



Senate Assessment and Taxation Committee
March 10, 2022
SB 505

Kansas Association of Counties
Opponent Testimony

Chairwoman Erickson and members of the committee,

The Kansas Association of Counties opposes SB 505, which would prevent counties, cities, and townships from enforcing any zoning regulations that would restrict home based work.

KAC is not opposed to individuals working from home in some capacity. In zoned counties, however, residents have opted for zoning as a way to regulate the use of properties to allow uses that are consistent within different areas of the county. Preventing those restrictions from applying to home-based work could have critical impacts on counties.

SB 505 could increase the amount of traffic in a residential neighborhood. Section 3(a)(2) would prevent a county from enforcing regulations to prohibit providing services in the home or an accessory structure. While having one or two clients per day come to the home may not be disruptive in a neighborhood, this bill would allow a resident to essentially open a storefront at their home, as the bill prevents any enforcement through zoning regulations. This could drastically increase the level of traffic to an area that is not equipped to handle that volume of traffic.

SB 505 would also allow non-resident employees to work at the structure under Section 3(a)(3). Taken to its extreme, an individual could turn their home into an office complex, having not only the resident, but others working from that facility. It is not appropriate to operate a commercial office complex in a residential structure. As before, this could increase the level of traffic in an otherwise residential area beyond the capacity of that area, creating a safety risk.

SB 505, Section 3(a)(6) would allow home based businesses to operate at any time, with no ability by the county to restrict these hours through zoning. This could mean an individual could open a 24-hour auto body shop in their garage or outbuilding within a residential neighborhood. Again, this use is not consistent with a residentially zoned neighborhood.

Section 3(b) prevents local governments from adopting or enforcing any zoning ordinance that would conflict with the provisions of Section 3(a), effectively preventing local government from taking any action in any of the cases outlined above.

Taken together, this bill would prevent zoning laws from being enforced in any circumstance in which an individual could potentially argue that their activity constitutes a home-based business. As noted above, this could create situations where the area is not designed for the amount of traffic, or where the use of the property is inconsistent with the overall area.

KAC would ask the committee to not advance SB 505, as this bill could negatively impact not just counties, but county residents that rely on their residentially zoned property to have residential uses. Thank you for your time and consideration.

Jay Hall
Deputy Director and General Counsel
Kansas Association of Counties
hall@kansascountries.org
(785)272-2585