

HOUSE BILL No. 2225

By Committee on Energy, Utilities and Telecommunications

Requested by Nathaniel Blank on behalf of Ideatek

2-4

1 AN ACT concerning residential rentals and leases; relating to the mobile
2 home parks residential landlord and tenant act; prohibiting landlords
3 from limiting a tenant's access to communications and video services;
4 amending K.S.A. 58-25,111 and repealing the existing section.
5

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

7 Section 1. K.S.A. 58-25,111 is hereby amended to read as follows:
8 58-25,111. (a) Except as provided in subsections (c) and (d), when
9 prevented by an act of God, the failure of public utility services or other
10 conditions beyond the landlord's control, the landlord shall:

11 (1) Comply with the requirements of all applicable city, county and
12 state codes materially affecting health and safety which are primarily
13 imposed upon the landlord. If the duty imposed by this paragraph is
14 greater than any duty imposed by any other paragraph of this subsection,
15 the landlord's duty shall be determined in accordance with the provisions
16 of this paragraph-;

17 (2) make all repairs and do whatever is necessary to put and keep the
18 mobile home space in a fit and habitable condition-;

19 (3) keep all common areas of the mobile home park in a clean and
20 safe condition-;

21 (4) maintain in good and safe working order and condition all
22 facilities supplied or required to be supplied by the landlord-;

23 (5) provide for removal of garbage, rubbish; and other waste from the
24 mobile home park-; and

25 (6) furnish outlets for electric, water and sewer services and provide
26 to such outlets an adequate, safe and sanitary supply of such services.

27 (b) A landlord shall not impose any conditions of rental or occupancy
28 ~~which~~ that restrict the tenant in the choice of, *or from access to*, a seller or
29 *provider* of fuel, furnishings, goods, services, *including cable television,*
30 *communications, broadband and telecommunications services*, or mobile
31 homes connected with the rental or occupancy of a mobile home space
32 unless such condition is reasonably necessary to protect the health, safety
33 or welfare of mobile home tenants in the park. The landlord may impose
34 reasonable requirements designed to standardize methods of utility
35 connection and hookup. If any such conditions are imposed—~~which that~~

1 result in charges for such goods or services, the charges shall not exceed
2 the actual cost incurred in providing the tenant with such goods or
3 services.

4 (c) The landlord and tenant may agree in writing that the tenant is to
5 perform the landlord's duties specified in subsection (a)(5) and (6) and also
6 specified repairs, maintenance tasks, alterations or remodeling, but only if
7 the transaction is entered into in good faith and not for the purpose of
8 evading the obligations of the landlord.

9 (d) The landlord and tenant may agree that the tenant is to perform
10 specified repairs, maintenance tasks, alterations or remodeling only if:

11 (1) The agreement of the parties is entered into in good faith, and not
12 to evade the obligations of the landlord, ~~and is.~~ *Such agreement shall be*
13 *set forth in a separate written agreement signed by the parties and*
14 *supported by adequate consideration;*

15 (2) the work is not necessary to cure noncompliance with subsection
16 (a)(1); and

17 (3) the agreement does not diminish or affect the obligation of the
18 landlord to other tenants.

19 Sec. 2. K.S.A. 58-25,111 is hereby repealed.

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