



KANSAS JUSTICE INSTITUTE

Testimony to the House Committee Commerce, Labor and Economic Development

HB 2343: Creating the no-impact home-based business fairness act, supporting the development and growth of such businesses by limiting the regulatory power of municipalities.

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Kansas Justice Institute

Proponent – Written Only.

Chairman Tarwater and Members of the Committee:

Kansas Justice Institute¹ strongly supports paring back unreasonable and unconstitutional restrictions on home-based businesses by Kansas municipalities.

In 2023, KJI filed a lawsuit in state court defending our client’s constitutional right to garden and produce local honey, as a home-based business. The municipality had prohibited any home-based business not conducted entirely within a dwelling and all home-based businesses involving animals. Since gardens grow outside, and honeybees are animals, our client was prohibited from using her own backyard to garden and safely raise honey, as a home-based business. The very same activities—gardening and beekeeping—were permitted as hobbies.²

In our view, far too many municipalities restrict home-based businesses based on outdated reasoning. The restrictions are an unconstitutional infringement on the constitutional right to earn an honest living. We have a good faith basis to believe that municipalities are even prohibiting—unconstitutionally so, in our view—mundane home-based businesses like baking cookies.

HB 2343 is a good start in paring back this municipal overreach. To that end, KJI supports this bill.

Sincerely,

Samuel G. MacRoberts

¹ Kansas Justice Institute (KJI) is a non-profit, public-interest litigation firm committed to defending against government overreach and abuse. It is part of Kansas Policy Institute.

² For more background, please see:

<https://www.kcur.org/news/2023-06-30/a-kansas-gardener-is-suing-for-the-right-to-sell-honey-and-fruit-from-her-ottawa-yard>

<https://reason.com/2023/05/24/home-business-lawsuit-argues-people-have-a-natural-right-to-keep-bees-on-their-property/>

<https://www.kcur.org/news/2023-09-25/a-kansas-gardener-sued-to-sell-fruit-and-honey-now-her-town-will-allow-urban-farming>