

## HOUSE BILL No. 2343

By Committee on Commerce, Labor and Economic Development

Requested by Representative Turk

2-7

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1 AN ACT concerning economic development; creating the no-impact  
2 home-based business fairness act; providing that such businesses shall  
3 be a permitted use and prohibiting additional permit or licensing  
4 requirements by a municipality; requiring that municipal regulations be  
5 narrowly-tailored with respect to such businesses; supporting the  
6 development and growth of such business by limiting the regulatory  
7 powers of municipalities.  
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9 *Be it enacted by the Legislature of the State of Kansas:*

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

13 Sec. 2. As used in this act:

14 (a) "Goods" means any merchandise, equipment, products, supplies  
15 or materials;

16 (b) "home-based business" means any business for the manufacture,  
17 provision or sale of goods or services that is owned by the owner or tenant  
18 of a residential dwelling and operated by the owner or tenant at the  
19 location of the residential dwelling;

20 (c) "municipality" means any city, county or consolidated city and  
21 county;

22 (d) "no-impact home-based business" means a home-based business  
23 for which:

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

26 (2) the business activities:

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

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

30 (C) occur inside the residential dwelling or within the private  
31 premises; and

32 (D) are not visible from the street; and

33 (e) "rural no-impact home-based business" means a home-based  
34 business located outside the boundaries of a city or with private premises  
35 exceeding 1 acre in size and for which the business activities:

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

2 (2) occur inside the residential dwelling or within the property limits.

3 Sec. 3. The use of a residential dwelling for a no-impact home-based  
4 business or a rural no-impact home-based business shall be a permitted  
5 use. This permitted use shall supersede any deed restriction, covenant or  
6 agreement restricting the use of land or any master deed, bylaw or other  
7 document applicable to a common interest ownership community entered  
8 into by a no-impact home-based business or a rural no-impact home-based  
9 business on or after July 1, 2025.

10 Sec. 4. A municipality shall not prohibit a no-impact home-based  
11 business or a rural no-impact home-based business or otherwise require a  
12 person to apply, register or obtain any permit, license, variance or other  
13 type of prior approval from the municipality to operate a no-impact home-  
14 based business or a rural no-impact home-based business.

15 Sec. 5. A municipality may establish or enforce regulations on a no-  
16 impact home-based business if the regulations are narrowly tailored for  
17 any of the following purposes:

18 (a) The protection of the public health and safety limited to  
19 regulations for fire and building codes, health and sanitation,  
20 transportation or traffic control, solid or hazardous waste, pollution and  
21 noise control;

22 (b) compliance with state and federal laws; and

23 (c) payment of applicable taxes.

24 When considering the establishment or enforcement of a regulation in a  
25 narrowly tailored manner with respect to a rural no-impact home-based  
26 business, the municipality shall identify factors differentiating the  
27 circumstances of a rural no-impact home-based business as compared to  
28 residences that are no-impact home-based businesses, including, but not  
29 limited to, the relative isolation of the rural no-impact home-based  
30 business, relative size of the premises and proximity to other residences  
31 and shall apply an analysis favoring less regulation for a rural no-impact  
32 home-based business based on such factors.

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

38 Sec. 7. A municipality shall not require a person as a condition of  
39 operating a no-impact home-based business to seek rezoning of the  
40 property for commercial use or install fire sprinklers in a single family  
41 detached residential dwelling, any residential dwelling consisting of more  
42 than two dwelling units or any additional buildings on the property. A  
43 municipality shall not require a rural no-impact home-based business or a

1 no-impact home-based business to undergo fire or building inspections,  
2 unless such codes or inspections are also applied to similar residences not  
3 operating a rural no-impact home-based business or a no-impact home-  
4 based business.

5 Sec. 8. The question of whether a regulation of a municipality  
6 complies with this act shall be a judicial question. The municipality that  
7 enacted the regulation shall establish by clear and convincing evidence  
8 that the regulation complies with this act.

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