

City Hall
8500 Santa Fe Drive
Overland Park, Kansas 66212
www.opkansas.org

Date: February 19, 2024
To: Chairman Bergquist & the House Committee on Local Government
From: City of Overland Park
Re: Written Testimony in Opposition to HB 2704

Thank you for allowing the City of Overland Park to submit testimony in opposition to HB 2704, which preempts local regulations related to commercial businesses operating out of residences.

HB 2704 would infringe on the City's interest in maintaining neighborhood integrity and preserving the residential character of neighborhoods by encouraging compatible land uses, and guarding against infringement on the residential rights of neighbors. Specifically, the City has concerns that HB 2704 will lead to full blown commercial operations out of residences and accessory structures, rather than just the operation of an incidental business use to support the resident. Our City supports and already provides for our residents to operate a home-based business, and our City has carefully crafted regulations in order to balance the interest of the home business operators with their residential neighbors in order to avoid any potential negative impacts. Unfortunately, HB 2704 would supersede some of these regulations and would create an imbalance that would negatively affect our residential neighborhoods.

Further, without a city's ability to regulate non-resident employees or contractors or place limitations on the amount of floor space for home-based work, a home-based business has the potential to no longer be incidental to the primary use of the house. Additionally, the bill appears to allow employees up to the house's occupancy, which could cause significant parking issues in residential neighborhoods. Also, if a City wanted to regulate short-term rentals in residential areas, this bill appears to prevent that.

Section 6 of HB 2704, which says, "[a] no-impact home-based business shall not be used for the purposes of... operating or maintaining a structured sober living home for drug or alcohol based recovery..." likely violates the federal Fair Housing Act's prohibition of disability discrimination.

The City of Overland Park opposes further limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution as approved by voters in 1960. Municipalities are the government closest to our residents and businesses, and are best prepared to assess, evaluate, regulate and set public policy as they believe is in the best interest of the community. Our Mayor and Council are fully authorized to handle local issues and problems such as is proposed in HB 2704.

Thank you for allowing the City to submit testimony on this legislation. We respectfully request that the Committee not advance HB 2704 to the full House.