

**SENATE BILL No. 396**

By Committee on Judiciary

2-7

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1 AN ACT concerning real property; relating to lateral support; party walls.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. Adjacent landowners each have an absolute right to have  
5 their land laterally supported by the soil of their neighbor. If a person  
6 disturbs the lateral support of their neighbor's land and causes such  
7 neighbor's land to fall away or slide from its position or causes damage to  
8 any structure or building placed upon such neighbor's land, the person  
9 causing the damage is liable. Proof that the disturbance of lateral support  
10 was a direct and proximate cause of the injury to the adjoining land or any  
11 structure or building upon such land is all that is necessary for a recovery.

12 Sec. 2. (a) As used in this section, "party wall" means a wall on a lot  
13 line owned in common by the two abutters. For the purposes of this  
14 section, where a wall is on one side of a lot line and owned by one of the  
15 abutters, and the face of that wall nearest the lot line is within two inches  
16 of the lot line, the wall shall be considered to be a party wall.

17 (b) Prior to altering, demolishing, replacing, removing or partially  
18 removing any party wall, or taking any action which could affect any party  
19 wall or the lateral support of any party wall, the persons planning to take  
20 such action shall notify the owner or owners of any property abutting such  
21 party wall by certified mail at least 10 days prior to taking such action.

22 (1) The persons planning to take such action shall hire a qualified  
23 engineer to inspect the property and the party wall, including a  
24 determination of lateral load resistance when applicable.

25 (2) When lateral load resistance of an existing building within a row  
26 of buildings with party walls is to be determined, such resistance parallel  
27 to the front and rear walls shall be the resistance of the entire row of  
28 buildings.

29 (c) (1) When a building within a row of buildings with party walls is  
30 altered, demolished or replaced, the lateral load resistance and stiffness  
31 parallel to the front and rear walls contributed by the existing building to  
32 the row of buildings shall be maintained or replaced by the persons doing  
33 the altering, demolishing or replacing.

34 (2) When a building within a row of buildings is removed or partially  
35 removed, the party walls on each side of the removed structure shall be  
36 laterally supported, by means other than friction, by the persons doing the

1 removal or partial removal.

2 (3) New structures that replace an existing building in a row of  
3 buildings shall not impose lateral forces on the other buildings in the row  
4 in excess of what the existing building could have imposed.

5 (d) Any person violating this section shall be liable to the owner or  
6 owners of any property damaged by such violation for all damages or  
7 losses attributable to such violation.

8 (e) Any person causing damage to any party wall, or the lateral  
9 support of any party wall, shall be liable to the owner or owners of any  
10 property affected by the damage to such party wall, or lateral support of  
11 such party wall, for all damages or losses attributable to such damage.

12 Sec. 3. This act shall take effect and be in force from and after its  
13 publication in the Kansas register.