

As Amended by Senate Committee

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2739

By Committee on Commerce, Labor and Economic Development

Requested by Representative Tarwater

2-6

1 AN ACT concerning housing; relating to design and construction
2 standards and doorway and other interior accessibility
3 requirements; providing certain such state specifications not
4 applicable to moderate income housing program and Kansas
5 investor tax credit housing act projects; *relating to* fire safety and
6 prevention; ~~providing that fire sprinkler systems shall not be required in~~
7 ~~this state for multi-family dwellings townhouses of four attached units~~
8 ~~or fewer; prohibiting municipal fire sprinkler requirements for multi-~~
9 ~~family dwellings townhouses of four or fewer attached living units;~~
10 defining apartment buildings for purposes of the fire code; *removing*
11 *the definition of apartment houses from chapter 31 of the Kansas*
12 *Statutes Annotated*; amending K.S.A. ~~12-16,219~~ *31-133* and ~~31-132a~~
13 *58-1401* and repealing the existing sections; *also repealing K.S.A. 31-*
14 *132a.*

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 ~~New Section 1. For construction projects approved by the local~~
18 ~~authority having jurisdiction after July 1, 2026, notwithstanding any~~
19 ~~other provision of law, except as provided in this section, installation of a~~
20 ~~multi-purpose residential fire protection sprinkler system or any other fire~~
21 ~~sprinkler protection system in any multi-family dwelling townhouse of~~
22 ~~four attached units or fewer shall not be required in this state. As used in~~
23 ~~this section, "townhouse" means a townhouse as described in K.S.A.~~
24 ~~12-16,219, and amendments thereto. Townhouses of four attached~~
25 ~~units or fewer shall not exceed three stories above grade, unless~~
26 ~~restricted to two stories above grade by the local authority having~~
27 ~~jurisdiction, and each dwelling unit shall have:~~

28 ~~(a) Separation by a two-hour total fire-resistance-rated wall~~
29 ~~assembly, that may comprise either a double-wall assembly with a~~
30 ~~combined fire rating of two hours or a common-wall assembly with a~~
31 ~~two-hour fire rating; or~~

32 ~~(b) separation by a one-hour fire-resistance-rated wall assembly~~
33 ~~and a multi-purpose residential fire protection sprinkler system.~~

1 ~~Nothing in this section shall prohibit any person from voluntarily~~
2 ~~installing a multi-purpose residential fire protection sprinkler system or~~
3 ~~any other fire sprinkler protection system. Nothing in this section shall~~
4 ~~exempt a townhouse with not more than four attached dwelling units~~
5 ~~from any other applicable code requirements.~~

6 ~~Sec. 2. K.S.A. 12-16,219 is hereby amended to read as follows: 12-~~
7 ~~16,219. (a) As used in this section:~~

8 ~~(1) "Municipality" means any city or county.~~

9 ~~(2) "Residential structure" means any improvement to real property to~~
10 ~~be used or occupied as a single-family dwelling or multi-family dwelling~~
11 ~~townhouse of two *four* attached living dwelling units or less *fewer* or any~~
12 ~~manufactured home.~~

13 ~~(3) "Dwelling unit" means a single unit providing complete,~~
14 ~~independent living facilities for one or more persons, including~~
15 ~~permanent provisions for living, sleeping, eating, cooking and~~
16 ~~sanitation.~~

17 ~~(4) "Townhouse" means a single-family dwelling unit constructed~~
18 ~~in a group of three or more attached units in which each unit extends~~
19 ~~from the foundation to roof and has a yard or public way on not fewer~~
20 ~~than two sides. A "townhouse" shall meet the requirements described~~
21 ~~in section 1, and amendments thereto.~~

22 ~~(b) Except if required pursuant to section 1, and amendments~~
23 ~~thereto, no municipality shall adopt or enforce any ordinance, order, code,~~
24 ~~standard or rule requiring the installation of a multi-purpose residential fire~~
25 ~~protection sprinkler system or any other fire sprinkler protection system in~~
26 ~~any residential structure. Nothing in this section shall prohibit any person~~
27 ~~from voluntarily installing a multi-purpose residential fire protection~~
28 ~~sprinkler system or any other fire sprinkler protection system in a~~
29 ~~residential structure.~~

30 ~~(c) Except if required pursuant to section 1, and amendments~~
31 ~~thereto, no municipality shall require the installation of a multi-purpose~~
32 ~~residential fire protection sprinkler system in any residential structure as a~~
33 ~~condition for consideration or approval of any building permit or plat.~~

34 ~~Sec. 3. K.S.A. 31-132a is hereby amended to read as follows: 31-~~
35 ~~132a. (a) Except as provided by subsection (b), every building or other~~
36 ~~structure, together with any building or structure used in connection~~
37 ~~therewith, kept, used, maintained, advertised, or held out to the public to~~
38 ~~be a place where furnished or unfurnished living accommodations other~~
39 ~~than sleeping accommodations for transient guests may be rented as a~~
40 ~~single room or as a suite of rooms, containing three (3) or more single~~
41 ~~units or suites, or both, regardless of the number of tenants therein, and~~
42 ~~regardless of whether any such room or suite of rooms is occupied by an~~
43 ~~owner or operator of such a building or structure, shall, for the purpose of~~

1 this act, be deemed an apartment house.

2 ~~(b) Townhouses and townhouse units shall not be considered~~
3 ~~apartment houses.~~

4 ~~(c) As used in this section:~~

5 ~~(1) "Townhouse" means a building that contains three or more~~
6 ~~attached townhouse units; and~~

7 ~~(2) "townhouse unit" means a single-family dwelling unit in a~~
8 ~~townhouse that extends from the foundation to the roof, is separated from~~
9 ~~any adjacent townhouse unit by a fire separation wall and has a yard or~~
10 ~~public way on not fewer than two sides.~~

11 **Section 1. K.S.A. 31-133 is hereby amended to read as follows: 31-**
12 **133. (a) The state fire marshal shall adopt reasonable rules and**
13 **regulations, consistent with the provisions of this act, for the**
14 **safeguarding of life and property from fire, explosion and hazardous**
15 **materials. Such rules and regulations shall include, but not be limited to,**
16 **the following:**

17 **(1) The keeping, storage, use, sale, handling, transportation or**
18 **other disposition of highly flammable materials, including crude**
19 **petroleum or any of its products, natural gas for use in motor vehicles,**
20 **and of explosives, including gunpowder, dynamite, fireworks and**
21 **firecrackers. Any such rules and regulations may prescribe the materials**
22 **and construction of receptacles and buildings to be used for any of such**
23 **purposes;**

24 **(2) the transportation of liquid fuel over public highways in order**
25 **to provide for the public safety in connection therewith;**

26 **(3) the construction, maintenance and regulation of exits and fire**
27 **escapes from buildings and all other places in which people work, live or**
28 **congregate from time to time for any purpose, including apartment**
29 **houses, as defined by K.S.A. 31-132a, and amendments thereto. Such**
30 **rules and regulations shall not apply to buildings used wholly as**
31 **dwelling houses containing no more than two families;**

32 **(4) the installation and maintenance of equipment intended for fire**
33 **control, detection and extinguishment in all buildings and other places**
34 **in which persons work, live or congregate from time to time for any**
35 **purpose, including apartment houses as defined by K.S.A. 31-132a, and**
36 **amendments thereto. Such rules and regulations shall not apply to**
37 **buildings used wholly as dwelling houses containing no more than two**
38 **families;**

39 **(5) requiring administrators of public and private schools and**
40 **educational institutions, except community colleges, colleges and**
41 **universities, to conduct at least four fire drills each school year at some**
42 **time during school hours, aside from the regular dismissal at the close**
43 **of the day's session, and prescribing the manner in which such fire drills**

1 *are to be conducted;*

2 *(6) procedures for the reporting of fires and explosions occurring*
3 *within the state and for the investigation thereof;*

4 *(7) procedures for reporting by healthcare providers of treatment of*
5 *second and third degree burn wounds involving 20% or more of the*
6 *victim's body and requiring hospitalization of the victim, which*
7 *reporting is hereby authorized notwithstanding any provision of K.S.A.*
8 *60-427, and amendments thereto, to the contrary;*

9 *(8) requiring administrators of public and private schools and*
10 *educational institutions, except community colleges, colleges and*
11 *universities, to establish tornado procedures. Such procedures shall:*

12 *(A) Provide for at least two tornado drills to be conducted each*
13 *school year, of which one shall be conducted in September and one shall*
14 *be conducted in March, at some time during school hours, aside from*
15 *the regular dismissal at the close of the day's session;*

16 *(B) describe the manner in which such tornado drills are to be*
17 *conducted; and*

18 *(C) shall be subject to approval by the state fire marshal;*

19 *(9) requiring administrators of community colleges, colleges and*
20 *universities to establish tornado procedures, which procedures shall be*
21 *subject to approval by the director of the disaster agency of the county;*

22 *(10) the development and implementation of a statewide system of*
23 *hazardous materials assessment and response;*

24 *(11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic*
25 *materials;*

26 *(12) requiring administrators of public and private schools and*
27 *educational institutions, except community colleges, colleges and*
28 *universities, to conduct at least three crisis drills each school year at*
29 *some time during school hours, aside from the regular dismissal at the*
30 *close of the day's session. The manner in which such crisis drills are*
31 *conducted may be subject to approval by the safe and secure schools unit*
32 *of the Kansas department of education; and*

33 *(13) other safeguards, protective measures or means adapted to*
34 *render inherently safe from the hazards of fire or the loss of life by fire*
35 *any building or other place in which people work, live or congregate*
36 *from time to time for any purpose, except buildings used wholly as*
37 *dwelling houses containing no more than two families.*

38 *(b) Any rules and regulations of the state fire marshal adopted*
39 *pursuant to this section may incorporate by reference specific editions,*
40 *or portions thereof, of nationally recognized fire prevention codes.*

41 *(c) The rules and regulations adopted pursuant to this section shall*
42 *allow facilities in service prior to the effective date of such rules and*
43 *regulations, and not in strict conformity therewith, to continue in*

1 *service, so long as such facilities are not determined by the state fire*
2 *marshal to constitute a distinct hazard to life or property. Any such*
3 *determination shall be subject to the appeal provisions contained in*
4 *K.S.A. 31-140, and amendments thereto.*

5 *(d) The state fire marshal may grant an exemption pursuant to*
6 *K.S.A. 31-136, and amendments thereto, that authorizes a variance for*
7 *the number or manner of drills conducted pursuant to subsection (a)(5),*
8 *(8) or (12) for students receiving special education or related services.*

9 **Sec. ~~3~~. 2. K.S.A. 58-1401 is hereby amended to read as follows:**
10 **58-1401. As used in this act:**

11 **(a) "Dwelling" means any single family residence and each**
12 **individual living unit in a duplex or triplex residential building which**
13 **is constructed with public financial assistance.**

14 **(b) "Public financial assistance" means:**

15 **(1) A building contract or similar contractual agreement with any**
16 **state agency;**

17 **(2) any real estate received by the owner through a donation by**
18 **the state;**

19 **(3) state tax credits, except for tax credits pursuant to the Kansas**
20 **housing investor tax credit act, K.S.A. ~~79-32,110~~ 79-32,310 et seq., and**
21 **amendments thereto;**

22 **(4) grant assistance from state funds, except for grant assistance**
23 **from the Kansas moderate income housing program, administered by the**
24 **Kansas housing resources corporation with funding from the state housing**
25 **trust fund pursuant to K.S.A. 12-5256, and amendments thereto, and**
26 **appropriations acts;**

27 **(5) state loan guarantees; or**

28 **(6) federal funds administered by the state or a state agency.**

29 **(c) "Director" means the director of the division of housing in the**
30 **Kansas development finance authority.**

31 **Sec. ~~4~~. 3. K.S.A. ~~12-16,219~~ 31-132a, 31-133 and ~~31-132a~~ 58-1401**
32 **are hereby repealed.**

33 **Sec. ~~5~~. 4. This act shall take effect and be in force from and after its**
34 **publication in the ~~statute book~~ *Kansas register*.**