

*{As Amended by Senate Committee of the Whole}*

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*As Amended by Senate Committee*

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**As Amended by House Committee**

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*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 *{ housing code requirements;*  
2 *modifying the applicability of}* design and construction standards  
3 and doorway and other interior accessibility requirements;  
4 providing certain such state specifications not applicable to  
5 moderate income housing program and Kansas investor tax credit  
6 housing act projects; *relating to* fire safety and prevention *{ rules and*  
7 *regulations}*; ~~providing that fire sprinkler systems shall not be required~~  
8 ~~in this state for multi-family dwellings townhouses of four attached~~  
9 ~~units or fewer; prohibiting municipal fire sprinkler requirements for~~  
10 ~~multi-family dwellings townhouses of four or fewer attached living~~  
11 ~~units; defining apartment buildings for purposes of the fire code;~~  
12 *removing the definition of apartment houses from chapter 31 of the*  
13 *Kansas Statutes Annotated;* *{ providing requirements for adoption of*  
14 *the national fire protection association standards, 2024 edition;}*  
15 amending K.S.A. ~~12-16-219~~ 31-133, 31-134 and ~~31-132a~~ 58-1401  
16 and repealing the existing sections; *also repealing K.S.A. 31-132a.*

17  
18 *Be it enacted by the Legislature of the State of Kansas:*

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

30 ~~(a) Separation by a two-hour total fire-resistance-rated wall~~  
31 ~~assembly, that may comprise either a double-wall assembly with a~~

~~combined fire rating of two hours or a common-wall assembly with a two-hour fire rating; or~~

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

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

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

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

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

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

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

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

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

~~Sec. 3. K.S.A. 31-132a is hereby amended to read as follows: 31-132a. (a) Except as provided by subsection (b), every building or other structure, together with any building or structure used in connection therewith, kept, used, maintained, advertised, or held out to the public to be a place where furnished or unfurnished living accommodations other than sleeping accommodations for transient guests may be rented as a~~

1 single room or as a suite of rooms, containing three (3) or more single  
2 units or suites, or both, regardless of the number of tenants therein, and  
3 regardless of whether any such room or suite of rooms is occupied by an  
4 owner or operator of such a building or structure, shall, for the purpose of  
5 this act, be deemed an apartment house.

6 ~~(b) Townhouses and townhouse units shall not be considered~~  
7 ~~apartment houses.~~

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

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

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

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

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

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

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

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

43 **(5) requiring administrators of public and private schools and**

1 *educational institutions, except community colleges, colleges and*  
2 *universities, to conduct at least four fire drills each school year at some*  
3 *time during school hours, aside from the regular dismissal at the close*  
4 *of the day's session, and prescribing the manner in which such fire drills*  
5 *are to be conducted;*

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

8 *(7) procedures for reporting by healthcare providers of treatment of*  
9 *second and third degree burn wounds involving 20% or more of the*  
10 *victim's body and requiring hospitalization of the victim, which*  
11 *reporting is hereby authorized notwithstanding any provision of K.S.A.*  
12 *60-427, and amendments thereto, to the contrary;*

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

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

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

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

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

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

28 *(11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic*  
29 *materials;*

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

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

42 *(b) Any rules and regulations of the state fire marshal adopted*  
43 *pursuant to this section may incorporate by reference specific editions,*

1 *or portions thereof, of nationally recognized fire prevention codes.*

2 *(c) The rules and regulations adopted pursuant to this section shall*  
3 *allow facilities in service prior to the effective date of such rules and*  
4 *regulations, and not in strict conformity therewith, to continue in*  
5 *service, so long as such facilities are not determined by the state fire*  
6 *marshal to constitute a distinct hazard to life or property. Any such*  
7 *determination shall be subject to the appeal provisions contained in*  
8 *K.S.A. 31-140, and amendments thereto.*

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

13 *{Sec. 2. K.S.A. 31-134 is hereby amended to read as follows: 31-*  
14 *134. (a) Any rules and regulations adopted by the state fire marshal*  
15 *under this act shall comply with the provisions of K.S.A. 77-415 et seq.,*  
16 *and amendments thereto, except that:*

17 *(1) In addition to the method of providing notice of the public*  
18 *hearing prescribed by K.S.A. 77-421, and amendments thereto, such*  
19 *notice shall be published three times in at least two newspapers of*  
20 *general circulation, with the last published notice to appear not less than*  
21 *15 days prior to the public hearing.*

22 *(2) The state fire marshal shall make available for general*  
23 *distribution upon request copies of any nationally recognized code*  
24 *adopted by reference, marked so as to indicate the provisions thereof*  
25 *which have been so adopted. The state fire marshal may charge a fee for*  
26 *the copies in an amount equal to the cost of the copies and their*  
27 *distribution. Upon collection of any such fees, the state fire marshal*  
28 *shall remit to the state treasurer such fees in accordance with the*  
29 *provisions of K.S.A. 75-4215, and amendments thereto. The state*  
30 *treasurer shall deposit the entire amount in the state treasury. The state*  
31 *treasurer shall credit 10% of each such deposit to the state general fund*  
32 *and shall credit the remainder of each such deposit to the fire marshal*  
33 *fee fund.*

34 *(3) In addition to the filing requirements of K.S.A. 77-416, and*  
35 *amendments thereto, the state fire marshal shall publish all such rules*  
36 *and regulations and make the same available for distribution to the*  
37 *general public upon request, but the fire marshal shall not be required*  
38 *to republish the provisions of any nationally recognized code adopted by*  
39 *reference if such provisions are made available for general distribution*  
40 *upon request to the fire marshal's office.*

41 *(4) Any rules and regulations adopted by the state fire marshal*  
42 *pursuant to K.S.A. 77-416, and amendments thereto, to update the Kansas*  
43 *fire prevention code with the provisions of the national fire protection*

1 association standards, 2024 edition, with appropriate amendments, shall  
2 not be subject to the requirements for submission and review of an  
3 economic impact statement under K.S.A. 77-416 or 77-420, and  
4 amendments thereto, if such rules and regulations are adopted on or  
5 before December 31, 2026. Any proposed rules and regulations submitted  
6 to the attorney general pursuant to this paragraph and in accordance with  
7 K.S.A. 77-420, and amendments thereto, shall be reviewed by the attorney  
8 general within 120 days after submission of such proposed rules and  
9 regulations by the state fire marshal.

10 **(b) The rules and regulations adopted by the state fire marshal**  
11 **under authority of this act shall be known and may be cited as the**  
12 **Kansas fire prevention code. Such rules and regulations shall have**  
13 **uniform force and effect throughout the state. No municipality shall**  
14 **enact or enforce any ordinance, resolution or rule or regulation**  
15 **inconsistent therewith, except that nothing in this act shall be construed**  
16 **to impair the power of any municipality to regulate the use of land by**  
17 **zoning or fire district regulations or to prohibit or regulate the sale,**  
18 **handling, use or storage of fireworks within its boundaries. Whenever a**  
19 **question shall arise as to whether another state statute or an enactment**  
20 **of a municipality is inconsistent with the provisions of the fire**  
21 **prevention code, it shall be the duty of the state fire marshal to make**  
22 **such determination after a hearing thereon with all interested parties**  
23 **conducted in accordance with the provisions of the Kansas**  
24 **administrative procedure act. Any action of the state fire marshal**  
25 **pursuant to this section is subject to review in accordance with the**  
26 **Kansas judicial review act.}**

27 **Sec. ~~3, 2;~~ 3.} K.S.A. 58-1401 is hereby amended to read as**  
28 **follows: 58-1401. As used in this act:**

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

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

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

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

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

40 **(4) grant assistance from state funds, except for grant assistance**  
41 **from the Kansas moderate income housing program, administered by the**  
42 **Kansas housing resources corporation with funding from the state housing**  
43 **trust fund pursuant to K.S.A. 12-5256, and amendments thereto, and**

1 *appropriations acts;*

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

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

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

6 Sec. ~~4.3, 4.~~ K.S.A. ~~12-16, 219~~ *31-132a, 31-133, 31-134* and ~~31-~~  
7 ~~132a~~ **58-1401** are hereby repealed.

8 Sec. ~~5.4, 5.~~ This act shall take effect and be in force from and after  
9 its publication in the ~~statute book~~ **Kansas register.**