



Agenda Item Report

City Commission - Feb 14 2023

Department	Staff Contact
Equity & Inclusion	Kalenna Coleman, Organizational Equity Coordinator

Recommendations

Consider adopting on second and final reading Ordinance No. 9960, amending City Code Chapter 10, Article 1, relating to the City's policy against discrimination.

Executive Summary

The City Commission directed staff to return to the City Commission on February 14, 2023, for further discussion on Ordinance No. 9960, amending City Code Chapter 10. There are two versions of the ordinance before the Commission: One, labeled A, includes protections against discrimination based on source of income, and protections for victims of domestic violence, sexual assault, human trafficking, or stalking in relation to housing, with language clarifying that cash-only sales of real property would not be prohibited. The second version, labeled B, also includes protection for immigration status in housing and public services. The effective date of either ordinance is set for June 1, 2023, in order to provide time to continue education efforts in the community.

At its meeting on December 13, 2022, the City Commission considered Ordinance No. 9960 amending Chapter 10 of the City Code to prohibit discrimination in housing on the basis of source of income or status as a survivor of domestic violence, sexual assault, human trafficking, or stalking. The concept of such an ordinance was included in a package of policy recommendations made by the Human Relations Commission, a City advisory board. The Commission adopted Ordinance 9960, as prepared by City staff, on first reading. The City Commission directed staff to engage the public, particularly landlords, about the ordinance and to return the ordinance to the Commission on January 17, 2023. The Commission also directed staff to further review the potential of adding protections regarding immigration status to Chapter 10.

On January 5, 2023, staff held a meeting regarding Ordinance No. 9960 in the City Commission room and on Zoom. Approximately 120 people attended, either in person or virtually. City staff, representatives of the Lawrence Douglas County Housing Authority, and the Human Relations Commission attended and answered questions. A summary of the comments and questions are provided below. Interested parties could also submit comments to the City Clerk's office. Comments received by the City Clerk are also provided below. A video of the public meeting can be viewed at: [01/05/23 Meeting for Landlords - Source of Income Status Ordinance No. 9960](#) on YouTube.

At its meeting on January 17, 2023, the City Commission directed staff to consider the potential impact of the ordinance on cash-only real estate sales and return to the Commission on February 14, 2023, with language addressing those concerns.

Alignment to Strategic Plan

Strong, Welcoming Neighborhoods

Fiscal Impact

The recommended action will not result in a specific cost impact, although enforcement of the ordinance will result in a cost impact on a case-by-case basis.

Action Requested

Adopt on second and final reading Ordinance No. 9960, amending City Code Chapter 10, Article 1, relating to the City's policy against discrimination.

Previous Agenda Reports:

[December 13, 2022 \(Regular Agenda\)](#)

[January 17, 2023 \(Regular Agenda\)](#)

Attachments

[FAQ Source of Income landlords \(003\)](#)

[Comments -Source of Income - Landlords](#)

[Landlord Questions with Answers](#)

[Ord 9960 A](#)

[Ord 9960 B](#)

[Public Comment - Added 02/13/23](#)

1. Question: Will the landlord's screening requirements for tenants be restricted with the adoption of Ordinance 9960 and amendments to Chapter 10?

Answer: Landlords can set any screening criteria they want to allow renting of the unit, as long as it is not discriminatory. This includes the protected classes already in the ordinance as well as the criteria that would be added by this ordinance: source of income.

2. Question: Would this ordinance require landlords to accept a tenant with a voucher over a tenant without a voucher?

Answer: The ordinance would not force a landlord to rent to a particular tenant. Any landlord could choose a tenant without a voucher over a tenant with a voucher, but a repeated behavior could potentially be considered a discriminatory action if that was why the landlord was choosing non-voucher tenants.

3. Question: Does this ordinance change the ability of a landlord to evict a tenant?

Answer: No. Both Landlord and tenants have rights under the Kansas Residential Landlord and Tenant Act (K.S.A. 58-2540 *et seq*). So, in the example provided where a tenant was told by the landlord to leave but did not, this may have been protected under the Act. Landlords have to go through the courts to evict people. The Housing Authority collaborates with both the landlords and tenants.

4. Question: How would a violation of Chapter 10 be enforced?

Answer: Prior to reaching the Court, any alleged violation of Chapter 10 goes through a complaint process with the Human Relations Commission. This entails a series of meetings and conciliations to try to resolve the situation. This does not go to court until after the City processes the violation as it would any other violation of Chapter 10.

5. Question: If this ordinance were passed, would landlords still be able to ask about someone's source of income before the lease is signed?

Answer: There is no restriction on asking questions. If you are asking all questions uniformly of all applicants, that is acceptable. If there is discrimination based on the source of income of the applicant, then it would be a violation.

6. Question: In future revisions to Chapter 10, will there be restrictions for running credit checks on rental unit applicants or turning an applicant away because of a bad credit check?

Answer: That is not a part of this ordinance. Credit checks are not prohibited by this proposed ordinance. There is no prohibition of looking at rental references as a part of this ordinance.

7. Question: How does a voucher, as a source of income, work with regards to lease terms?

Answer: A voucher is a subsidy. A subsidy is received on a monthly basis based on several factors including income and household size. The Housing Authority asks for the initial lease to be 12 months. After that, if tenant and landlord agree on something else, the HA reconsiders that. The Housing Authority does not dictate a lease. A landlord will sign a housing assistance payment contract that is a contract between all three parties (Housing Authority, tenant, and landlord). It essentially states that there is a subsidy that the landlord will get on a monthly basis and that both parties should uphold and maintain the lease. With this the landlord will receive a subsidy every month on the first of the month. The payment is guaranteed in the form of check or direct deposit.

8. Question: When a landlord accepts a tenant with a voucher, is there a guarantee in damages over the deposit rate? Does the Housing Authority act as guarantor?

Answer: The Housing Authority does not act as a guarantor. The Housing Authority treats the tenants on subsidized housing the same as they would those without. Accordingly, the risk factor that a landlord takes is the same with any tenant regardless of voucher status. However, the Housing Authority has funding to incentivize landlords as well as programming around damage mitigation.

9. Question: Why and how was this ordinance proposed?

Answer: The proposal came up from the Human Relations Commission, and the City Commission decided to take up the issue of Source of Income as a protected class to Chapter 10. The City Commission asked for a draft of the ordinance.

Housing issues in Lawrence became apparent to the Human Relations Commission. When the City Commission and other groups studied the issue of housing, this was one of the solutions that were proposed, that other West Coast and central states have done. The Human Relations Commission found that 50% of tenants are renters in the City of Lawrence, and 80% of landlords do

not accept vouchers. The Human Relations Commission researched the housing issue and decided to move forward with a proposed change to Chapter 10.

10. Question: Why might a landlord, previously accepting of vouchers, decide not to?

Answer: The Housing Authority sees landlords come of the program and go back on the program due to cyclical reasons such as landlord changes of the rental units. When such transitions happen owners may say “no” to continue vouchers or will continue. This is the biggest loss of landlords accepting vouchers.

11. Question: With accepting vouchers, what happens when the tenants allocations of subsidy changes or rent increases?

Answer: Landlords are able, during the renewal period, to ask for an increase in rent. The landlord is asked to provide comparable rental data to support the increase in rent, and Housing Authority inspectors will also research the typical renting prices. If the increase is determined to be reasonable, the subsidy will be increased. Tenants still may have a portion to pay out of pocket. If the Housing Authority does not find the increase reasonable and does not provide the subsidy, landlords have the right to a mutual termination or non-renewal of lease. In either case, the landlord can then increase the price of the rent if they so choose.

12. Question: Why didn't the Human Relations Commission provide a public meeting, similar to the one held for landlords, and reach out to the landlords in a similar way in the past two years of researching the proposed ordinance for housing relief?

Answer: The meetings around Lawrence held with regards to the topic of housing were promoted and open to the general public – not specifically for tenants or landlords.

13. Question: What is the timeline (history/future) of Chapter 10 with regards to the City Commission?

Answer: In reference to the timeline of this ordinance being passed – this was first heard by the City Commission at their December 13, 2022 meeting. At that time, the City Commission passed the ordinance on first reading and directed staff to have public engagement. The landlord/public meeting was held, and the ordinance will be back on the City Commission's agenda on the January 17 meeting. At the time, the commission has several options: pass the ordinance as it is drafted, ask for amendments to the ordinance for further consideration, or vote down the ordinance.

14. Question: If landlords do not accept the voucher from the applicant, and the applicant complains, can landlords get a \$10,000-\$50,000 fine?

Answer: The way source of income would be enforced through the Chapter 10. This would go through a complaint process with an investigation by the Human Relations Division. The investigation process proceeds as follows: if there is a finding of probable cause that the landlord performed some discriminatory action, the complaining party has option to elect whether to have the matter decided by the Human Relations Commission or go to District Court to have the matter decided there. If discrimination exists, there are fines as well as damages that could possibly awarded under Chapter 10. Penalties will not be imposed until there is due process and an investigation. Sometimes complaints are filed, and there is no evidence to support the allegation.

15. Question: From a local standpoint, is there anything legally that prevents Lawrence from creating a neighborhood revitalization area based on a housing type – where we could do a tax abatement based on houses that are Section 8?

Answer: It is possible that the City Commission can look at an incentive program along with the proposed Chapter 10 revision or instead of passing this ordinance.

16. Question: Of the other states and cities that have implemented Source of Income as a protected class, how long have they implemented it for and how long has the study been going with them?

Answer: The very first source of income non-discrimination ordinance was in 1971. More research and information is available on the research packet attached to the December 13, 2022 City Commission meeting.

17. Question: What are the various types of vouchers in the Housing Authority's program?

Answer: Within the program there are various reasons behind vouchers (homelessness, disability, fixed-income, etc.). The most important piece with regards to landlords is that it is a subsidy regardless of the program. There is no difference in how the contract or payment occurs. There is just one subsidy/voucher.

18. Question: Are landlords of lower priced units the target of this ordinance?

Answer: The ordinance is not targeting any specific type of landlord. The Housing Authority provides subsidy at about 40% of the fair market rental rate.

Therefore, there is a payment limit set by the federal government of what can be subsidized. Due to this, vouchers are typically for what can be considered affordable housing.

19. Question: How are payments of vouchers made to landlords via the Housing Authority?

Answer: Housing assistance payments process through direct deposit and check. With direct deposit, the voucher processes on the 1st of the month. With check, it is mailed out no later than the 2nd of the month.

20. Question: Is the Housing Assistance Payment Contract available for viewing?

Answer: Yes. It is available for viewing on the [LDCHA website](#).

21. Is there a new landlord incentive program already in place with the Housing Authority?

Answer: Yes. The Housing Authority has funding available for incentivizing landlords.

22. Question: Can you clarify how zoning affects occupancy restrictions?

Answer: Rentals in single-family or unplanned zoning can have no more than three unrelated people in a unit. Rentals in multi-family zoning can have up to four unrelated people in a unit. When the number of people in a unit is calculated for these purposes, minors are not included in the number.

23. Question: How does the Housing Authority guide the tenants with voucher use?

Answer: Generally, it is advised not to pay more than 30% of income on housing. Not being “housing burdened” is promoted.

Real estate agent questions:

24. Question: Would this prohibit real estate agents from advertising or selling properties as cash-only sales?

Answer: Real estate could still be sold as cash-only sales. While there are some similarities between real estate financing and financing for rentals, there is no prohibition on specifying a type of payment received because it is not reliant on the source of income. If, for example, a buyer requested a cash-only sale but refused to accept cash from a person of a particular profession or job, then it could be unlawful under this act.

25. Question: There are some real estate transactions that, because of some aspect of the property, cannot be sold to any government-backed entity, and that could include vouchers. How would that work?

Answer: While federal and state law would supersede any City ordinance, that is a consideration for any possible amendments to ensure that there is not a violation of City ordinance as the parties involved in the sale attempt to comply with state and federal law.

Comments (verbal and written) from Source of Income: Landlords Meeting Jan. 5th

Comment 1 – My wife and I own and rent a house in East Lawrence and I think the City is going about this in the wrong way. Rather than make people and try to force people to do something they do not want to do, I think you should try to figure out exactly why landlords do not want to do it. Find a way to incentivize them or better yet, find a way to make more rental units available to more people in Lawrence. I have a recommendation on how to do that. I do things rationally based on risk, income, and those sorts of things. I imagine everybody does. To make a fact-based decision on how to change things, you should understand what the problem is. Maybe you do, and I am just not aware of that. When I read the ordinance, I thought about people who rent a house in rooms in their houses. If you were a single woman with a house and an extra bedroom or two bedrooms, would you want the City telling you that you have to rent to somebody you are not comfortable with? I would not want that happening to somebody I know. From what I can tell, this law makes you do that. I also think it would have unintended consequences of forcing rent up. If you force people to rent to people, which they see as a higher risk, landlords are just going to raise their rents to price out that risk. Everybody does that. I would like to propose a better approach. Lawrence has an ordinance that says that in most zoning districts, you cannot rent a house to more than three unrelated people. I think that is classist elitist. Maybe sexist. They want to rent a four-bedroom house in West Lawrence, why not?

Comment 2 – I am a landlord. I own 17 houses. It makes up 43 rental units here in Lawrence. My husband and I started purchasing houses in 1974. The last house we purchased was in 1999. We stopped because we liked knowing our tenants and we wanted to stay small. Each of our 17 houses was the worst on the block and we did urban renewal. We did it on credit cards and with my husband's sweat. Each house, my husband did most of the work himself. He acted as a handyman, gardener, everything for us. Since my husband's passing, my daughter has stepped in to help and we hired a part-time office manager. We also had to hire a handyman and other subcontractors, a lot of them. On average, I spent in the last month in 2022, \$6,617 on employees. \$5,318 in subcontractors, workman's comp (\$2,876), and \$13,562.80 on mortgages. That's one month. The last tax bill I got from the City was for \$62,055 – up \$7,344.88. My tax bill went up. Every other landlords who owns property, their tax bills went up. You want to impact

something, you should impact the assessments that you charge. They are really too high, and it's part of the reason rental housing has become so expensive. One of the reasons, within 35 years, the City originally wanted only three people living in a house. I thought it was discriminatory at the time. I never went to more than three people. The city does and made the law and we were lucky it wasn't a two people maximum. Then the city wanted to check health and safety to make sure there weren't more than three unrelated people living in reliance. They were counting toothbrushes and going through the houses. Then, the City began to have rental houses, which cost me approximately 15 units, for licensing. When they went to licensing and inspections every time, the City inspects and it's an additional \$55 per unit that they inspect. If I spread that cost over all 43 units, it is \$2,550 a year just for the City. We have to have one smoke alarm in every room now. We used to only have one on every level. I agree with that, actually, I think that was fine. However, I need to have an additional carbon monoxide detector in front of every bedroom. Let the City agree to building tiny houses. Let them subsidize them and build them good to code.

Comment 3 – I am a landlord. I gave my \$80,000 in property taxes this year. It goes up every time, except in the last few years, I've also been able to bear a brunt of a lot of losses; including someone that worked in Shannon's Department who gave advice to people who rented from me. They basically said, "stay there". You won't have to pay and they got 35 days of free rent. I had to tell people who were set up to go rent my next apartment. To go buzz off because these people can't be made to leave. The City isn't going to help me and until this day, our courts haven't helped me. That is the real experience that I've experienced losing \$60,000 last year. The year before and nearly the year before that too. The problem is that people who follow the rules are not discriminating to people. The people who would discriminate will continue to do so with any other pretense to get out of what they have to do. So, just like the three unrelated, I have never rented to more than three people in one of my apartments. We have one on Indiana and one on Kentucky. Landlords are making 14 rental checks renting to fraternities, and I get to make essentially three. I can't find a parking spot, because so many cars are outside of the places with many people living. There's too many people living in a place that was made for a single family home. That is what I feel the real problem is. Don't penalize the people who are already following the rules.

I don't need someone who can simply throw their hands in the air and say discrimination, and that is where I have a big problem. I don't feel like I will be protected.

Comment 4 – It is a really small change, but folks are probably not just going to be getting a single applicant for each rental, I assume. So there is still subtly the possibility for discrimination and it might be really hard for folks with vouchers to prove that. I also want to drop a quick compassionate note into this chat. I'm a medical geneticist in my professional life, and so many of my patients use vouchers. Some of these folks are not Tasmanian devils. They are families that have disabled kiddos, people who got diagnosis of ALS and can't get out of their wheelchairs. So, I'm grateful that this voucher program exists.

Comment 5 – We own five rental properties in Lawrence since 2013, and they have served us well. We've kept them up. We've paid the increase in taxes. I always run a credit check on everybody and it has served me well. A bad credit check is more important to me than any discrimination because I don't feel like I discriminate with my properties. My ability to choose my renters is very important to me. I wouldn't loan somebody that I didn't know \$20,000 without any kind of application to see where the income was coming from. Or even if they have good rental history. I follow up on that. It has served me well since 2013. I don't want to have to adjust anything in my business because of the ordinance.

Comment 6 – I don't want to question your intent on this. I think I'm sur that you have good intentions. I just think that they might come with some consequences that need to be thought through first off. One of the things in this ordinance references loans, for real estate. I believe that would come into some Federal guidelines for Fannie Mae, Freddie Mac, and I'm not sure that our local city really has a whole lot of authority over what their loan guidelines are. With this ordinance, what we are doing is creating more subsidized housing, but I think that the end result is going to be less affordable housing. If I have a tenant who I've done some really thorough background checks on and I've made sure that they have all their ducks in a row, I know I can count on them to take care of my property. Well, know if I have to put myself in a risk category to where I'm not necessarily going to only be able to rent to people who have the high credit and the good jobs. I have to also make myself and my properties available for those

who are on some Section 8 vouchers and not just deal with them. I also have to deal with the Federal organization that acts as a middleman. This is more red tape. It is going to affect all renters in Lawrence, not just those with vouchers. The things we do to make housing affordable sometimes ends up making it less affordable across the board. Until we get more supply, we're not going to be able to fix the problem. It is going around town that credit checks and criminal background checks will be taken away next.

Comment 7 – I've lived in Lawrence all my life. I've rented these houses for 50 years. I've never been to court. I've never been to any court cases. I screen my renters, and then the last little house I rented, I had 35 people wanting to rent it. The first day, they told me there wasn't anything to rent in Lawrence for under \$1200. So we are going to take someone with a voucher and let them have the rent that good, hard-working people can't rent.

Comment 8 – I'm originally from Egypt. I know what poverty is all about. I came here to American and went to school in Atchison and Lawrence. I stayed married and have children here. I'm a small landlord and I brought some properties with my dad. About four or five years ago, I took a risk with Catholic Charities. They asked me to take in a tenant and they were going to pay the first two months. Obviously, after the first two months, they destroyed the place. We actually had an eviction, and when the cop/sheriff came to remove him, there was drug paraphernalia. So that is my experience with such programs. I come from a very poor background, where the government tells you what to do and how to do it and when to do it. I don't think that is America. I don't discriminate against anybody. I judge by the application and by what is on the application. I do my credit check and everything.

Comment 9 – I think we're missing a couple of points. One of which is this is not just saying you have to accept Section 8 vouchers; you also have to accept any emergency assistance. So, this would have potentially required you to accept KERA (Kansas Emergency Rental Assistance). Which, we knew was a limited source of income and did not know how long it was going to last for. Also, I've spent a lot of time watching these HRC meetings, and I am willing to bet money by the end of this next year of 2023, they will be back with an ordinance to restrict what you can and cannot ask. There was a sample application that was proposed. Those issues

are not going to go away. I know we're hearing from Housing Authority (HA) that we just have the HAP (Housing Assistance Payment) contract. Well the contract incorporates the HUD regulations, so when you go to renew the tenant, your rent has to be approved by the housing employees. So, let's say taxes go up, which they do every year in Lawrence, but the HA says well, we believe the appropriate increase is X, you are going to have to renew the HAP contract based on what the HA says. Also, by taking a HAP contract, you're agreeing that you have to renew somebody's lease. But for good cause, we know there are situations where we decide not to renew a lease under Kansas law. We're not required to disclose those but under housing contract, we would have to. I know we keep saying, well, you can accept any applicant. Well, under Federal law, you'd have to take the first qualified applicant, in addition, you know I'm hearing housing authorities. They say, well, you'll receive guaranteed payment, but the tenants allocations change and those subsidies can be adjusted at any time by the HA. Again, we come to the issue of well, just enforce your lease contract. I know every landlord sitting there knows what enforce your lease contract means. It means spending money on attorney's fees not, not receiving rent during the notice violation period, and going to court. This is only going to increase the cost of being a landlord. I'd also like to point out that information provided by the HRC in their packet has no references to any landlord.

Comment 10 – I want to bring a little different perspective to this. I'm a new landlord to Lawrence. I purchased a 162 unit in the last six or eight months. I specifically target places like Lawrence because of the overall investment opportunity that existed. I guess what I want to leave a mark on everybody on the board there is that you enact small laws and as you pass along more responsibility to the landlords, in turn you are somewhat harming the area for future investment. You mentioned the studies on how things like this work in places like Oregon and Washington. Well, I owned over 300 units in both Oregon and Washington, and let me tell you, it's not working - especially in Seattle through ordinances like this. This is just the start, and I think there is a bit of disingenuous answers in regards to what is next and foreseeing the future. I've seen this play out, over and over again. The buck always seems to stop with the landlords. This may not be a popular view, but we, as landlords, provide lots of housing for lots of people in all of these cities that we choose to invest in. We pay a lot of property

taxes which you know we should, that's part of the game. However, I feel like this is just the tip of the iceberg of what I've seen in all of these other places that I've invested in. I hate to say that because I am still very optimistic, not only about our investment, but about providing an excellent level of service for our tenants. And, to be a good steward for Lawrence, Kansas. I'm very excited to be there, but this just has a feel of something that I have seen where you guys are developing these ordinances in a bubble. You're not looking at all of the overall picture that something like this can affect (property values, all sorts of different things that have to be taken into consideration). There is not a landlord in Lawrence that would tell you that they're actively trying to discriminate. However, we also have an investment that we have to protect where it's just us or whether it's the people that invest in us. There has got to be a better way to do, what you guys are doing, without the Buck always having to stop with the landlords.

Comment 11 – I found out that you shouldn't refer to tenants with vouchers as "those tenants". But, at the last Commission meeting, it was stated and I quote "those blood sucking landlords". Now that is a pretty strong reference to landlords. You know, if you were there, you know it was said. It was inferred and said many times there. Most people were talking about how bad the landlords are. Most of them were a lot of homeless people. I understand where that is coming from, but I just think as you're getting in a hurry to do this, it should be postponed for a month or so. Landlords could weigh in on it more than they are today. I don't think landlords have been given a chance. And someone pointed out consequences. The unintended consequences are going to be bad for landlords. It's also going to be bad for tenants because it's going to force up rents. I'm entrusting a \$100,000-200,000 property to them and trusting that they're going to take care of that property. I need to ensure this through an application process.

Comment 12 – From the way the ordinance is written, it can't work in a real life situation relating to the real estate agent section. It talks about bona fide offers and presenting them when we cannot discriminate based on source of income (which is hard to do). When a seller is the one making the decisions on a bona fide offer, they may have constraints on their side. They need to sell quickly, so they may choose a cash offer over a government-backed person or other income. For us (realtors) to be the ones to be specifically called out, in that situation, it is not our decision to make. The other thing it talks about is advertising and

disseminating this information out. There may be homes out there that we are selling that are rental properties or that may have conditions that would not allow us to sell to a government-backed person. The home is full of mold, then the only buyer has a cash offer. It's written basically straight up that we cannot stop someone from, because of their source of income, buying it. Now we would be in trouble for advertising in the direction of cash offer only. It also talks about membership and use of the multi-list system. The multi-list system is not a public Source. It's a communication between realtor associations and realtors themselves. To let us know the basics of the house, by talking about it as if it's something that a regular person on the street would use, is inaccurate. We can't talk about discrimination again. We may have to market a property through this system.

Comment 13 – My wife and I, we own five house right now in Lawrence. I'm a little disappointed that the City Commissioners are not here because what is said between us, you, and your answers back - sometimes they don't always get back the same way. With regards to Section 8 vouchers, my wife would call down to the tenant and go down to the office of the Housing Authority, and no one would ever make contact back with us. You are not going to like what I have to say. You guys give me a very bad taste in my mouth when it comes to Section 8 housing. The tenant was great, we had no problems with her, and we decided to sell the house. We actually gave notice. It took almost six months for you guys to get her into another house.

Comment 14 – We've been 40-yr landlords of Section 8 housing. My father got into it in the 1980s. We don't have a lot. It's trimmed down a bit over the years. But, I've been happy to continue to do that. We've had overall a pretty good experience. We have challenges regardless of who the tenant is. We have an original tenant from back when I had an afro and managed properties 40 years ago. My day job at the Chamber of Commerce, I worked as well with the housing stabilization collaborative, the Housing Authority (HA), tenants to homeowners, and Family Promise. So I know it does work. When people have bad experiences, that gets passed around. That is why it is a challenge for the landlords. You are going to hear those experiences and anytime that something is brought to you as an ordinance or enforcement piece, it is not welcomed very much. This is why I think we need a more concerted effort. Whether as convening and really having

an ongoing process of looking at what can we do from an incentive standpoint. The unintended consequences of the ordinance is going to be risk mitigation. There is going to be something I'm going to offset this with, and I think we're going to see some increases in rents as a response.

Comment 15 – My husband and I have rental properties for over 20 years. All of our houses are on the east side of town. I want to make note that we knew nothing about this ordinance until we got the postcard in the mail. You guys have our email and phone numbers, and until two days ago, we knew nothing about this. I strongly believe something should have been done to notify us, especially, within two years somebody dropped the ball on that one.

Comment 16 – I would also like to agree with a couple of people, that they're disappointed that the City Commission isn't present. I'm pretty upset about that too. I've emailed them last month, after the first meeting, and I received responses from two people. So let it be known when they go through the records, which I doubt they will, that I'm really disappointed three of those people couldn't even be bothered to get back to me – even with just an email. This proves the need for a landlord's association in this town. Anybody that is listening to this, I think, we should get tougher and have a talk. The failure to get the message out about the meetings to everybody has been really problematic. We got a post card, which is great, but snail mail is not always reliable. I hate relying on the USPS. We have emails, we have phones to get ahold of us. I have three jobs. My husband has at least three jobs and he is working right now. He is picking up our kids, so this is the worst timing. I'd also like to fill you in on my perspective on having worked with Douglas County Housing Authority (HA). I have very mixed feelings about it. We were failed for inspections for a shed. I have some big hesitations with how these inspections are going to work, but I'm willing to work with it.

Comment 17 – We do not take the paper and, we as landlords for 20 years, knew nothing about this law until the post card around by mail.



City of Lawrence

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These answers were compiled by the **Lawrence-Douglas County Housing Authority, the City's Planning and Development Services Department, and the City Attorney's Office.**

1. All my rentals currently are enrolled in the City's rental license program and are inspected in accordance with the program. How much more frequently are properties inspected if vouchers are used as a form of payment?

Properties on the voucher program are inspected by LDCHA at initial lease signup and then annually thereafter as part of participant recertification. If a voucher is issued by LDCHA, the City of Lawrence does not conduct inspections during the time the dwelling unit is under the voucher program. However, the property must maintain an annual license (no fees) with the City of Lawrence.

2. My properties consistently pass the city mandated inspections. Are the HUD inspections the same? If not, please specify all the differences.

Housing Quality Standards (HQS) is not a code, but a standard, and is less stringent than the International Property Maintenance Code (IPMC) that regulates the inspection criteria for the rental assistance program. However, HQS does adopt city variances that are health, life and safety in nature. For instance, requiring carbon monoxide detectors in the unit where required and smoke alarms in all sleeping areas – which is not required in HQS, but is in IPMC. The inspections do mirror each other in the sense that if a property passes IPMC consistently it will have no issues in passing the HQS inspection. In summary, the inspections closely mirror City of Lawrence Rental Licensing inspections.

3. Assuming there are differences between the City and HUD inspections, what happens if a property of mine, which meets the City requirements, does not pass a HUD inspection? Is an owner required to modify the house to make it compliant? For instance, if I saw correctly, the requirements mentioned by HUD is that there must be a working ceiling light in the living room. I'll use my personal house as an example which was built in the late 50s. My living room has zero ceiling lights, and I must rely on lamps. My interpretation is that this doesn't meet the HUD requirements but given that the City inspection seems to be focused on safety items, I'm willing to bet this still passes the City inspection requirements. Would an owner be expected to add a ceiling light at the owner's expense?



**Housing Quality Standards (HQS) is not a code, but a standard, and is less stringent than the International Property Maintenance Code (IPMC) that regulates the inspection criteria for the rental assistance program. If a unit is deemed to meet city requirements, HQS will not be an issue in meeting the standard unless deficiencies were not identified or developed between the two inspections. Fixed lights are not required in a living room, but rather:
A living room for HQS requires: Two outlets, OR one outlet and one permanently installed ceiling or wall light.**

4. What other instances of differences between the city inspections and the HUD inspections do you see potential issues?

Housing Quality Standards (HQS) is not a code, but a standard, and is less stringent than the International Property Maintenance Code (IPMC) that regulates the inspection criteria for the rental assistance program. The inspections do mirror each other in the sense that if a property passes IPMC consistently it should have no issues in passing HQS. It is also important to mention that inspectors from LDCHA and the City have had, and continue to have a collaborative working relationship and communicate regularly on code compliance issues respective to both the HQS and City's rental licensing and inspection program.

5. 2023 Fair Market Rent according to HUD for a 3 bedroom is \$1458. If the rent is over that amount for a 3-bedroom property, what happens then? Does this mean the property is not eligible for a voucher payment?

LDCHA Payment Standards are higher than FMR. The LDCHA adopts a payment standard of 110% of the FMR. If the rent charges exceed the LDCHA payment standard, the participant can elect to pay the overage outside the payment standard if the unit meets the rent reasonableness standard.

6. I have some tenants that have previously preferred to sign leases for longer than a year. How would the tenant and I know what an acceptable rent increase would be for the second year of the lease without HUD data if they were paying with a voucher?

Initial leases are only required to be at least 12 months and may be longer if desired and agreed upon. LDCHA has comparable units in each census tract across the county to assist landlords requesting a rent increase, and to be compliant with rent reasonableness. Likewise, it is also the landlord responsibility to review and provide comparables of like units in the general area when requesting a rent increase.

7. Do current tenants not paying with a voucher have the right to refuse entry into their house for a HUD inspection that may be needed for a future tenant? What happens if they do?

The Kansas Residential Landlord and Tenant Act covers right of entry. Under K.S.A. 58-2557, landlords shall have the right to enter the dwelling unit at reasonable hours, after reasonable notice to the tenant, in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling

unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. That would include a HUD inspection.

If a tenant refuses the landlord entry under the above conditions, the landlord may seek a court order to enter the unit or evict the tenant.

LDCHA notes that usually an inspection will not be completed while a unit is occupied by someone not receiving assistance.

8. If a tenant using a voucher as a payment damages a property, what is the process to recuperate the expenses if different than that of a tenant not using vouchers? What assurances do landlords have that the funds will always be available?

There is no difference, and landlords will enforce the lease as they would with any other tenants. Currently there are incentives offered through LDCHA to support landlords in housing various clients. These funds are limited but can be utilized for potential damage mitigation. There is an assumed risk when taking on any tenant for the potential of property damage. We encourage all landlords to enforce their lease as they would any other tenant and follow the necessary steps if a violation occurs. For more information on the current incentive programs, please contact LDCHA's landlord liaison for requirements around participating.

9. Part of the testimony in the previous City Commission meeting mentioned funding available to encourage landlords to accept vouchers. In the same meeting, it was later mentioned that the number of properties accepting vouchers is on the decline. What reasons have been provided as to why fewer properties are accepting vouchers? What action items have been proposed/implemented to address the concerns raised?

LDCHA has worked diligently to bring new landlords onto the voucher program, and can only speculate what reasons as to why fewer properties are accepting vouchers. In order to better serve our participating landlords, LDCHA is committed to providing education on our programming and process, direct deposit for Housing Assistance Payments, our agency's Landlord Liaison to answer questions provide support and incentive programming.

10. Is the eviction process different since Federal funds are involved? If so, how?

Landlords will enforce the lease as they would with any other tenants. The only difference is that a landlord should also direct any notices of lease violation or eviction to the attention of LDCHA so that program obligations can be enforced, which usually assists the landlord in achieving lease compliance.

11. If I've had a City inspection in a year, are we required to have a HUD inspection in that same year if later we rent to a tenant paying with a voucher? How much does each inspection cost and is anything refunded if two inspections happen in a single year?

LDCHA is required to complete an initial inspection before a unit comes onto the program. There is no cost for Housing Quality Standards Inspections.

12. If I have paid my City rental license fee and then later in the year get a tenant paying with vouchers, will the City refund me my license fee?

The City of Lawrence does not prorate licensing fees.

13. Who is performing the HUD inspections and are there enough people currently available to perform the inspections in a timely manner if there is a large influx of required inspections?

LDCHA has two full time Housing Quality Standards Inspectors and additional certified inspector staff that can assist in cases where needed.

14. If the voucher payment is late, who is responsible for covering the late fees specified in the contract for late payments?

The Housing Assistance Payment (HAP) Contract identifies timeframes of voucher payment from LDCHA. The tenant is not responsible for any payment of rent that is LDCHA responsibility.

15. For a tenant paying with a voucher, am I still able to utilize my existing lease?

Yes. Landlords operate and enforce their lease as they would with any other resident.

ORDINANCE NO. 9960

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER 10, ARTICLE 1, SECTIONS 10-101, 10-102, AND 10-111, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO HUMAN RELATIONS, AND REPEALING EXISTING SECTIONS 10-101, 10-102, AND 10-111.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: Chapter 10, Article 1, Section 10-101 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-101 **DECLARATION OF POLICY.**

The practice or policy of discrimination against persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, ~~or gender identity, or source of income~~ is a matter of concern to the City of Lawrence, since such discrimination not only threatens the rights and privileges of the inhabitants of the city, but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City of Lawrence, in exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade and commerce, to eliminate and prevent discrimination, segregation, or separation because of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, ~~or disability, or gender identity, or source of income~~. It is further declared to be the policy of the City of Lawrence to assure equal opportunity and encouragement for every person, regardless of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, or gender identity, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this city to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges, and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this city in housing, without distinction on account of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, ~~or gender identity, or source of income~~, and to provide protection to any applicant for housing, tenant, or lessee who has been the subject of domestic violence, sexual assault, human trafficking, or stalking.

SECTION 2: Chapter 10, Article 1, Section 10-102, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-102 **DEFINITIONS.**

As used in this Article, the following words and phrases shall have the following meanings:

- 10-102.1 **AFFIRMATIVE ACTION PROGRAM.**
means a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to their race, sex, religion, color, national origin, age, ancestry, disability, or gender identity. An affirmative action program shall include, where applicable, but not be limited to, the following: recruitment, recruitment advertising, employment, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, other terms or conditions of employment, selection for training, and apprenticeship. An affirmative action program shall include goals, methodology and a timetable for implementation of the program. Submission of an affirmative action program to the Director shall be required only as:
- (A) A provision of a conciliation agreement or order in the event of failure of conciliation;
 - (B) As required in Section 10-113 of this Article. The words "applicants" and "employees" as used in this Subsection shall include Minority and Women Business Enterprise subcontractors in contracts addressed in Section 10-113 of this Article.
- 10-102.2 **AGE.**
means the chronological age of a person who is at least 40 years of age, but less than 70 years of age.
- 10-102.3 **AGGRIEVED PERSON.**
means any person who claims they are being or have been injured by an unlawfully discriminatory act or practice; and/or believes they will be injured by an unlawfully discriminatory act or practice that is about to occur.
- 10-102.4 **COMMISSION.**
means the Human Relations Commission as established by this Article.
- 10-102.5 **COMPLAINANT.**
means an aggrieved person who has filed a written verified complaint alleging unlawful discrimination, or on whose behalf another person has filed such a complaint, in accordance with Section 10-108.4 of this Article.
- 10-102.6 **CONCILIATION.**
means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the Director or the Director's designee.
- 10-102.7 **CONCILIATION AGREEMENT.**
means a written agreement setting forth the resolution of the issues in conciliation.
- 10-102.8 **CONTRACT.**
means any contract to which the City of Lawrence is a contracting party from the effective date of this ordinance except as otherwise provided in this Article, and specifically including "contract" as defined in Section 10-113.

10-102.9 **DIRECTOR.**
means the City Attorney, Director of the City Attorney's Office, Human Relations Division as established by this Article.

10-102.10 **DISABILITY.**
means, with respect to a person:

- (A) a physical or mental impairment which substantially limits one or more of such person's major life activities;
- (B) a record of having such an impairment; or
- (C) being regarded as having such an impairment.
- (D) Disability does not include current illegal use of, or addiction to, a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802), in housing. In employment and public accommodations, the term "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the Controlled Substances Act (21 U.S.C. 812), when the covered entity acts on the basis of such use.
- (E) The definition of disability in this act shall be construed in favor of broad coverage of individuals under this act, to the maximum extent permitted by the terms of this act;
- (F) an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability;
- (G) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and
- (H) the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as the following:
 - (1) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eye glasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (2) use of assistive technology;
 - (3) reasonable accommodations or auxiliary aides or services; or
 - (4) learned behavioral or adaptive neurological modifications.
- (I) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether and impairment substantially limits a major life activity.

(J) As used in this subparagraph:

- (1) “Ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
- (2) “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

10-102.11 **EMPLOYEE.**
means any person employed by an employer, but does not include any individual employed by a member of ~~his or her~~ the person's immediate family, as defined in Section 10-102.15, or in the domestic service of any person.

10-102.12 **EMPLOYER.**
means any person in this City employing four (4) or more persons who are not members of such person's immediate family, as defined in Section 10-102.15, any person acting directly or indirectly for any employer, and labor organizations, nonsectarian organizations, organizations engaged in social service work, and all political subdivisions of the city, state, and federal governments, but shall not include a nonprofit fraternal or social association or corporation.

10-102.13 **EMPLOYMENT AGENCY.**
includes any person or government agency undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

10-102.14 **FAMILIAL STATUS.**
means one or more individuals, who have not attained the age of 18 years, being domiciled with:

- (A) a parent or another person who has legal custody of such individual or individuals; or
- (B) the designee of such parent or other person who has such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not, or individuals who have not, attained the age of 18 years.

10-102.15 **FAMILY.**
includes a single individual; **IMMEDIATE FAMILY** means and includes parent, child, grandparent, grandchild, sibling, and spouse.

10-102.16 **FRATERNAL OR SOCIAL ORGANIZATION.**
~~shall~~ means and includes organizations founded and operated primarily for social purposes and shall neither mean nor include organizations founded or maintained primarily for trade or professional purposes.

- 10-102.17 **GENDER IDENTITY.**
 Shall means the persistent sense of one’s gender-related identity, appearance, behavior, and other characteristics of an individual, as perceived by the individual or another, and without regard to the individual’s actual or assigned sex at birth.
- 10-102.18 **GENETIC SCREENING OR TESTING.**
 means a laboratory test of a person’s genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.
- 10-102.19 **GOVERNING BODY.**
 means the ~~Board of Commissioners~~ Governing Body of the City of Lawrence, Kansas.
- 10-102.20 **HOUSING/REAL PROPERTY.**
 means and includes:
- (A) All vacant or unimproved land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families;
 - (B) any residential or commercial building or structure having all or a portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families.
- 10-102.21 **LABOR ORGANIZATION.**
 includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.
- 10-102.22 **MAJOR LIFE ACTIVITIES.**
 means major life activities that include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- It also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- 10-102.23 **OFFICIAL OFFICE OF THE COMMISSION.**
 means the Office of the Human Relations Division of the City of Lawrence, Kansas.

- 10-102.24 **PERSON.**
means and includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, municipal corporations, quasi-municipal corporations, governmental agencies, public bodies, legal representatives, trust, trustees, trustees in bankruptcy, receivers, fiduciaries, mutual companies, joint-stock companies, liability companies, or unincorporated organizations.
- 10-102.25 **PROTECTED PERSON.**
means a protected person, as defined at K.S.A. 2021 Supp. 58-25,137(f)(1), and amendments thereto.
- 10-102.2526 **PUBLIC ACCOMMODATION.**
means any person who caters or offers goods, services, facilities, and accommodations to the public. Public accommodations include, but are not limited to: any lodging establishment ~~or food service establishment~~, as defined by K.S.A. 36-501 and amendments thereto; any food service establishment, bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery ~~which that~~ is open to the public; ~~or any public transportation facility;~~ and all governmental departments or agencies ~~which that~~ serve the public. Public accommodations do not include a religious or nonprofit fraternal or social organization or corporation.
- 10-102.2627 **REASONABLE ACCOMMODATION.**
means making places of employment, public accommodations, and housing/real property readily accessible to and usable by persons with disabilities, including in rules, policies, practices, procedures, and services, in accordance with applicable local, state and federal laws and regulations.
- 10-102.2728 **REGARDED AS HAVING SUCH AN IMPAIRMENT.**
means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that such individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. A person is not regarded as having such an impairment if the impairment is transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.
- 10-102.2829 **RESPONDENT.**
means the person, as defined herein, against whom a written verified complaint alleging discrimination has been filed with the Director.
- 10-102.2930 **TO RENT.**
means to lease, sublease, to let, to assign or otherwise grant for a consideration, the right to occupy premises not owned by the occupant.

10-102.3031 **SEXUAL ORIENTATION.**
means heterosexuality, homosexuality or bisexuality. Sexual Orientation shall not mean conduct which is prohibited by law.

10-102.32 **SOURCE OF INCOME.**
means any source of money paid to an individual or family or in behalf of an individual or family, including, but not limited to:

- (A) Money derived from any lawful profession, occupation, or activity;
- (B) money derived from any contract, agreement, loan, settlement, court order (such as court-ordered child support or alimony), gift, grant, bequest, annuity, or life insurance policy; and
- (C) money derived from any assistance, benefit, or subsidy program.
 - (1) Assistance, benefit, or subsidy programs include, but are not limited to: Any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, tribal grants or vouchers, or any other form of housing assistance payment or credit, whether or not paid or distributed directly to a landlord or other owner of land; public assistance; emergency rental assistance; tribal or Native American benefit programs; veterans benefits; Social Security or other retirement programs; supplemental security income; or other assistance program administered by any federal, state, or local agency or nonprofit entity.

10-102.3433 **UNLAWFUL ACT OR PRACTICE.**
means any unlawful employment practice, any unlawful public accommodations practice, or any unlawful housing practice as defined herein, and includes segregate or separate.

10-102.3234 **UNLAWFUL EMPLOYMENT PRACTICE.**
means and includes those practices and acts specified as unlawful in Section 10-109 of this Article, and includes segregate or separate.

10-102.3335 **UNLAWFUL HOUSING PRACTICE.**
means and includes any act or practice specified as unlawful in Section 10-111 of this Article.

10-102.3436 **UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE.**
means and includes any act or practice specified as unlawful in Section 10-110 of this Article.

10-102.3537 **WRITTEN VERIFIED COMPLAINT.**
means a complaint, in writing, alleging unlawful discrimination, filed in accordance with Section 10-108.1 of this Article, which has been witnessed and signed by a notary public.

SECTION 3: Chapter 10, Article 1, Section 10-111, of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

- 10-111 **UNLAWFUL HOUSING/REAL PROPERTY PRACTICES.**
It shall be an unlawful housing/real property practice for any person:
- 10-111.1 To refuse to sell, broker, appraise, assign, or rent, or make unavailable sales, brokerage, appraisal, assignment, or rental services with regard to any housing/real property available for sale, assignment, or rental, or fail to transmit, or otherwise make unavailable, any application for assignment or rental, or fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale, assignment, or rental of such housing/real property, or otherwise make unavailable or deny any housing/real property or services or facilities in connection therewith, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ or source of income of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any person associated with the buyer, renter, or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith.
- 10-111.2 To make, print, publish, disseminate, or use, or cause to be made, printed, published, disseminated or used, any notice, statement, advertisement or application with respect to the sale or rental of housing/real property, that indicates any preference, limitation, specification or discrimination based on race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ or source of income, or any intention to make any such preference, limitation, specification or discrimination.
- 10-111.3 To discriminate against any person in the terms, conditions, or privileges of the sale, brokerage, appraisal, assignment, or rental of housing/real property or in the provision of services or facilities in connection therewith, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ or source of income of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith.
- 10-111.4 To represent to any person that any housing/real property is not available, or to make any housing/real property otherwise unavailable, for inspection, sale, assignment, or rental, when such housing/real property is, in fact, so available, on the basis of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ or source of income.
- 10-111.5 To induce, or attempt to induce, any person to sell, assign or rent housing/real property by any representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity,~~ or source of income.

- 10-111.6 To deny any person access to, or membership in, or participation in, or otherwise make unavailable, any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting housing/real property, or to discriminate against ~~him or her~~ such person in the terms or conditions of such access, membership, or participation because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity.
- 10-111.7 To discriminate against any person in, or otherwise make unavailable for, ~~his or her~~ a person's use or occupancy of housing/real property because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of the person or persons with whom such person associates.
- 10-111.8 To deny or not make available: a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining housing/real property; or any loan or other financial assistance secured by housing/real property, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of:
- (~~1~~)(A) Such person; or
- (~~2~~)(B) Any person associated with such person in connection with such loan or other financial assistance or associated with ~~him or her~~ the person in connection with the purposes of such loan or other financial assistance.
- 10-111.9 To discriminate against any person in the fixing of the amount, interest rate, duration, or other terms or conditions of: such loan or other financial assistance, or such loan or financial assistance secured by housing/real property because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of:
- (~~1~~)(A) Such person;
- (~~2~~)(B) Any person associated with such person in connection with such loan or other financial assistance, or such loan or financial assistance secured by housing/real property, or associated with ~~him or her~~ such person in connection with the purpose of such loan or other financial assistance, or such loan or financial assistance secured by housing/real property; or
- (~~3~~)(C) The present or prospective owners, lessees, tenants, or occupants of the housing/real property in relation to which such loan or other financial assistance, or loan or financial assistance secured by housing/real property, is to be made, given, or secured.

- 10-111.10 To use a form of application for financial assistance, or to make any inquiry or make or keep any record in connection with such application which indicates, directly or indirectly, an intention to make any preference, limitation, specification, or discrimination because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income.
- 10-111.11 To separate, segregate, or discriminate against, any person who has, is regarded as having, or has a record of having, or being regarded as having, a disability in any manner which is prohibited by local, state or federal laws, regulations or orders. For the purposes of this Subsection, discrimination includes:
- (A) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises;
 - (B) A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy housing/real property; or
 - (C) In connection with the design and construction of covered multifamily housing/real property for first occupancy on and after March 13, 1991, a failure to design and construct such residential real property in accordance with the provisions of K.S.A. 44-1016, and amendments thereto.
 - (D) As used in Subsection 10-111.11 (C), above, "covered multifamily housing/real property" means:
 - (1) buildings consisting of 4 or more units if such buildings have one or more elevators; and
 - (2) ground floor units in other buildings consisting of 4 or more units.
- 10-111.12 To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by any of the provisions of this Article.
- 10-111.13 To refuse to comply with the administrative requirements of any assistance, benefit, or subsidy program, including but not limited to housing quality inspections for Housing Choice Vouchers.
- 10-111.14 To deny tenancy, evict, or find in violation of a rental agreement any person on the basis of, or as a direct result of, the fact that the person is a protected person under this Article if the applicant for housing, tenant, or lessee otherwise qualifies for tenancy in or occupancy of the premises, in accordance with K.S.A. 2021 Supp. 58-25,137, and amendments thereto.

- 10-111.4315 (A) Nothing in this Section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, assignment, or occupancy of any housing/real property which it owns or operates, for other than commercial purposes, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, age, ancestry, familial status, sexual orientation, disability, or gender identity.
- (B) Nor shall anything in this Section prohibit a nonprofit private club, not, in fact, open to the public, which, incident to its primary purpose or purposes, provides lodging which it owns and operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (C) Nor shall anything (other than Sections 10-111.2, 10-111.6, 10-111.8, 10-111.9 and 10-111.12) in this Article apply:
- (1) To the rental or leasing of housing accommodations for not more than two (2) families living independently of each other, if the owner resides in one (1) such housing unit; or
 - (2) To the rental or leasing to less than four (4) persons within a single housing accommodation by the occupant or owner of such housing accommodation if the owner resides therein.

10-111.4416 Nothing in this Section limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this Section regarding familial status apply with respect to housing/real property provided under any state or federal program, which has been approved by the Secretary of the United States Department of Housing and Urban Development, specifically designed and operated as housing to assist elderly persons, as defined in the state or federal program, and approved by the Secretary of the United States Department of Housing and Urban Development, or to housing for older persons.

- (A) As used in this ~~Subsection Section 10-111.~~, "housing for older persons" means housing communities:
- (1) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (2) Intended for, and solely occupied by, persons 62 years of age or older; or
 - (3) Intended for, and at least 80% occupied by, at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this Subsection, the

regulations developed by the Secretary of the United States Department of Housing and Urban Development shall be followed, which require at least the following factors:

- (a) the existence of significant facilities and services specifically designed to meet the physical or social needs of such persons or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
- (b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
- (c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. However, discrimination, segregation or separation in said housing for older persons on the basis of race, sex, religion, color, national origin, ancestry, sexual orientation, disability, ~~or~~ gender identity, or source of income is prohibited as defined elsewhere in this Section.

10-111.4517 Nothing in this Section prohibits conduct against a person because such person has been convicted two or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Federal Controlled Substances Act (21 U.S.C. 802).

10-111.18 The prohibitions against discrimination based on source of income established in this Article shall not limit the ability of a landlord, participating in any government-sponsored rental assistance program, voucher, or certificate system, from reserving rental units for tenants who qualify for such governmental programs.

10-111.19 The prohibitions against discrimination based on source of income established in this Article shall not prevent any seller, broker, or lender from advertising or conducting cash-only sales of real property or from using industry-accepted lending practices.

10-111.20 Nothing in this Article shall: (a) Control or be deemed to control the amount of rent charged or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned residential or commercial real property; (b) require the waiver any security deposit, fee or similar charge required from all tenants renting rental units from that person; or (c) require repairs, improvements, or maintenance to a rental unit or real estate property not otherwise legally required by City Code or by the applicable laws and regulations of the State of Kansas.

SECTION 4: If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5: Existing Sections 10-101, 10-102, and 10-111 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede them.

SECTION 6: After passage, approval, and publication, as provided by law, this ordinance shall be in full force and effect commencing June 1, 2023.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of February, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherrí Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

ORDINANCE NO. 9960

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER 10, ARTICLE 1, SECTIONS 10-101, 10-102, 10-110, AND 10-111, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO HUMAN RELATIONS, AND REPEALING EXISTING SECTIONS 10-101, 10-102, 10-110, AND 10-111.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: Chapter 10, Article 1, Section 10-101 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-101 **DECLARATION OF POLICY.**

The practice or policy of discrimination against persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, ~~or~~ gender identity, source of income, or immigration status is a matter of concern to the City of Lawrence, since such discrimination not only threatens the rights and privileges of the inhabitants of the city, but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City of Lawrence, in exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade and commerce, to eliminate and prevent discrimination, segregation, or separation because of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, ~~or~~ disability, ~~or~~ gender identity, source of income, or immigration status. It is further declared to be the policy of the City of Lawrence to assure equal opportunity and encouragement for every person, regardless of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, or gender identity, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this city to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges, and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this city in housing, without distinction on account of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, ~~or~~ gender identity, source of income, or immigration status, and to protect any applicant for rental property, tenant, or lessee who has been subject to domestic violence, sexual assault, human trafficking, or stalking.

SECTION 2: Chapter 10, Article 1, Section 10-102, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

10-102 **DEFINITIONS.**

As used in this Article, the following words and phrases shall have the following meanings:

- 10-102.1 **AFFIRMATIVE ACTION PROGRAM.**
means a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to their race, sex, religion, color, national origin, age, ancestry, disability, or gender identity. An affirmative action program shall include, where applicable, but not be limited to, the following: recruitment, recruitment advertising, employment, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, other terms or conditions of employment, selection for training, and apprenticeship. An affirmative action program shall include goals, methodology and a timetable for implementation of the program. Submission of an affirmative action program to the Director shall be required only as:
- (A) A provision of a conciliation agreement or order in the event of failure of conciliation;
- (B) As required in Section 10-113 of this Article. The words "applicants" and "employees" as used in this Subsection shall include Minority and Women Business Enterprise subcontractors in contracts addressed in Section 10-113 of this Article.
- 10-102.2 **AGE.**
means the chronological age of a person who is at least 40 years of age, but less than 70 years of age.
- 10-102.3 **AGGRIEVED PERSON.**
means any person who claims they are being or have been injured by an unlawfully discriminatory act or practice; and/or believes they will be injured by an unlawfully discriminatory act or practice that is about to occur.
- 10-102.4 **COMMISSION.**
means the Human Relations Commission as established by this Article.
- 10-102.5 **COMPLAINANT.**
means an aggrieved person who has filed a written verified complaint alleging unlawful discrimination, or on whose behalf another person has filed such a complaint, in accordance with Section 10-108.4 of this Article.
- 10-102.6 **CONCILIATION.**
means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the Director or the Director's designee.
- 10-102.7 **CONCILIATION AGREEMENT.**
means a written agreement setting forth the resolution of the issues in conciliation.
- 10-102.8 **CONTRACT.**
means any contract to which the City of Lawrence is a contracting party from the effective date of this ordinance except as otherwise provided in this Article, and specifically including "contract" as defined in Section 10-113.

10-102.9 **DIRECTOR.**
means the City Attorney, Director of the City Attorney's Office, Human Relations Division as established by this Article.

10-102.10 **DISABILITY.**
means, with respect to a person:

- (A) a physical or mental impairment which substantially limits one or more of such person's major life activities;
- (B) a record of having such an impairment; or
- (C) being regarded as having such an impairment.
- (D) Disability does not include current illegal use of, or addiction to, a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802), in housing. In employment and public accommodations, the term "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the Controlled Substances Act (21 U.S.C. 812), when the covered entity acts on the basis of such use.
- (E) The definition of disability in this act shall be construed in favor of broad coverage of individuals under this act, to the maximum extent permitted by the terms of this act;
- (F) an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability;
- (G) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and
- (H) the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as the following:
 - (1) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eye glasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (2) use of assistive technology;
 - (3) reasonable accommodations or auxiliary aides or services; or
 - (4) learned behavioral or adaptive neurological modifications.

- (I) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether and impairment substantially limits a major life activity.
- (J) As used in this subparagraph:
 - (1) “Ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (2) “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

10-102.11 **EMPLOYEE.**
means any person employed by an employer, but does not include any individual employed by a member of ~~his or her~~ the person's immediate family, as defined in Section 10-102.15, or in the domestic service of any person.

10-102.12 **EMPLOYER.**
means any person in this City employing four (4) or more persons who are not members of such person's immediate family, as defined in Section 10-102.15, any person acting directly or indirectly for any employer, and labor organizations, nonsectarian organizations, organizations engaged in social service work, and all political subdivisions of the City, state, and federal governments, but shall not include a nonprofit fraternal or social association or corporation.

10-102.13 **EMPLOYMENT AGENCY.**
includes any person or government agency undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

10-102.14 **FAMILIAL STATUS.**
means one or more individuals, who have not attained the age of 18 years, being domiciled with:

- (A) a parent or another person who has legal custody of such individual or individuals; or
- (B) the designee of such parent or other person who has such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not, or individuals who have not, attained the age of 18 years.

10-102.15 **FAMILY.**
includes a single individual; **IMMEDIATE FAMILY** means and includes parent, child, grandparent, grandchild, sibling, and spouse.

- 10-102.16 **FRATERNAL OR SOCIAL ORGANIZATION.**
 shall means and includes organizations founded and operated primarily for social purposes and shall neither mean nor include organizations founded or maintained primarily for trade or professional purposes.
- 10-102.17 **GENDER IDENTITY.**
 Shall means the persistent sense of one's gender-related identity, appearance, behavior, and other characteristics of an individual, as perceived by the individual or another, and without regard to the individual's actual or assigned sex at birth.
- 10-102.18 **GENETIC SCREENING OR TESTING.**
 means a laboratory test of a person's genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.
- 10-102.19 **GOVERNING BODY.**
 means the ~~Board of Commissioners~~ Governing Body of the City of Lawrence, Kansas.
- 10-102.20 **HOUSING/REAL PROPERTY.**
 means and includes:
- (A) All vacant or unimproved land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families;
 - (B) any residential or commercial building or structure having all or a portion thereof which is occupied or designed or intended for occupancy as a residence by one or more families.
- 10-102.21 **LABOR ORGANIZATION.**
 includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.
- 10-102.22 **MAJOR LIFE ACTIVITIES.**
 means major life activities that include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- It also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- 10-102.23 **OFFICIAL OFFICE OF THE COMMISSION.**
 means the Office of the Human Relations Division of the City of Lawrence, Kansas.

- 10-102.24 **PERSON.**
means and includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, municipal corporations, quasi-municipal corporations, governmental agencies, public bodies, legal representatives, trust, trustees, trustees in bankruptcy, receivers, fiduciaries, mutual companies, joint-stock companies, liability companies, or unincorporated organizations.
- 10-102.25 **PROTECTED PERSON.**
means a protected person, as defined at K.S.A. 2021 Supp. 58-25,137(f)(1), and amendments thereto.
- 10-102.2526 **PUBLIC ACCOMMODATION.**
means any person who caters or offers goods, services, facilities, and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or ~~food service establishment~~, as defined by K.S.A. 36-501 and amendments thereto; any food service establishment, bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery ~~which~~ that is open to the public; ~~or~~ any public transportation facility; and all governmental departments or agencies ~~which~~ that serve the public. Public accommodations do not include a religious or nonprofit fraternal or social organization or corporation.
- 10-102.2627 **REASONABLE ACCOMMODATION.**
means making places of employment, public accommodations, and housing/real property readily accessible to and usable by persons with disabilities, including in rules, policies, practices, procedures, and services, in accordance with applicable local, state and federal laws and regulations.
- 10-102.2728 **REGARDED AS HAVING SUCH AN IMPAIRMENT.**
means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that such individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. A person is not regarded as having such an impairment if the impairment is transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.
- 10-102.2829 **RESPONDENT.**
means the person, as defined herein, against whom a written verified complaint alleging discrimination has been filed with the Director.
- 10-102.2930 **TO RENT.**
means to lease, sublease, to let, to assign or otherwise grant for a consideration, the right to occupy premises not owned by the occupant.

10-102.3031 **SEXUAL ORIENTATION.**
means heterosexuality, homosexuality or bisexuality. Sexual Orientation shall not mean conduct which is prohibited by law.

10-102.32 **SOURCE OF INCOME.**
means any source of money paid to an individual or family or in behalf of an individual or family, including, but not limited to:

- (A) Money derived from any lawful profession, occupation, or activity;
- (B) money derived from any contract, agreement, loan, settlement, court order (such as court-ordered child support or alimony), gift, grant, bequest, annuity, or life insurance policy; and
- (C) money derived from any assistance, benefit, or subsidy program.
 - (1) Assistance, benefit, or subsidy programs include, but are not limited to: Any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, tribal grants or vouchers, or any other form of housing assistance payment or credit, whether or not paid or distributed directly to a landlord or other owner of land; public assistance; emergency rental assistance; tribal or Native American benefit programs; veterans benefits; Social Security or other retirement programs; supplemental security income; or other assistance program administered by any federal, state, or local agency or nonprofit entity.

10-102.3433 **UNLAWFUL ACT OR PRACTICE.**
means any unlawful employment practice, any unlawful public accommodations practice, or any unlawful housing practice as defined herein, and includes segregate or separate.

10-102.3234 **UNLAWFUL EMPLOYMENT PRACTICE.**
means and includes those practices and acts specified as unlawful in Section 10-109 of this Article, and includes segregate or separate.

10-102.3335 **UNLAWFUL HOUSING PRACTICE.**
means and includes any act or practice specified as unlawful in Section 10-111 of this Article.

10-102.3436 **UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE.**
means and includes any act or practice specified as unlawful in Section 10-110 of this Article.

10-102.3537 **WRITTEN VERIFIED COMPLAINT.**
means a complaint, in writing, alleging unlawful discrimination, filed in accordance with Section 10-108.1 of this Article, which has been witnessed and signed by a notary public.

SECTION 3: Chapter 10, Article 1, Section 1-110, of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

- 10-110 **UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.**
It shall be an unlawful public accommodations practice for any person, who is the owner, operator, lessee, manager, administrator, public servant, agent, or employee of any place of public accommodation:
- 10-110.1 To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly, in offering its goods, services, facilities, or accommodations to any person because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, ~~or~~ gender identity, or immigration status.
- 10-110.2 To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly, in any way, against any person in the full and equal use and enjoyment of the services, facilities, privileges, advantages, or enforcement powers of any institution, department, or agency of the City or any political subdivision thereof, or any other governmental entity within the City limits because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, disability, ~~or~~ gender identity, or immigration status.
- 10-110.3 For any person, whether or not specifically prohibited from discriminating under any provisions of this Article, to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this Article, or to attempt to do so.
- 10-110.4 To coerce, intimidate, threaten, retaliate against, or otherwise interfere with, any person, or attempt to do so, because ~~he or she~~ such person has promoted the provisions of this Article, or because ~~he or she~~ such person has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by this Article or by appropriate state or federal law.
- 10-110.5 Nothing in this Article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes. Nor shall anything in this Article prohibit a religious or nonprofit fraternal or social organization or corporation, not in fact open to the public which, incident to its primary purpose, provides public accommodations as herein defined, for other than commercial purposes, from limiting such accommodations to its members or giving preference to its members.
- 10-110.6 Nothing in this Section shall require physical changes to make a place of public accommodation accessible to persons with disabilities unless required by other state, federal or municipal laws, statutes, ordinances, or regulations, including the federal Americans with Disabilities Act.
- 10-110.7 Nothing in this Section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of race, sex, religion, color, national origin, ancestry, sexual orientation, disability, or gender identity.

SECTION 4: Chapter 10, Article 1, Section 10-111, of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

10-111 **UNLAWFUL HOUSING/REAL PROPERTY PRACTICES.**

It shall be an unlawful housing/real property practice for any person:

- 10-111.1 To refuse to sell, broker, appraise, assign, or rent, or make unavailable sales, brokerage, appraisal, assignment, or rental services with regard to any housing/real property available for sale, assignment, or rental, or fail to transmit, or otherwise make unavailable, any application for assignment or rental, or fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale, assignment, or rental of such housing/real property, or otherwise make unavailable or deny any housing/real property or services or facilities in connection therewith, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity~~, source of income, or immigration status of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any person associated with the buyer, renter, or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith.
- 10-111.2 To make, print, publish, disseminate, or use, or cause to be made, printed, published, disseminated, or used, any notice, statement, advertisement or application with respect to the sale or rental of housing/real property, that indicates any preference, limitation, specification or discrimination based on race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity~~, source of income, or immigration status or any intention to make any such preference, limitation, specification or discrimination.
- 10-111.3 To discriminate against any person in the terms, conditions, or privileges of the sale, brokerage, appraisal, assignment, or rental of housing/real property or in the provision of services or facilities in connection therewith, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity~~, source of income, or immigration status of: any buyer, renter or person involved in any such transaction; any person residing in or intending to reside in the housing/real property before or after it is sold, rented, or made available; or any other person involved in any transaction or representation related to the sale, assignment or rental of housing/real property or services or facilities in connection therewith.
- 10-111.4 To represent to any person that any housing/real property is not available, or to make any housing/real property otherwise unavailable, for inspection, sale, assignment, or rental, when such housing/real property is, in fact, so available, on the basis of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or gender identity~~, source of income, or immigration status.
- 10-111.5 To induce, or attempt to induce, any person to sell, assign or rent housing/real property by any representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, religion, color,

national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, source of income, or immigration status.

10-111.6 To deny any person access to, or membership in, or participation in, or otherwise make unavailable, any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting housing/real property, or to discriminate against ~~him or her~~ such person in the terms or conditions of such access, membership, or participation because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity.

10-111.7 To discriminate against any person in, or otherwise make unavailable for, ~~his or her~~ a person's use or occupancy of housing/real property because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, source of income, or immigration status of the person or persons with whom such person associates.

10-111.8 To deny or not make available: a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining housing/real property; or any loan or other financial assistance secured by housing/real property, because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of:

~~(1)~~(A) Such person; or

~~(2)~~(B) Any person associated with such person in connection with such loan or other financial assistance or associated with ~~him or her~~ the person in connection with the purposes of such loan or other financial assistance.

10-111.9 To discriminate against any person in the fixing of the amount, interest rate, duration, or other terms or conditions of: such loan or other financial assistance, or such loan or financial assistance secured by housing/real property because of the race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, or source of income of:

~~(1)~~(A) Such person;

~~(2)~~(B) Any person associated with such person in connection with such loan or other financial assistance, or such loan or financial assistance secured by housing/real property, or associated with ~~him or her~~ such person in connection with the purpose of such loan or other financial assistance, or such loan or financial assistance secured by housing/real property; or

~~(3)~~(C) The present or prospective owners, lessees, tenants, or occupants of the housing/real property in relation to which such loan or other financial assistance, or loan or financial assistance secured by housing/real property, is to be made, given, or secured.

10-111.10 To use a form of application for financial assistance, or to make any inquiry or make or keep any record in connection with such application which indicates,

directly or indirectly, an intention to make any preference, limitation, specification, or discrimination because of race, sex, religion, color, national origin, age, ancestry, sexual orientation, familial status, disability, ~~or~~ gender identity, source of income.

10-111.11 To separate, segregate, or discriminate against, any person who has, is regarded as having, or has a record of having, or being regarded as having, a disability in any manner which is prohibited by local, state or federal laws, regulations or orders. For the purposes of this Subsection, discrimination includes:

- (A) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises;
- (B) A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy housing/real property; or
- (C) In connection with the design and construction of covered multifamily housing/real property for first occupancy on and after March 13, 1991, a failure to design and construct such residential real property in accordance with the provisions of K.S.A. 44-1016, and amendments thereto.
- (D) As used in Subsection 10-111.11 (C), above, "covered multifamily housing/real property" means:
 - (1) buildings consisting of 4 or more units if such buildings have one or more elevators; and
 - (2) ground floor units in other buildings consisting of 4 or more units.

10-111.12 To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by any of the provisions of this Article.

10-111.13 To refuse to comply with the administrative requirements of any assistance, benefit, or subsidy program, including but not limited to housing quality inspections for Housing Choice Vouchers.

10-111.14 To deny tenancy, evict, or find in violation of a rental agreement any person on the basis of, or as a direct result of, the fact that the person is a protected person under this Article if the applicant for housing, tenant, or lessee otherwise qualifies for tenancy in or occupancy of the premises, in accordance with K.S.A. 2021 Supp. 58-25,137, and amendments thereto.

10-111.4315 (A) Nothing in this Section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, assignment, or occupancy of any

housing/real property which it owns or operates, for other than commercial purposes, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, age, ancestry, familial status, sexual orientation, disability, or gender identity.

- (B) Nor shall anything in this Section prohibit a nonprofit private club, not, in fact, open to the public, which, incident to its primary purpose or purposes, provides lodging which it owns and operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (C) Nor shall anything (other than Sections 10-111.2, 10-111.6, 10-111.8, 10-111.9 and 10-111.12) in this Article apply:
 - (1) To the rental or leasing of housing accommodations for not more than two (2) families living independently of each other, if the owner resides in one (1) such housing unit; or
 - (2) To the rental or leasing to less than four (4) persons within a single housing accommodation by the occupant or owner of such housing accommodation if the owner resides therein.

10-111.4416 Nothing in this Section limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this Section regarding familial status apply with respect to housing/real property provided under any state or federal program, which has been approved by the Secretary of the United States Department of Housing and Urban Development, specifically designed and operated as housing to assist elderly persons, as defined in the state or federal program, and approved by the Secretary of the United States Department of Housing and Urban Development, or to housing for older persons.

- (A) As used in this ~~Subsection~~ ~~Section 10-111.441~~, "housing for older persons" means housing communities:
 - (1) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (2) Intended for, and solely occupied by, persons 62 years of age or older; or
 - (3) Intended for, and at least 80% occupied by, at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this Subsection, the regulations developed by the Secretary of the United States Department of Housing and Urban Development shall be followed, which require at least the following factors:

- (a) the existence of significant facilities and services specifically designed to meet the physical or social needs of such persons or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
- (b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
- (c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. However, discrimination, segregation or separation in said housing for older persons on the basis of race, sex, religion, color, national origin, ancestry, sexual orientation, disability, ~~or~~ gender identity, or source of income is prohibited as defined elsewhere in this Section.

10-111.15~~17~~ Nothing in this Section prohibits conduct against a person because such person has been convicted two or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Federal Controlled Substances Act (21 U.S.C. 802).

10-111.18 The prohibitions against discrimination based on source of income established in this Article shall not limit the ability of a landlord, participating in any government-sponsored rental assistance program, voucher, or certificate system, from reserving rental units for tenants who qualify for such governmental programs.

10-111.19 The prohibitions against discrimination based on source of income established in this Article shall not prevent any seller, broker, or lender from advertising or conducting cash-only sales of real property or from using industry-accepted lending practices.

10-111.20 Nothing in this Article shall: (a) Control or be deemed to control the amount of rent charged or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned residential or commercial real property; (b) require the waiver any security deposit, fee or similar charge required from all tenants renting rental units from a person; or (c) require repairs, improvements, or maintenance to a rental unit or real estate property not otherwise legally required by City Code or by the applicable laws and regulations of the State of Kansas.

10-111.21 The prohibitions against discrimination based on immigration status established in this Article shall not apply when any federal, state, or City law requires lawful immigration status as a requirement or condition for receiving any contract, benefit, or service.

SECTION 5: If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 6: Existing Sections 10-101, 10-102, 10-110, and 10-111 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede them.

SECTION 7: After passage, approval, and publication, as provided by law, this ordinance shall be in full force and effect commencing June 1, 2023.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of February, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

Sandra Fangohr

From: Roger Clouser <rodclo@yahoo.com>
Sent: Monday, January 23, 2023 9:14 AM
To: City Clerk
Subject: Section 8 rentals feedback

Follow Up Flag: Follow up
Flag Status: Completed

External Email. Be careful with links and attachments.

- City of Lawrence IT Helpdesk

Lawrence City

I've been a Lawrence landlord for 45 years, and have done a number of Section 8 rentals, and can assure you it takes a special kind of landlord to do so, and the issue cannot be forced. I've talked to a number of landlords currently doing Section 8 rentals who assure me if they were forced to do so, they would sell their properties and get out of renting all together. Your goal to help Section 8 renters is well placed, but forcing landlords to rent to them would likely produce the unintended consequence of fewer places on the market for them.
Roger Clouser

Sandra Fangohr

From: Cassandra Barrett <info@sg.actionnetwork.org>
Sent: Wednesday, February 8, 2023 3:12 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

City Commission Public Comment,

City Commissioners,

Two years ago, the City Commission began discussions about the need for source of income protections. The Human Relations Commission presented two years of work to the current City Commission, and you chose not to pass the ordinance.

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Ample opportunities have been provided for action, and instead the interests of private landlords and capitalist realtors are given priority. Commissioners were again given the opportunity to pass the ordinance on January 17th, and again chose to kick it down the road.

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We are pleading with you to do what is right by Lawrence residents who need rental housing to survive. Lawrence is known for its social services, but social services alone cannot solve

homelessness. Government has to play a direct role. These protections are standard in other communities, and it is appalling that when faced with best practices for city management, our city leaders flounder.

Please act in accordance with your purported values: pass the ordinance changes to protect tenants from discrimination and ensure that immigration status is included as a protected class alongside source of income.

Please redact my personal information when including this comment in the agenda packet.

Cassandra Barrett

████████████████████
████████████████████
██

Sandra Fangohr

From: Sophia Nangia <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 1:39 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Please redact my personal information when including this comment in the agenda packet.

Sophia Nangia

[Redacted]
[Redacted]
[Redacted]

Sandra Fangohr

From: Samuel Clark <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 2:17 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Please redact my personal information when including this comment in the agenda packet.

Samuel Clark

[REDACTED]
[REDACTED]
[REDACTED]

Sandra Fangohr

From: Emma Blackwood <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 2:10 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Emma Blackwood

[REDACTED]
[REDACTED]
[REDACTED]

Sandra Fangohr

From: Camille Isabella Vandergriff <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 2:09 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Camille Isabella Vandergriff

[REDACTED]
[REDACTED]
[REDACTED]

Sandra Fangohr

From: Jaeda Lee <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 2:07 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Please redact my personal information when including this comment in the agenda packet.

Jaeda Lee

[REDACTED]

[REDACTED]

Sandra Fangohr

From: Jacquelyn Potts <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 4:10 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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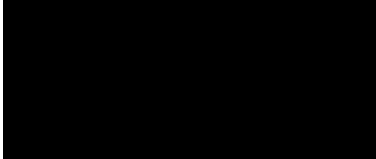
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Please redact my personal information when including this comment in the agenda packet.

Jacquelyn Potts



Sandra Fangohr

From: Andy Fitzgerald <info@sg.actionnetwork.org>
Sent: Thursday, February 9, 2023 4:06 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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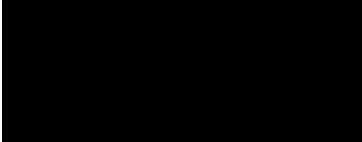
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Andy Fitzgerald



Sandra Fangohr

From: Brooklyn Wilt <info@sg.actionnetwork.org>
Sent: Friday, February 10, 2023 9:24 AM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Please redact my personal information when including this comment in the agenda packet.

Brooklyn Wilt

[REDACTED]

[REDACTED]

[REDACTED]

Sandra Fangohr

From: Ande Johnson <info@sg.actionnetwork.org>
Sent: Saturday, February 11, 2023 7:34 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Please redact my personal information when including this comment in the agenda packet.

Ande Johnson

[REDACTED]
[REDACTED]
[REDACTED]

Sandra Fangohr

From: Caleb Stephens <info@sg.actionnetwork.org>
Sent: Saturday, February 11, 2023 3:55 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Caleb Stephens

[Redacted]
[Redacted]
[Redacted]

Sandra Fangohr

From: M Horowitz <info@sg.actionnetwork.org>
Sent: Saturday, February 11, 2023 3:53 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

City Commission Public Comment,

Dear Mayor Larsen and City Commissioners,

I'm writing to urge you to pass the ordinance changes to protect tenants from discrimination by ensuring immigration status is included as a protected class, alongside source of income.

We need to decrease the obstacles to safe, affordable housing for all community members. These discussions have been going on for far too long. We need you to take action.

M Horowitz
mhorowitz947@gmail.com

, Kansas 66044

Sandra Fangohr

From: Erin Melton <info@sg.actionnetwork.org>
Sent: Friday, February 10, 2023 4:14 PM
To: City Commission Agendas
Subject: Public Comment for February 14th City Commission Meeting - Source of Income Ordinance

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- City of Lawrence IT Helpdesk

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Erin Melton

[REDACTED]

[REDACTED]



January 17, 2023

Lawrence City Commission
6 E 6th. St.
Lawrence, KS 66044

Dear Mayor Larsen, City Commissioners, and City Staff:

Catholic Charities of Northeast Kansas desires to express our support for the proposed changes to Chapter 10 of the City Code. This policy change has been recognized as effective at improving housing outcomes and increased opportunities for housing by HUD, the American Bar Association, the Center for Budget and Policy Priorities, the Poverty Race and Research Action Counsel, and dozens of additional national housing organizations. We know that these changes would support Lawrence community members.

Renters in Lawrence with vouchers currently have no protections from discrimination due to source of income. This significant barrier has caused our community's Housing Choice Voucher (HCV) utilization rate to go down and frequently prevents the housing of our elderly, disabled, and working class population.

The negative impact that strict source of income requirements have had on our clients and community is staggering. Community members who experience discrimination in the screening process too often remain inadequately housed, become homeless due to lack of protections, and can potentially lose their HCV. Housing instability puts further strain on our social safety nets including expensive shelter and temporary housing. The more we enact policy encouraging the stable housing of our clients, the more economic and humanitarian benefits we will see in our community.

We implore the Mayor, City Commissioners, and City Staff to support this vital change to Chapter 10 of the City Code. Thank you for your dedication to the health and safety of everyone in our community.

Sincerely,

Nelson Vowels
Senior Director of Mission Operations
Catholic Charities of Northeast Kansas