

SENATE Substitute for HOUSE BILL No. 2023

By Committee on Elections and Local Government

3-24

AN ACT concerning certain restrictive covenants.

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

Section 1. (a) On and after the effective date of this act, any provision of a restrictive covenant which requires the use of wood shingles or wood shakes as a roof covering material for any residential dwelling is hereby declared to be against public policy and such provision shall be void and unenforceable unless such covenant also allows for the use of an alternative material which is comparable in appearance, flame resistant or retardant, and meets or exceeds any fire prevention standards established by any municipal building code which has been adopted as required by law applicable to such residential dwelling.

(b) The provisions of this section shall apply to any restrictive covenant:

- (1) In existence on the effective date of this act; or
- (2) entered into on or after the effective date of this act.

(c) The provisions of this section shall not affect the enforceability of a restrictive covenant which regulates or restricts the color, style, dimension or other aesthetic characteristics of roofing material to be used on a residential dwelling if such restrictive covenant meets the requirements of subsection (a).

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.