

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 418

As Amended by Senate Committee on
Commerce

Brief*

SB 418, as amended, would enact the By-Right Housing Development Act and make various changes to law regarding residential housing planning, development, and construction.

By-Right Housing Development Act

The By-Right Housing Development Act (Act) would provide a streamlined approval process for certain housing developments, including single-family homes, townhouses, and accessory dwelling units (secondary housing units subordinate to a primary dwelling unit on the same lot).

The stated purpose of the Act would be to promote the development of housing by streamlining the residential housing development approval process in order to facilitate construction of additional housing units to address statewide housing shortages and promote affordability.

The bill would require regulatory authorities to approve such proposed developments as a matter of right (“by-right”) and without discretionary review or approval if they meet the criteria outlined in zoning code and land-use regulations. A complete application demonstrating the proposed development meets such criteria would be deemed approved if not otherwise denied within 15 days of receipt by the regulatory body. Denied applications could be appealed by a process provided for by the Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Regulatory authorities would be required to monitor compliance with approved by-right housing developments to ensure adherence to applicable regulations and standards, and noncompliance could result in enforcement actions such as fines, penalties, or project modifications to bring the development into compliance.

Nothing in the Act would be construed to invalidate or limit restrictive covenants or condominium association or homeowners association regulations.

Third-Party Review and Inspection

The bill would allow governing bodies to adopt a resolution authorizing third parties to review residential development documents and conduct inspections of residential improvements.

Upon adoption of such a resolution, legally required applications for a residential housing plat, plan, or development that are not approved, conditionally approved, or denied by the applicable regulatory authority within 15 days of receipt could be reviewed by a licensed engineer, an employee of the regulatory authority, or an employee of another political subdivision if approved by the regulatory authority. The review could not be performed by the applicant nor an individual whose work is the subject of such review.

Required inspections not conducted within 15 days after a request is made could be conducted by a certified building inspector, an employee of the regulatory authority, or an employee of another political subdivision if approved by the regulatory authority. The review could not be performed by the landowner nor an individual whose work is the subject of such inspection.

A third party performing the required review or inspection would be required to take all other related actions in accordance with applicable law and provide the regulatory

authority notice of the results of the review or inspection not later than 15 days after its completion.

Notwithstanding any provision of law to the contrary, an aggrieved person could appeal decisions regarding inspections and reviewed applications to the applicable governing body. Such appeal would be required to be filed within 15 days of the decision. If the governing body were to not affirm or modify the decision within 60 days of the filing of the appeal, the applicable development document would be deemed approved or the applicable inspection would be deemed to be waived by the governing body.

Building Provisions for Single-Family Residences

The bill would require political subdivisions to allow all of the following for new construction of single-family residences of less than 3,000 square feet in size and constructed on their own separate lots or parcels:

- Use of the 2018 edition of the International Residential Code (IRC), a version of the 2018 IRC previously adopted by the political subdivision, or a version of the 2018 IRC adopted by another political subdivision;
- Construction of single-car garages;
- Only one side of architectural finish; and
- A minimum lot size of 3,000 square feet, subject to reasonable setback requirements.

The bill would provide that any part of any building code, ordinance, regulation, or rule in violation of these requirements would be null and void as applied to such property.

Rezoning Protest Petitions

The bill would amend law governing notice of rezoning amendments to provide that rezoning to single-family residential use initiated by the owner would be subject to the notice by publication and public hearing requirements in continuing law, but would not require written notice and would not be subject to protest petition provisions that apply to other zoning changes.

Single-Family Residential-Use Zoning

The bill would provide that all land zoned for any type of residential use within the corporate limits of a city would be considered zoned for single-family residential use in addition to any other zoning adopted by the city for such land.

The bill would not limit the city's ability to impose reasonable regulations related to setbacks, development and performance standards, utility and subdivision standards, future provision for street and utility connections, grading plans, and platting the property as they relate to single-family residential developments of land not zoned for single-family residential use.

Background

The bill was introduced by Senators Rose and Masterson.

Senate Committee on Commerce

In the Senate Committee hearing, **proponent** testimony was provided by Senator Rose; representatives of Americans for Prosperity Kansas, Institute for Justice, Kansas Building Industry Association, Pacific Legal Foundation, Wichita Affordable Housing, LLC; and a private citizen. The proponents generally stated the cost of housing has created a

barrier to homeownership for too many Kansans and the bill would help to reduce the cost of housing development and lead to more available and affordable housing within the state.

Written-only proponent testimony was provided by Senator Masterson and representatives of the Kansas Chamber of Commerce and Kansas Manufactured Housing Association.

Neutral testimony was provided by a representative of the City of Overland Park, who stated the city was generally supportive of the idea of streamlining the administrative process for residential housing development, but would prefer for certain provisions of the bill to have a more limited application.

Written-only neutral testimony was provided by representatives of Habitat for Humanity Kansas and United Community Services of Johnson County.

Opponent testimony was provided by a representative of the League of Kansas Municipalities and the Deputy City Attorney of the City of Olathe. The opponents generally stated the bill would undermine city infrastructure planning, increase risks of legal challenges, reduce predictability for developers, and compromise public trust.

Written-only opponent testimony was provided by representatives of the cities of Arkansas City, Bel Aire, Derby, El Dorado, Maize, Merriam, Mission, Prairie Village, Roeland Park, Topeka, Westwood Hills, and Wichita; and representatives of Kansas Association of Counties, the Kansas Chapter of the American Planning Association, and Southwest Kansas Coalition.

The Senate Committee amended the bill to:

- Limit single-family construction provisions to residences constructed on their own separate parcels; and
- Limit mandatory single-family residential zoning to land zoned for any type of residential use.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Revenue indicates enactment of the bill would have no fiscal effect on its operations.

The League of Kansas Municipalities indicates the bill would increase costs for cities but was unable to provide a specific estimate of the fiscal effect.

Housing; residential zoning; local government; By-Right Housing Development Act