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**Press Release**

**For: SB 2582: An Act concerning the elimination of discriminatory restrictive covenants**

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A new state law which takes effect on July 1, 2006, states that no declaration or other governing document of a non-profit homeowners association shall include a discriminatory restrictive covenant. HB 2582 was signed into law in April 2006 by Governor Kathleen Sebelius, and requires the elimination of discriminatory language based on race, religion, color, sex, disability, familial status, national origin or ancestry in restrictive covenants. Discriminatory covenants have existed in the state of Kansas since the early 1900's. Within 60 days of the enactment of this law, the board of directors of a non-profit homeowners association shall amend any declaration or other governing document that includes a discriminatory restrictive covenant, by removing such covenant, and may do so without seeking approval of the association members involved.

“The Commission fully supports and applauds the actions of the Legislature and the Governor in making this law a reality,” Kansas Human Rights Commission Executive Director William V. Minner said. “Although these kinds of racial restrictions were outlawed long ago by Supreme Court decisions and are unenforceable, the fact that they remain on the books is repugnant and serves as an embarrassment to the state of Kansas and the citizens of the state. The Commission will do everything within its legal authority to cleanse the housing restrictions and the actual records of these restrictions from the public and private domain.”

The Kansas Human Rights Commission, along with city and county authorities, may provide housing associations with written notice requesting that the association delete a discriminatory restrictive covenant. If the association fails to delete the restrictive covenant within 30 days of receiving the notice, the Kansas Human Rights Commission, city or county may bring an action against the homeowners association for injunctive relief to enforce the provisions. Any person adversely affected by the prohibited restrictive covenants may also seek injunctive relief.

Kansas House Representative Terrie Huntington, R-Mission Hills, and Representative Bill Feuerborn, D-Garnett, sponsored HB 2582. The bill passed both houses with no dissenting votes.

“I think that it is important for everyone to know that discriminatory restrictive covenants originated in 1913, and that these covenants were written in a different era almost 100 years ago,” Huntington said. “Since that time, we have evolved into a society more accepting of diversity in housing.”

Richard Jackson, Mayor of Ottawa, Kansas, provided testimony to the legislators that more than 1,200 restrictive documents containing discriminatory language existed in the state, including areas of Johnson County, Wichita, Emporia, Coffeyville and Topeka.

“I was pleased that it was passed and it is something that should have been passed several years ago,” Feuerborn said. “I appreciate that Mayor Richard Jackson of Ottawa brought this issue to my attention so that I could help sponsor this bill. I also feel that it is important that the homeowner associations realize that this law does not require them to have any additional costs.”

The new law states that any amended documents to delete discriminatory restrictive covenants must be recorded within 10 days of the amendment’s adoption, but there will no fee for recording the amended version.

The Kansas Human Rights Commission is currently researching which non-profit homeowners associations have prohibited restrictive covenants.

The Kansas Human Rights Commission encourages anyone with information regarding possible discriminatory restrictive covenants in their area to contact the agency at 1-888-793-6874.