublessor of the dwelling
24 unit, or the building of which it is a part, and it also means a manager of
25 the premises who fails to disclose as required by K.S.A. 58-2551, and
26 amendments thereto.

27 (f) "Organization" includes a corporation, government, governmental
28 subdivision or agency, business trust, estate, trust, partnership or
29 association, two or more persons having a joint or common interest, and
30 any other legal or commercial entity.

31 (g) "Owner" means one or more persons, jointly or severally, in
32 whom is vested: (1) All or part of the legal title to property; or (2) all or
33 part of the beneficial ownership and a right to prevent use and enjoyment
34 of the premises; and such term includes a mortgagee in possession.

35 (h) "Person" includes an individual or organization.

36 (i) "Premises" means a dwelling unit and the structure of which it is a

1 part and facilities and appurtenances therein and grounds, areas and
2 facilities held out for the use of tenants generally or the use of which is
3 promised to the tenant.

4 (j) "Rent" means all payments to be made to the landlord under the
5 rental agreement, other than the security deposit.

6 (k) "Rental agreement" means all *written* agreements, ~~written or oral,~~
7 and valid rules and regulations adopted under K.S.A. 58-2556, and
8 amendments thereto, embodying the terms and conditions concerning the
9 use and occupancy of a dwelling unit and premise.

10 (l) "Roomer" means a person occupying a dwelling unit that lacks a
11 major bathroom and kitchen facility, in a structure where one or more
12 major facilities are used in common by occupants of the dwelling unit and
13 other dwelling units. As used herein, a major bathroom facility means a
14 toilet, and either a bath or shower, and a major kitchen facility means a
15 refrigerator, stove and sink.

16 (m) "Security deposit" means any sum of money specified in a rental
17 agreement, however denominated, to be deposited with a landlord by a
18 tenant as a condition precedent to the occupancy of a dwelling unit, which
19 sum of money, or any part thereof, may be forfeited by the tenant under
20 the terms of the rental agreement upon the occurrence or breach of
21 conditions specified therein.

22 (n) "Single family residence" means a structure maintained and used
23 as a single dwelling unit. Notwithstanding that a dwelling unit shares one
24 or more walls with another dwelling unit, it is a single family residence if
25 it has direct access to a street or thoroughfare and shares neither heating
26 facilities, hot water equipment, nor any other essential facility or service
27 with any other dwelling unit.

28 (o) "Tenant" means a person entitled ~~under a rental agreement to~~
29 ~~occupy a dwelling unit to the exclusion of others~~ *to possession of a*
30 *dwelling unit under a lease. The term includes an assignee, sublessee and,*
31 *if the tenant is not a natural person, a person the tenant has authorized to*
32 *occupy the unit. If the tenant is a natural person, the term does not include*
33 *a person that is not a party to the lease.*

34 Sec. 2. K.S.A. 58-2543 is hereby repealed.

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