

To: Senate Commerce Committee
From: Erik Sartorius, Executive Director
Date: March 10, 2022
RE: Testimony in opposition to Senate Bill 505

Good Morning, Madam Chair and Committee Members and thank you for allowing the League of Kansas Municipalities to offer testimony in opposition to Senate Bill 505.

The Constitutional Home Rule Authority granted cities by the voters of Kansas in 1960 is no small matter. Citizens chose to have local issues decided at the local level. Municipal governments closest to individual – they are literally made up of residents of the city. They are best situated to understand and fulfill the expectations of their residents and businesses when setting public policy and regulating activities.

Preemption in Senate Bill 505 guarantees that significant commercial activity will be allowed in neighborhoods. The only limits on home-based work are that 1) it is lawful, 2) it occurs withing a dwelling unit or accessory structure and 3) is it “clearly incidental & secondary to the use of the dwelling unit for residential purposes.” This third limitation will undoubtedly cause conflicts and litigation, as “clearly incidental & secondary” is not defined and is limited only to the “dwelling unit.”

Residents who raise objections with the city will be referred to Senate Bill 505 and the limitations placed on cities in Section 3 to address issues. If thirteen sheds go up in your neighbor’s yard and 130 people show up to work their Midnight to 6am shift – and they’re more productive with the music up loud – thank Senate Bill 505. A three-story structure constructed in the backyards of all surrounding neighbors? Well, the city council will just have to shrug its shoulders. The scenarios are virtually endless under SB 505. To have opponents suggest otherwise under the plain reading of this bill would be simply inaccurate.

Individuals residing in a residential neighborhood reasonably expect some limits on activities to allow enjoyment of their property. This is not government tyranny; this is local governments **made up of residents** responding to the collective preferences of the city’s residents. Additionally, zoning and other regulations serve to protect property values of those residents.

SB 505 takes that away, making commerce trump every other use of property regardless of location. We would urge you to leave zoning decisions in the hands of local governing bodies who are best equipped to evaluate land uses for their cities.

Thank you for allowing the League to appear before you today. We respectfully request that the Committee not advance SB 505 to the full Senate.