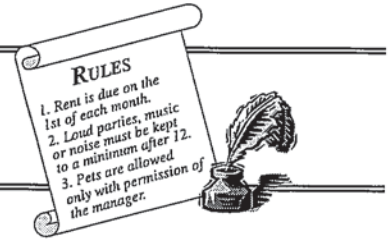


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# RULES AND REGULATIONS

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## ESTABLISHING

In addition to the rental agreement (written or verbal), a landlord may have a list of rules and regulations. Include them as a page in written leases. Post them in rental offices and lobbies and/or give copies to tenants. The law says that tenants must have notice of rules and regulations at move-in time to be bound by them.

Legally, rules and regulations must apply to all tenants equally, be designed to benefit the tenants and/or protect the landlord's property, be clear enough for tenants to understand what they can or cannot do, and cannot be for the purpose of evading any responsibilities of the landlord.

When establishing rules, make sure they are nondiscriminatory. An example would be setting of pool rules. Reserving a certain time of day for "adult swim" would not be legal, because it discriminates against families with children. But, reserving a certain time of each day or hour for "lap swim" only, regardless of age, would be OK.

There is no limit to the number of rules you can have, but you might want to keep your list relatively brief (no more than a page?) so that you do not frighten away good tenants. It is also a good idea for you or your rental agent to review the list of rules carefully with each prospective tenant before rental applications are signed or security deposits are paid. If the rules and regulations for your property do not suit a tenant's lifestyle, there is no reason to even discuss a rental relationship further. Tenants get mad when they feel that there are

rules that they are trying to follow while others are not bound by them. They suspect that you either don't mean what you say or that you have favorites.

A Kansas landlord cannot change or add any rules or regulations during the term of the rental agreement unless the tenant voluntarily agrees in writing to accept the new or changed rules.

In a month-to-month rental agreement, the best thing to do if you want to change a rule or regulation is to give the tenant written notice at least 30 days in advance of a rent-paying date. That way, when the "new" rental agreement begins, the new rule will be binding on the tenant.

When the rental agreement is for more than a month, you should give notice in writing at least 30 days before the end of the agreement that the rules and regulations will change as stated when the rental agreement either renews or reverts to month-to-month. This can be a little tricky when the rule changes involve pet regulations, use of common space or pools, or something like that, especially when you have multiple tenants under long-term leases. Individualized notices based on lease renewal dates will be needed in such cases. This means that you could end up phasing in new rules and regulations over a period of six months to a year. That will be awkward, but as long as new tenants come in under the new rules and regulations and you fairly enforce the phase-in on the tenants who are already in place, everyone will know what's going on and it will be a workable system.

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**References:** K.S.A. 58-2556.