

HOUSE BILL No. 2704

By Representatives L. Williams and Turk

2-6

1 AN ACT concerning economic development; creating the no-impact
2 home-based business fairness act; limiting the regulatory powers of
3 cities and counties.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. Sections 1 through 8, and amendments thereto, shall be
7 known and may be cited as the no-impact home-based business fairness
8 act.

9 Sec. 2. As used in this act:

10 (a) "Goods" means any merchandise, equipment, products, supplies
11 or materials;

12 (b) "home-based business" means any business for the manufacture,
13 provision or sale of goods or services that is owned and operated by the
14 owner or tenant of a residential dwelling;

15 (c) "municipality" means any city, county or consolidated city and
16 county;

17 (d) "no-impact home-based business" means a home-based business
18 for which:

19 (1) The total number of on-site employees and clients does not
20 exceed the municipal occupancy limit for the residential property; and

21 (2) the business activities:

22 (A) Are limited to the sale of lawful goods and services;

23 (B) do not generate on-street parking or a substantial increase in
24 traffic through the residential area;

25 (C) occur inside the residential dwelling or in the yard; and

26 (D) are not visible from the street.

27 Sec. 3. The use of a residential dwelling for a no-impact home-based
28 business is a permitted use, except that this permitted use does not
29 supersede any deed restriction, covenant or agreement restricting the use
30 of land or any master deed, bylaw or other document applicable to a
31 common interest ownership community.

32 Sec. 4. A municipality shall not prohibit a no-impact home-based
33 business or otherwise require a person to apply, register or obtain any
34 permit, license, variance or other type of prior approval from the
35 municipality to operate a no-impact home-based business.

36 Sec. 5. A municipality may establish reasonable regulations on a no-

1 impact home-based business if the regulations are narrowly tailored for
2 any of the following purposes:

3 (a) The protection of the public health and safety including rules and
4 regulations related to fire and building codes, health and sanitation,
5 transportation or traffic control, solid or hazardous waste, pollution and
6 noise control; and

7 (b) ensuring that the business activity is:

8 (1) Compatible with residential use of the property and surrounding
9 residential use;

10 (2) secondary to the use as a residential dwelling;

11 (3) in compliance with state and federal laws; and

12 (4) not in arrears of the payment of applicable taxes.

13 Sec. 6. A no-impact home-based business shall not be used for the
14 purposes of selling illegal drugs or liquor, operating or maintaining a
15 structured sober living home for drug or alcohol based recovery, selling
16 pornography or providing nude or topless dancing or other adult-oriented
17 businesses.

18 Sec. 7. A municipality shall not require a person as a condition of
19 operating a no-impact home-based business to seek rezoning of the
20 property for commercial use; or install fire sprinklers in a single family
21 detached residential dwelling or any residential dwelling consisting of
22 more than two dwelling units.

23 Sec. 8. The question of whether a regulation of a municipality
24 complies with this act shall be a judicial question, and the municipality
25 that enacted the regulation shall establish by clear and convincing
26 evidence that the regulation complies with this act.

27 Sec. 9. This act shall take effect and be in force from and after its
28 publication in the statute book.