

THE KANSAS CITY STAR.



SUPER BOWL

Patriots quarterback Tom Brady spoke of the adversity he's overcome. We should all be so unfortunate, Sam Mellinger says. | B1



SPORTS DAILY

Texas fought back but Missouri and guard Michael Dixon weren't about to let this one slip away, beating the Longhorns 67-66 Monday night in Austin, Texas. | B1

TODAY'S WEATHER: LOW 46, HIGH 60. MORNING CLOUDS AND DRIZZLE, THEN AFTERNOON SUNSHINE. | B10

\$1.00

Birth control mandate tested

Part of new health law tells religious groups to pay for something that may go against beliefs.

By DAVID G. SAVAGE
Los Angeles Times

WASHINGTON | The Supreme Court and the Obama administration are already headed for a face-off in March over the constitutionality of the health care law. Now they may be on a collision course over another part of the law that will require church-run schools, hospitals and charities to provide free contraceptives to their employees.

Catholic leaders reacted fiercely when the administration announced Jan. 20 it would not free most religious employers from this mandate, even those who have moral and religious objections to what some of their lawyers describe as "abortion-inducing drugs."

Starting next year, employers, including religious employers, must pay for "all FDA-approved forms of contraception" for their employees, said Health and Human Services Secretary Kathleen Sebelius. The law says insurance plans must provide "preventive services" at no cost, and HHS decided contraceptives were included. Employers who fail to provide this insurance will face heavy fines.

Archbishop Timothy M. Dolan in New York, president of the U.S. Conference of Catholic Bishops, denounced the mandate as "unconscionable," saying the church should not be forced "to act as if pregnancy is a disease to be prevented at all costs."

Two colleges have sued to challenge the contraception rule. They are Belmont Abbey College, a Catholic school in

SEE MANDATE | A8

RENTALS | Popularity soars in KC area

APARTMENTS BUILD A NEW FOLLOWING



JOHN SLEEZER | THE KANSAS CITY STAR

Among the new apartment construction projects in the area is the 212-unit Village at Mission Farms, being built near Interstate 435 in Overland Park.

One explanation: "They're not just renting an apartment, they're buying into a lifestyle."

By KEVIN COLLISON
The Kansas City Star

Richard Penney, a 37-year-old biotech consultant who moved here from Nashville, Tenn., a year ago, is renting the good life at Briarcliff City Apartments in the Northland.

He could have easily bought a house — he pays more than \$1,200 per month — but as a single guy who doesn't know how long he'll be in Kansas City, Penney opted for the flexibility of apartment living.

It's also nice having that \$5 limo service, one of the resident perks, to take him to the Power & Light

District for a night out.

"I wanted to be close to downtown. It seemed like a good location and I need to use the airport frequently," Penney said. "It's a great location with a great view — a win all around for me."

Penney is among the thousands of people who are choosing apartments these days in Kansas City. While construction of single-family houses continues to drag, there's been an uptick in the number of apartment projects either being built or planned for the urban core to the suburbs.

It's being fueled not only by the traditional source for renters — younger adults establishing their first household — but also by others either burned by the housing

SEE APARTMENTS | A8

KC APARTMENT LIVING IS LOOKING UP

6.1 PERCENT The average vacancy rate in the Kansas City area last year, which was down from 8.1 percent in 2010.

2,500 The increase in number of apartments occupied. The net increase led to the highest annual absorption rate of vacant units since 2000.

\$727 The average rent for an apartment in the area, up 2 percent from 2010.

Source: Hendricks & Partners

Senate bill would end KC district

One of many proposals, it faces a difficult path, beginning with hearing today in Jefferson City.

By JASON HANCOCK
The Star's Jefferson City correspondent

JEFFERSON CITY | If Jane Cunningham gets her way, the class of 2013 would be the last to graduate from the Kansas City Public Schools district.

The Republican state senator from Chesterfield is pushing legislation that, among other things, would permanently dissolve the unaccredited school district, carve it up and require neighboring districts to take over city schools.

"For decades we've watched as (the Kansas City) district has gone down and down and down," Cunningham said. "The district has not served its students or the community, so a dramatic change is needed."

A public hearing on the bill, one of many introduced this session addressing the troubled district and other education issues, is scheduled for 3 p.m. today in the Capitol.

Critics of the plan argue it would deny local residents a say in the future of their school district and could do more harm than good.

Missouri Education Commissioner Chris

SEE BILL | A8



SHANE KEYSER | THE KANSAS CITY STAR

At KU's new Clinical Research Center in Fairway, pharmacist Leslie Curtis filled prescriptions on Monday.

KU has filled a prescription for better research

Grand opening is today for new center that will allow early drug, treatment tests to take place here.

By ALAN BAVLEY
The Kansas City Star

What can a one-eighth-cent sales tax buy in Johnson County?

How about laboratories equipped with the latest high-tech instruments? And stylish accommodations with plenty of privacy for patients?

That's what you'll find at the University of Kansas Medical Center's new Clinical Research Center in Fairway, a \$19 million project and the newest beneficiary of Johnson County's Education and Research Triangle sales tax.

Patients started trickling into the renovated 82,400-square-foot building on Shawnee Mission Parkway last week. Today, KU is holding a grand opening for VIPs.

SEE RESEARCH | A9

FYI

Can you create poetry using newspapers and a marker? Give it a try in our blackout poem contest. | D1

dealsaver

\$10 for \$20 worth of food and beverage at Stroud's

Check out the ad on page A2 to find out how to get this deal, or go online to dealsaver.com/kansascity.com.

APARTMENTS: New projects are under way

FROM A1

market after going through foreclosure or not qualifying for a mortgage, or who just aren't buying into the idea that owning a house is a good investment.

The single-family housing market will probably recover eventually, experts predict. But "the allure of owning a house has evaporated lately," said Nathaniel Hagedorn, whose firm developed the 263-unit Briarcliff City Apartments, which opened in April on a bluff that offers a great view of the downtown skyline. "The banks are difficult, too, for financing; housing prices are flat and they're difficult to sell."

And apartment living is evolving too.

Many of the new upscale projects feature a "walkable" lifestyle that incorporate shops, restaurants and other retail in the development. They also offer spa-style amenities like yoga classes and massages. The apartment interiors offer condo-level furnishings including granite counters and stainless steel appliances.

"They're not just renting an apartment, they're buying into a lifestyle," said Steve Coon, a principal at Land Development Strategies.

Land Development is involved in two major luxury projects, a \$33 million development called The Village at Mission Farms in Overland Park, and a recently announced \$39 million development planned for 51st and Main streets in Kansas City.

"Historically, apartment demand was generated by job growth," Coon said, "but what's getting it going now is the turmoil in the single-family residential market. It's more difficult to qualify for loans, appreciation of houses are zero or negative, and people don't feel they have to buy to support their retirement income."

Coon predicted the apartment market should continue to grow for the foreseeable future.

"The single-family housing market will strengthen over the next five years," he said, "but the demographic changes and changing perceptions about lifestyle, the walkability factor, are long-lasting and permanent."

Demographic changes also are at play, with couples waiting to marry and then having smaller families, and empty nesters who prefer the freedom of apartment living, what Coon referred to as the "lock and leave phenomena."

Hagedorn also is bullish on the apartment market, and his firm is starting construction on another project. The 298-unit development will be next to the former Tuileries Plaza off Interstate 29 at Missouri 45, which Briarcliff Realty purchased late last year and is renaming the Village at Burlington Creek.

On the other side of the metro area in Johnson County, it's much the same.

In addition to the 212-unit Village at Mission Farms near Interstate 435, new developments include Kelly Park, a 331-unit development off U.S. 69 at 135th Street in Overland Park, and construction is starting soon on the 350-unit Prairie Creek development in Lenexa at 95th Street and Renner Boulevard.

And in the center of the metro area, apartment living is picking up steam too.



"It's a great location with a great view — a win all around for me," Richard Penney says about Briarcliff City Apartments in Kansas City, North, where he lives on the fourth floor.



After considering home ownership, Chris Reams and Michelle Price opted to rent at Briarcliff City Apartments.

More than a dozen historic buildings on Armour Boulevard in midtown are being renovated into 1,200 market-rate apartments; several historic renovation projects have been completed downtown; the 323-unit Market Station apartments in the River Market are doing well; and Price Development is building a 70-unit project at 39th Street and State Line Road and recently got the nod for a 177-unit luxury development by the Country Club Plaza.

Even older suburbs are joining the apartment parade.

Westwood recently approved a redevelopment plan for the Woodside Racquet Club that includes 330 luxury apartments, and the developer of the proposed Mission Gateway project in Mission is still planning to include 300 apartments in his mixed-use project.

The apartments are occupied quickly as well, according to those who study the local apartment market. In a recent report, Laurel Wallerstedt of Hendricks & Partners found the average overall vacancy rate last year for apartments in the metro area was 6.1 percent, a 2 percent improvement over the previous year and the lowest since 2001.

Rents were up too, from an average of \$713 per month in 2010 to \$727 last year. And although construction slowed somewhat last year, permits for 600 units were obtained, according to the Home Builders Association of Greater Kansas City. Wallerstedt reported the average number of permits issued over the past decade was 932.

Jeannette Cox, president of Apartment Association of Kansas City, said the market has rebounded from a few years ago when landlords were so hun-

gry for tenants they offered months of free rent or flat-screen TVs.

"Occupancies have definitely increased over the past couple of years," she said.

Hagedorn said Briarcliff City Apartments was fully leased just nine months after it opened. Rents range from \$1,000 per month for a one-bedroom to up to \$1,700 for a two-bedroom.

"We're looking at an average income at Briarcliff in excess of \$80,000," Hagedorn said. "These people are renters by choice."

Penney said his job with Life Technologies brought him to Kansas City.

"I could have afforded a house, but I don't know how long I'll be here," he said. "I moved here from Nashville in April, and I didn't know anything about the area. I wanted to be close to the night life and downtown."

Just down the hall from him at Briarcliff, Chris Reams and his fiancée, Michelle Price, also decided to rent rather than buy. She works as a nurse at Children's Mercy Hospital; he is a medical student.

"Part of it is, I don't know where I'll be at the end of medical school," Reams said. "I had rented in the Plaza for a couple of years, and we talked about buying."

"We looked at the first-time homebuyer tax credit program and could have put down a decent down payment, but it was basically the time frame and where we'll be in a couple of years. It was a better bet for us to rent."

The couple are very happy with their 1,100-square-foot apartment. They pay \$1,200 per month for their two-bedroom, two-bath residence, and it includes granite countertops,

laminated floors, high-quality cabinets — and like all the units at Briarcliff, a balcony offering great views.

"This is one of the nicest places we could find," Reams said.

Dawn Kuhn, general sales manager of For Rent Media, an online and print brokerage service for landlords and tenants, said her business has picked up.

"A big part of that is people are designing apartments that offer more services to renters so they decide to stay rather than buy," she said. "People also are making the choice to rent. They don't like the hassle of buying. It's a one-year lease vs. a 30-year mortgage."

Builders also are finding that banks are more willing to lend for apartment developments than other projects.

"Multifamily is the only sweet spot in commercial real estate these days," said John Foudray, director of development for Neighbors Construction Co.

"We've had relatively little apartment construction the past couple of years, and vacancies are down and rents are up. That creates a demand. We're seeing a lot of developers pulling projects off the shelf, or they want to acquire land because they can get financing."

One thing hasn't changed when it comes to developing apartments — dealing with the stigma they still carry with some homeowners.

"It still exists today," Hagedorn said of the attitude that "people don't want apartments."

His planned Village at Burlington Creek will be next to the upscale Tremont Manor subdivision, which has homes costing from \$500,000 to \$2 million.

As part of doing his homework, Hagedorn met with the neighborhood association: "At the end of the process, they recognized our development could help create a more sustainable community and also may be a feeder someday for people to buy homes there. If you're paying \$1,800 a month in rent, that might be the next step."

"They were skeptical at first, but by the end of the day people recognized the need and knew we'd do the best."

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BILL: Voters wouldn't have a say in school boundary line changes

FROM A1

Nicastro has dismissed the idea, saying at a public meeting last month that the challenges associated with educating the urban core — poverty and other socio-economic factors — "will not be addressed simply by dispersing the children."

Complicating matters further is the inclusion of other measures in the bill that have proven controversial. Perhaps the biggest would be the creation of a tax-credit supported scholarship program for students in unaccredited districts to attend private and parochial schools.

Kansas City lost its accreditation effective Jan. 1 for failing to reach state performance standards.

Under Cunningham's proposal, annexation of a district by its neighbors would occur within six months of a district becoming unaccredited or by July 1, whichever occurs later.

That time frame means that even if the bill passes quickly and is signed by the governor, it's unlikely to impact Kansas City before the next school year, Cunningham said.

The bill gives the Missouri Department of Elementary and Secondary Education the authority to intervene in the district immediately instead of the current law, which mandates a two-year waiting period after a district is ruled unaccredited.

"I wish we could move faster in Kansas City, but we won't just be twiddling our thumbs," Cunningham said. "The state can move in, and if the suburban Kansas City superintendents want to move faster, we may be able to accommodate that as well."

The main goal of any education bill should be to get students into an accredited district as quickly as possible, Cunningham added. This plan does that, and without uprooting students and transporting them out of their neighborhoods, she noted.

Under the plan, accredited districts would not be required to include the statewide assessment scores of any students it receives from an unaccredited district for up to five years, although they could opt to include them earlier.

The bill joins a host of other pending education bills. They include an expansion of charter schools; allowing the state Department of Education to immediately intervene in unaccredited schools; phasing out teacher tenure over 20 to 30 years; and turning control of Kansas City Public Schools over to the mayor.

Independence Public School District Superintendent Jim Hinson said that he had not had the chance to study Cunningham's bill, which he said emerged from discussions among suburban Kansas City superintendents.

However, they envisioned the boundary changes would be temporary, with control eventually returning to a new Kansas City district sometime in the future, unless voters chose otherwise.

"The question was, if lawmakers came up with some sort of management concept, would the superintendents be

interested in being a part of the discussion to make it work? The answer is yes," Hinson said.

Senate Minority Leader Victor Callahan, an Independence Democrat, said his main complaint with Cunningham's bill is that it changes district boundary lines without allowing voters to weigh in.

Under current law, a local referendum must be held before any district lines can change.

In 2007, a plan to allow the annexation of a portion of Kansas City schools into Independence was approved by voters in both districts. Callahan said a major component of that success was the fact that taxpayers got to have their voices heard on the matter.

House Minority Leader Mike Talbot, a Kansas City Democrat, agreed with Callahan that moving forward without giving taxpayers a chance to vote would be a mistake.

"Just killing the district outright is a bad idea," he said.

Nicastro said in December that it would be "hard to imagine a viable metropolitan community without a school district." While neighboring districts deserve credit for acknowledging they have a stake in the future success of Kansas City Public Schools, "the political and social fallout that this approach will bring can only serve to further disrupt the educational program for children."

In the end, however, it could be Cunningham's proposal to create tax credit-supported scholarships to allow parents to send their children to private schools that proves to be the toughest sell to lawmakers.

Cunningham's bill would allow accredited districts to set criteria for admitting transfers from unaccredited districts, such as the availability of teachers and classroom space, in order to stem the potential flow of transfers from their unaccredited neighbors.

But lawmakers can't limit the number of students that can transfer "without giving parents options," Cunningham argued. "And there is nowhere to go but to the private sector, which has said it would welcome these students."

Under Cunningham's proposal, anyone who contributes to an organization providing scholarships to attend private schools would receive a 60-cent tax credit for each dollar donated.

Legislative efforts to steer any public resources to private or parochial schools have failed numerous times over the years and have faced fierce opposition from those who believe such a move would be unconstitutional.

Talbot said he doesn't expect the idea to gain much traction.

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MANDATE: Bishops find provision in health care law 'unconscionable'

FROM A1

North Carolina, and Colorado Christian University near Denver. College officials say the mandate forces them "to violate their deeply held religious beliefs."

The bishops' conference has not yet decided on joining a lawsuit, but "the bishops are eager to pursue every lawful means to stop this mandate," said Anthony R. Picarello Jr., the conference's general counsel.

The legal challenge got a major boost nearly three weeks ago, when the high court strengthened the Constitution's protection for religious freedom. In a 9-0 defeat for the administration, the justices

said the First Amendment gives "special solicitude to the rights of religious organizations" in decisions about their employees.

At issue was a clash between the rights of church employers and the government's interest in protecting the rights of employees. The administration had backed a job-bias suit filed by a teacher who was fired by a Lutheran school. Churches and church schools are not exempt from civil rights claims, the administration argued.

But Chief Justice John G. Roberts Jr. said the Constitution does not allow for "government interference with an internal church decision that affects the faith and mission of

the church itself." He called the administration's view "extreme" and "remarkable." Legal scholars called his opinion the court's most important for religious freedom in two decades.

The Obama administration modeled its contraceptive rule on a 1999 California law. The rule, like the law, exempts churches and some other religious entities that "primarily" employ and serve people of the same faith.

Catholic officials say this definition is too narrow and excludes church-run colleges, hospitals and charities and many primary schools.

"For us, serving non-Catholics has been a point of pride,

but we are punished under this rule for serving the common good," Picarello said.

Women's rights groups applauded the administration's decision and said it means better and cheaper health care for tens of millions of American women.

"This is good health policy and good economic policy," said Dawn Laguens, vice president at Planned Parenthood. "It increases access to affordable birth control, but it is up to an individual employee to choose it or not. That's very much the American way."

Judy Waxman of the National Women's Law Center said religious freedom is not threatened.

"Religious freedom is guaranteed to the individual, and 98 percent of American women use contraception at some times in their lives. And that is true for Catholics as well," she said.

But lawyers challenging the rule say the dispute is not about women using contraception, but about forcing the Catholic Church to pay for it. Hannah Smith, a former law clerk to Justices Samuel A. Alito Jr. and Clarence Thomas, filed the two college lawsuits on behalf of the Becket Fund for Religious Liberty.

She described this month's decision in the Lutheran school case "as a stinging rebuke to the Obama administra-

tion's extremely narrow view of religious liberty. I was shocked they went ahead with this quest to force religious groups to pay for abortion drugs in violation of their religious convictions."

Her lawsuits say the mandate violates both the First Amendment and the federal Religious Freedom Restoration Act, which prohibits the government from putting a "substantial burden" on religious liberty.

The suits are at their early stage, and the administration is due to respond next month. If the case eventually reaches the high court, they would come before a tribunal with six Catholics among the nine justices.