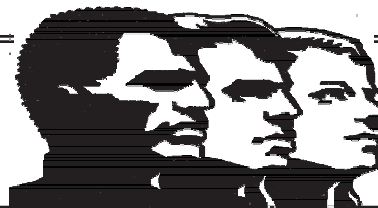


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# DISCRIMINATION

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Basically, all prospective and current tenants must be treated equally. Federal fair housing laws extend protection to persons in all of the United States. **Federal laws extend protection from discrimination on the basis of race, sex, religion, national origin, ancestry, color, familial status, and disability.**

**Familial status** refers to families with children under the age of 18 and women who are pregnant. Under fair housing law, landlords cannot refuse to rent to families with children. However, a landlord may limit household size to his or her standard limits and is protected by the occupancy limits in any local housing code. Buildings or complexes which meet certain guidelines for operating exclusively for senior citizens are the only ones which can exclude families.

**Disability** is broadly defined to include anyone who has or is regarded as having a physical or mental disability (protects people with illnesses such as AIDS, specifically does not protect people with substance abuse problems). Landlords must allow physically disabled tenants, at their own expense, to make “reasonable” modifications to a rental unit to make it accessible. (The landlord does have the right to insist on certain standards of workmanship and, in some cases, on restoration of the property to its original condition at move-out.) All new rental construction with 4 or more units must be “accessible” or “adaptable” for disabled persons.

Fair housing laws cover the specific decision to sell or rent to certain persons or classes of people, as well as issues such as charging higher rent or establishing different requirements, conditions, or services. They cover the individuals involved as well as situations

involving families or guests. They also say that legally landlords cannot threaten you, intimidate you, or otherwise retaliate against you if you stand up for your rights.

Kansas state discrimination laws are in compliance with federal laws. Some local governments provide protection for additional groups such as marital status, age, and sexual orientation.

Enforcement procedures in discrimination cases include the use of administrative law judges, the power to get injunctions, and the power to secure awards of up to \$100,000 for fair housing complaints handled through administrative or federal court procedures.

If you think you have been discriminated against, you should definitely check out your rights and consider pursuit of a complaint either directly with your landlord or through the appropriate authority. If it’s too late to make the situation better for yourself, you may be able to make it better for the next person. The following details the various levels at which fair housing complaints may be filed, along with the powers and procedures for each.

## LOCAL GOVERNMENT

**GROUPS COVERED:** Race, sex, religion, national origin, ancestry, color, disability, and families with children, some local ordinances add marital status, sexual orientation, age, and welfare income.

**WHO INVESTIGATES:** Volunteer board members or paid staff.

**LIMIT TO FILE:** Varies. Generally 180 days.

**POWERS: (1)** Voluntary conciliation agreements.

**(2)** Public hearings before volunteer boards, legal counsel often available. Ability to order injunctions. Limits on awards will vary.

Enforcement assistance from and appeals to District Court should be applicable, but may vary based on specific local ordinance.

**HOW TO CONTACT:** Call City Hall and inquire about “Human Relations,” “Human Resources,” or “Civil Rights” board or staff.

## STATE GOVERNMENT

**GROUPS COVERED:** Race, sex, religion, national origin, ancestry, color, disability, and families with children.

**WHO INVESTIGATES:** Paid staff, based in Topeka, Dodge City, Independence, and Wichita, who travel the entire state.

**LIMIT TO FILE:** 1 year.

**HOW SOON INVESTIGATION MUST START:** Respondent must be contacted within 10 days, investigation completed within 100 days, if possible.

**POWERS: (1)** Voluntary conciliation agreements.

**(2)** Hearings generally held in the city where the complaint was filed. Administrative hearings, option of using staff attorney or private counsel. Staff hearing examiner can award actual damages and “pain and suffering” damages, no limit, fines up to \$25,000.

Decisions are enforced by or appealed to Kansas District Court.

**HOW TO CONTACT:** Kansas Human Rights Commission has four offices in Kansas. Education specialists are available to answer questions. You can obtain a copy of the

Kansas Act Against Discrimination upon request or at [www.khrc.net](http://www.khrc.net) along with an on-line complaint form. Complaints may be filed at any office. Contact information:

### Topeka Office:

900 SW Jackson, Suite 568 South  
Topeka, KS 66612

Phone: (785) 296-3206, Toll Free: (888) 793-6874  
FAX (785) 296-0589

### Dodge City Office:

100 Military Plaza, Suite 220  
Dodge City, KS 67801

Phone: (620) 225-4804  
FAX (620) 225-4986

### Independence Office:

200 ARCO Place, Suite 311  
Independence, KS 67301

Phone: (620) 331-7083  
FAX (620) 331-7135

### Wichita Office:

130 South Market, Suite 7050  
Wichita, KS 67202

Phone: (316) 337-6270  
FAX (316) 337-7376

## FEDERAL GOVERNMENT

**GROUPS COVERED:** Race, sex, religion, national origin, ancestry, color, disability, and families with children.

**WHO INVESTIGATES:** Paid Department of Housing and Urban Development (HUD) staff who are based in area or regional offices and travel as needed.

**COST:** None for investigation; might be some for witness fees or court costs, can be waived if complainant cannot afford.

**LIMIT TO FILE:** 1 year.

**HOW SOON INVESTIGATION MUST START:** Respondent must be contacted within 10 days, investigation completed within 100 days, if possible.

**POWERS: (1)** Voluntary conciliation agreements.

**(2)** Administrative hearings. Complainant assisted by HUD investigator and HUD legal counsel, before HUD administrative law judge. Power of injunction, right to award actual damages and attorneys fees, fines up to \$50,000. Hearings are to be held “in the vicinity” of where the complaint occurred.

**(3)** Federal District Court, by request. Justice Department represents complainants before federal judge and/or jury. Power of injunction, right to award actual damages and attorneys fees, fines up to \$100,000. Federal courts in Kansas are in Kansas City, Topeka, and Wichita.

**HOW TO CONTACT:** Call (800) 669-9777 for national information, or

Great Plains Regional HUD Office  
Gateway Tower II  
400 State Avenue, Room 200  
Kansas City, Kansas 66101-2406  
(913) 551-6958, Toll Free: (800) 743-5323  
TTY (913) 551-6972

## PRIVATE ATTORNEY

**GROUPS COVERED:** Any covered by local, state, or federal law, or other policy or regulation.

**WHO INVESTIGATES:** Varies.

**COST:** Negotiable, can be high, can be low or “contingency fee.”

**LIMIT TO FILE:** Federal law allows up to 2 years for private lawsuit; Kansas and local law may vary, up to 5 years depending on nature of lawsuit.

**HOW SOON INVESTIGATION MUST START:** Varies. Can take some time to prepare case and

get through various court systems. In the past, however, there have been times when this was faster and more effective than using government procedures.

**POWERS:** No limit on settlements, all administrative procedures, no limit on penalties requested or awarded.

**HOW TO CONTACT:** Check with local, state, and federal courts for names of attorneys who have been involved in discrimination cases; check with local and state bar association “lawyer referral” programs; check the internet; contact libraries or human relations boards for names of attorneys nationally who have been successful in fair housing lawsuits.

**THE RULE OF THUMB:** If you have a complaint check with local, state, and federal levels of government or private attorneys to see:

- (1)** whether your particular complaint is covered,
- (2)** how quickly they are required to act on and settle complaints,
- (3)** how close the administrative or court hearing would be to where you live, and
- (4)** what powers and authority they have to get money or other judgments.

Another wise move can be to file your complaint with all levels of government. Generally, government agencies will defer down to the most local agency that has authority in your area. However, by filing in a timely manner with everyone, if you are not satisfied with the investigation at one level, you can ask the next to assist you. Because all government levels have time limits that you must meet for filing, if you waited for one investigation to finish and were dissatisfied, it might be too late to file with the next.

## HOW TO SHOP FOR AN ATTORNEY

When shopping for an attorney for a landlord-tenant case, you want someone who will take care of your business quickly and inexpensively and who will win – right!? Because landlord-tenant cases usually do not involve a lot of money, many attorneys are unfamiliar with that area of the law. Even your family or business attorney may not be the best person for you. It pays to shop around!

### Things to look for:

- **Landlord-Tenant Case Experience.** How recent? How much? Landlord-tenant law is complex. It will pay you in time, money, and success to hire someone who is already familiar with it.
- **Courthouse Time.** Is the attorney there often? In most landlord-tenant cases there are many papers to be filed and speed is important. If your attorney is often at the courthouse anyway, speed should not be a problem and it shouldn't cost you extra.
- **Initial Consultation.** This is crucial if you don't know the attorney or he or she has not done this type of work for you before. Many attorneys charge nothing or a small charge for a first consultation. Remember, you are hiring this person, not the reverse. If you don't like the person or feel he or she is not interested in your case, keep looking!
- **Estimated Fees.** Get a written estimate of what this process should cost you. Some attorneys have basic flat rates on routine processes such as evictions. Most will charge by the hour but can still estimate what the total should be.

You can check out the first two items by phone. Then, just as if you were getting bids on a major purchase or repair, you might want to plan to interview three attorneys who sound like they might meet your qualifications.

**Save Money.** You can help keep your costs down by being sure to bring with you any documents, letters, or reports related to your situation. It may be helpful to write out the facts of your case in chronological order and bring that with you as well. Also write down your questions ahead of time and be prepared to provide names and addresses of all parties involved. These steps may save on the lawyer's time (and thus cut down on legal fees). Note: All communications within the attorney-client relationship are *confidential*, even if you decide not to hire the lawyer after all.

If you run out of possible names or don't have any in the first place, you can call **Lawyer Referral Service** at (800) 928-3111. They will give you the name of an attorney in your area who has indicated that he or she does your kind of case (fees range from \$100-\$200 per hour). For advice only, you will be connected with an attorney on the **Lawyer Advice Line** (charges are \$3 per minute and can be charged to MasterCard, VISA or debit cards). If you are over 60, you can contact the **Kansas Elder Law Hotline** at (888) 353-5337 for a referral to an attorney in your area who is paid with public funds to provide legal consultation (maybe not representation, but at least advice) to senior citizens without charge.