

SENATE BILL No. 505

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning zoning and planning; relating to regulation of home-
2 based work; prohibiting the enactment or enforcement of zoning
3 regulations that are barriers to home-based work; enacting the protect
4 home-based work act.

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

7 Section 1. (a) This act shall be known and may be cited as the protect
8 home-based work act.

9 (b) The purpose of the protect home-based work act is to promote
10 entrepreneurship and remove barriers to remote jobs by establishing
11 statewide protections for home-based work.

12 Sec. 2. As used in this act:

13 (a) "Accessory structure" means a shed, workshop, separate garage or
14 other structure located on the same contiguous property as a dwelling unit
15 that may be used for home-based work.

16 (b) "Dwelling unit" means a structure or part of a structure that is
17 used as a home, residence or sleeping place by one person who maintains a
18 household or by two or more persons who maintain a common household.

19 (c) "Home-based work" means any lawful occupation performed by a
20 resident within a dwelling unit or accessory structure that is clearly
21 incidental and secondary to the use of the dwelling unit for residential
22 purposes.

23 (d) "Local government" means any township, city or county located
24 in Kansas.

25 Sec. 3. (a) A zoning ordinance, resolution or regulation shall not:

26 (1) Prohibit mail order or telephone sales for home-based work;

27 (2) prohibit the provision of services to home-based work clients by
28 appointment in the dwelling unit or accessory structure;

29 (3) prohibit resident or non-resident employees or independent
30 contractors from working in the dwelling unit or accessory structure;

31 (4) prohibit or require structural modifications to the dwelling unit or
32 accessory structure for the purpose of home-based work;

33 (5) restrict the amount of floor space for home-based work;

34 (6) restrict the hours of operation for home-based work; or

35 (7) restrict storage or the use of equipment that does not constitute
36 a nuisance outside the dwelling unit or accessory structure.

1 (b) A local government shall not adopt or enforce a zoning ordinance,
2 resolution or regulation, or take any action to otherwise regulate home-
3 based work in violation of the provisions of subsection (a). Any person
4 whose property is or may be reduced in value or restricted in use by such
5 violation may bring an action in any court of competent jurisdiction to
6 enforce the provisions of this act. The prevailing party may recover
7 reasonable attorney fees and costs, including reasonable appellate attorney
8 fees and costs.

9 (c) The application of this act shall not supersede any deed restriction,
10 covenant or agreement restricting the use of land or any master deed,
11 bylaw or other document applicable to a common interest ownership
12 community.

13 Sec. 4. This act shall take effect and be in force from and after its
14 publication in the statute book.