

SESSION OF 2003

**SUPPLEMENTAL NOTE ON  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2023**

As Amended by Senate Committee on  
Elections and Local Government

**Brief\***

Senate Sub. for HB 2023 declares 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 to be against public policy and makes these provisions void and unenforceable unless the 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.

The provisions of Senate Sub. for HB 2023 apply to any restrictive covenant in existence on the effective date of this act or thereafter. This bill does 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.

The bill is effective upon publication in the *Kansas Register*.

The bill as it passed the House provides that, on and after the effective date of the act (publication in the *Kansas Register*), any restrictive covenant that requires the use of wood shingles, shakes, or shake shingles, is declared to be against public policy and void and unenforceable, unless the covenant also allows for an alternative material. The alternative materials must be comparable in appearance, flame resistant or retardant, and meet or exceed any fire prevention standards established by the Kansas Fire Marshal or by any municipal building code which has been adopted by law, whichever is more restrictive.

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\*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 <http://www.kslegislature.org/kldr>

## **Background**

Representative Goico, sponsor of HB 2023, explained that, as a result of a recent fire in his home, he learned both about restrictive covenants that apply to his property and control the type of roofing materials he must use and the availability of alternative materials that are longer lasting, less expensive, and do not burn. The bill, as a matter of public policy, voids such restrictive covenants when alternative materials are available

HB 2023 is supported by the Kansas State Association of Fire Chiefs, the Johnson County Fire Chiefs Association, Kansas Association of Realtors, State Farm Insurance, and the Kansas State Firefighters Association.

The fiscal note prepared by the Division of the Budget indicates passage of the bill will have no fiscal effect on the state.