

**To:** House Committee on Commerce, Labor and Economic Development  
**From:** Nathan Eberline, Executive Director  
**Date:** February 11, 2025  
**RE:** HB 2343 – No Impact Home Business Act  
*In Opposition – Verbal Testimony*

Thank you, Chairman Tarwater and members of the House Commerce Committee, for the opportunity to testify on HB 2343.

While I am pleased to talk about the merits of the bill, my focus is primarily on the unifying principle that our members share: home-rule authority. Our cities want communities that provide a robust market for businesses to thrive, and they want to govern in a way that reflects the unique needs of the individual community. HB 2343 runs counter to these values, which is why we oppose the bill.

While we appreciate the term “no impact,” the reality is that the preemption language in HB 2343 will impact communities. Cities constantly balance the rights of a homeowner who desires a neighborhood of quiet daily living, leisure, and safety versus the rights of a business owner trying to earn a living. The underlying intentions of HB 2343 are important, but it leaves out considerations that we have historically entrusted to local leaders.

As President Reagan observed, “That government is best which remains closest to the people.”<sup>1</sup> This principle is important, because the close proximity of local leaders to the citizenry provides the best opportunity to respond to needs and concerns. One example that our cities have been wrestling with is the role of regulations for short-term rental like AirBNB and VRBO. These home-based businesses can dramatically transform the nature of neighborhoods, and cities are still experimenting with the right balance. HB 2343 limits a city’s capacity to work on this issue, which will then push it up to the state.

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<sup>1</sup> Ronald Reagan, *Address of Governor Ronald Reagan to California Republican Assembly*, Lafayette Hotel, Long Beach, April 1, 1967, The Ronald Reagan Presidential Library, [www.reaganlibrary.gov/archives/speech/april-1-1967-address-governor-ronald-reagan-california-republican-assembly](http://www.reaganlibrary.gov/archives/speech/april-1-1967-address-governor-ronald-reagan-california-republican-assembly).

We encourage this committee to consider this example as part of the broader implications of reduced municipal oversight. The League also offers two broader, regulatory considerations for the Commerce Committee's consideration:

1. HB 2343 creates a categorical exemption for no-impact, home-based businesses from municipal permit and licensing requirements. Under the Equal Protection clauses of the U.S. and Kansas Constitutions, this committee should evaluate whether creating a law that treats different groups differently raises legal concerns. Specifically, the committee should consider whether exempting home-based businesses while requiring similar non-home-based businesses to obtain permits and licenses creates an unfair distinction that could be challenged under Equal Protection principles.
2. A second and related concern for this committee is to seek feedback from the State Fire Marshall. The absence of municipal oversight may raise safety concerns, particularly regarding fire codes and inspections. Seeking input from the State Fire Marshal will help determine whether exempting no-impact, home-based businesses from certain regulations could pose unintended risks to public safety.

The League raises these concerns in conjunction with our larger point: Kansas Home Rule has meaningful value to our cities and to the state. If there are examples of business categories facing obstacles while operating out of a home, then we should address the specific challenges as they actually exist, rather than seeking broad legislation and the risk of unintended consequences.

Individuals in a residential neighborhood expect some limits on activities to allow enjoyment of their property. This balance is how local governments respond to the collective preferences of its residents, and HB 2343 undercuts the expectations of our citizenry and what it means to live as part of a community. With these points in mind, we urge you to vote against HB 2343.

Thank you for your time and consideration. Please let me know if we can provide any additional information that might prove helpful.

Respectfully,



**Nathan Eberline**

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