

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 60.—Discriminatory Housing Practices

21-60-20. 55 or over housing.

(a) The provisions regarding familial status shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that the housing satisfies the requirements of subparagraphs (b)(1) or (b)(2) and the requirements of subsection (c).

(b)(1) The housing facility has significant facilities and services specifically designed to meet the physical and social needs of older persons. "Significant facilities and services specifically designed to meet the physical or social needs of older persons" means, but is not limited to:

- (A) social and recreational programs;
- (B) continuing education;
- (C) information and counseling;
- (D) recreational, homemaker, outside maintenance and referral services;
- (E) an accessible physical environment;
- (F) emergency and preventive health care or programs;
- (G) congregate dining facilities;
- (H) transportation to facilitate access to social services; and

(I) services designed to encourage and assist residents to use the services and facilities available to them (the housing facility need not have all of these features to qualify for the exemption under this subparagraph); or

(2) It is not practicable to provide significant facilities and services designed to meet the physical and social needs of older persons and the housing facility is necessary to provide important housing opportunities for older persons. In order to satisfy this subparagraph (b)(2), the owner or manager of the housing facility must demonstrate through credible and objective evidence that the provision of significant facilities and services designed to meet the physical or social needs of older persons would result in

depriving older persons in the relevant geographic area of needed or desired housing. The following factors, among others, are relevant in meeting the requirements of subparagraph (b)(2):

(A) whether the owner or manager of the housing facility has endeavored to provide significant facilities and services designed by the owner or a contractual third party to meet the physical or social needs of older persons. Demonstrating that such services and facilities are expensive to provide is not alone sufficient to demonstrate that the provision of such services is not practicable;

(B) the amount of rent charged, if the dwellings are rented, or the price of the dwellings, if they are offered for sale;

(C) the income range of the residents of the housing facility;

(D) the demand for housing for older persons in the relevant geographic area;

(E) the range of housing choices for older persons within the relevant geographic area;

(F) the availability of other similarly priced housing for older persons in the relevant geographic area; and

(G) the vacancy rate of the housing facility.

(3) If similarly priced housing for older persons with significant facilities and services is reasonably available in the relevant geographic area, then the housing facility does not meet the requirements of this subsection (2).

(c)(1) On and after July 1, 1992, at least 80% of the units in the housing facility are occupied by at least one person 55 years of age or older per unit, except that a newly constructed housing facility designed and constructed for first occupancy after January 1, 1992, need not comply with this subsection (c)(1) until 25% of the units in the facility are occupied; and

(2) The owner or manager of a housing facility publishes and adheres to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. The following factors, among others, are relevant in determining whether the owner or manager of a housing facility has complied with the requirements of paragraph (c)(2):

(A) the manner in which the housing facility is described to prospective residents;

- (B) the nature of any advertising designed to attract prospective residents;
- (C) age verification procedures;
- (D) lease provisions;
- (E) written rules and regulations; and
- (F) actual practices of the owner or manager in enforcing relevant lease provisions and relevant rules or regulations.

(3) Effective July 1, 1992, housing satisfies the requirements of this section even though:

- (A) On January 1, 1992, under 80% of the occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80% of the units that are occupied by new occupants after January 1, 1992 are occupied by at least one person 55 years of age or older;

- (B) there are unoccupied units, provided that at least 80% of such units are reserved for occupancy by at least one person 55 years of age or over; or

- (C) there are units occupied by employees of the housing (and family members residing in the same unit) who are under 55 years of age, provided they perform substantial duties directly related to the management or maintenance of the housing.

(Authorized by K.S.A. 1991 Supp. 44-1004; implementing K.S.A. 1991 Supp. 44-1016, 44-1018, as amended by 1992 H.B. 3164, §2 and 6; effective July 1, 1992; effective, T-21-7-1-92, July 1, 1992; effective Aug. 17, 1992.)

***** Authenticated Kansas Administrative Regulation *****