

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2343

By Committee on Commerce, Labor and Economic Development

Requested by Representative Turk

2-7

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.
8

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, **except that this permitted use shall not**
10 **supersede the bylaws of a home owners association if there is a clear**
11 **directly applicable restriction and reasonable likelihood that the**
12 **business activities of the no-impact home-based business or rural no-**
13 **impact home-based business are likely not to be consistently compliant**
14 **with the requirements of this act.**

15 Sec. 4. A municipality shall not prohibit a no-impact home-based
16 business or a rural no-impact home-based business or otherwise require a
17 person to apply, register or obtain any permit, license, variance or other
18 type of prior approval from the municipality to operate a no-impact home-
19 based business or a rural no-impact home-based business.

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

23 (a) The protection of the public health and safety limited to
24 regulations for fire and building codes, health and sanitation,
25 transportation or traffic control, solid or hazardous waste, pollution and
26 noise control;

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

28 (c) payment of applicable taxes.

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

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

43 Sec. 7. A municipality shall not require a person as a condition of

1 operating a no-impact home-based business **or a rural no-impact home-**
2 **based business** to seek rezoning of the property for commercial use or
3 install fire sprinklers in a single family detached residential dwelling, any
4 residential dwelling consisting of more than two dwelling units or any
5 additional buildings on the property. A municipality shall not require a
6 rural no-impact home-based business or a no-impact home-based business
7 to undergo fire or building inspections, unless such codes or inspections
8 are also applied to similar residences not operating a rural no-impact
9 home-based business or a no-impact home-based business.

10 Sec. 8. The question of whether a regulation of a municipality
11 complies with this act shall be a judicial question. The municipality that
12 enacted the regulation shall establish by clear and convincing evidence
13 that the regulation complies with this act.

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