



City Hall
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Overland Park, Kansas 66212
www.opkansas.org

Date: Tuesday, February 11, 2025
To: Chair Tarwater and the House Committee on Commerce, Labor and Economic Development
From: City of Overland Park
Re: Written Testimony in Opposition to HB 2343

Thank you for allowing the City of Overland Park to submit testimony in opposition to HB 2343, which preempts local regulations related to commercial businesses operating out of residences.

HB 2343 infringes upon a city's interest in (i) maintaining neighborhood integrity and preserving the residential character of neighborhoods through compatible land uses, and (ii) guarding against infringement upon the residential rights of neighbors. Specifically, the City is concerned HB 2343 will lead to full blown commercial operations within residences and accessory structures, rather than the operation of a secondary and incidental business by a resident.

The City of Overland Park supports and already provides for our residents to operate home-based businesses, and our City has carefully crafted regulations in order to balance the interest of the home business operators with their residential neighbors in order to avoid any potential negative impacts. Unfortunately, HB 2343 will supersede some of these regulations and create an imbalance that will negatively affect our residential neighborhoods.

Without a city's ability to regulate non-resident employees or to place limitations on the amount of floor space for home-based work, a home-based business has the potential to no longer be incidental and secondary to the primary use of the house. Instead, the commercial use can become the primary use, thus subverting the intent of the residential zoning. Additionally, the bill allows employees up to the house's occupancy, which can cause significant parking issues in residential neighborhoods and create legal disputes over the occupancy limit. Similarly, the "rural no-impact home-based business" definition is too broad, as it is not uncommon to have 1 acre lots in non-rural suburban neighborhoods. The bill also does not have setbacks on the 1 acre lot, thus subverting the underlying assumption that it will not impact neighbors. Further, cities wanting to regulate short-term rentals in residential areas will not be able to do so.

Section 6 of HB 2343, which says, "[a] no-impact home-based business shall not be used for the purposes of...operating or maintaining a structured sober living home for drug or alcohol based recovery..." likely violates the federal Fair Housing Act's prohibition of disability discrimination.

The City of Overland Park opposes further limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution as approved by voters in 1960. Municipalities are the government closest to our residents and businesses, and are best prepared to assess, evaluate, regulate and set public policy as they believe is in the best interest of the community. Our Mayor and Council are fully authorized to handle local issues and problems such as is proposed in HB 2343.

Thank you for allowing the City to submit testimony in opposition of HB 2343. We respectfully request that the Committee not advance this legislation to the full House.