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Date: March 5, 2025
To: Chair Alley and the Senate Committee on Commerce
From: City of Overland Park
Re: Testimony in Opposition of HB 2088

Thank you for allowing the City of Overland Park to submit testimony in opposition of HB 2088. The bill's stated purpose is to streamline the review process for local building permits. However, the City opposes HB 2088 because its provisions go beyond this purpose and will actually create more hindrances and barriers to the development process than it will to promote it.

Overland Park supports the goal of timely and efficient review of local development, and the City prides itself on providing professional and quality services in a timely manner. The City carefully tracks its time reviewing applications and the related performance measures in order to ensure it is maximizing both efficiency and quality. HB 2088 threatens to negatively impact this process, and will actually create more hindrances and barriers to this goal than it will to promote it.

The City's primary concern is that the broad definition of "Application" goes beyond building permits, and can be interpreted to include applications for rezonings, special use permits, plats and other development plan approvals submitted to a planning commission or governing body. These other application types have statutory and procedural time requirements to allow for staff review, public comment, a statutory protest period, and consideration by both the planning commission and the governing body, which cannot fit within the 60-day period. Also, sometimes the planning commission or governing body continues a matter to get more information or a modification, or the governing body (per Statute) remands a project to the planning commission to address deficiencies. The 60-day period will impair these situations and lead to outright denials instead of working through issues with the developer. Accordingly, if HB 2088 moves forward, the City requests an amendment to clarify that it only applies to building permits.

The City's next concern is the inclusion of Section 5 amending K.S.A. 12-752 regarding platting. There is no need to address platting in HB 2088 because K.S.A. 12-752 already has a 60-day requirement for a planning commission to act on a plat. The problem is that HB 2088 moves the start of this time period to the date of the application instead of the commission's first meeting following the date of submission, which creates logistical problems with a planning commission's regular monthly schedule. Accordingly, Section 5 should be removed.

Overland Park can generally meet the 15 and 60-day time periods for single-family residential building permit applications, but HB 2088 does not account for the unusual or complicated application or for unexpected interruptions and emergencies, such as the recent snow storm or other storm or fire incidents where city staff are pulled from regular duties in order to address those emergencies. In a similar fashion, the bill does not take into account times where approvals are required from agencies outside of cities, such as engineering approval from the Army Corp of Engineers or a Notice of Intent from the Kansas Department of Health and Environment for construction disturbing an acre or more of soil.

It should be noted Overland Park uses the electronic application EnerGov for speedy and efficient online communications and interactive mark-ups, which has reduced costs and increased efficiencies for both developers and staff. It is important that HB 2-88 reflects that an



online permit submission and review platform satisfies the notice and signature requirements. Otherwise, HB 2088 will interfere with this process and increase developer costs and time.

Another issue concerns building permit fees, which are based on construction value. If the project changes in size, complexity or scope, or if it is submitted with incorrect values, cities need the ability to adjust the fee amount. Overland Park also only collects half on submission and the other half when the permit is issued; however, HB 2088 would restrict this flexibility and require full payment when the application is submitted.

Thank you for allowing the City to submit testimony in opposition of HB 2088. As stated above, Overland Park supports timely and efficient review of development. However, HB 2088 does more to inhibit this goal than it does to promote it. Therefore, we respectfully request that the Committee not advance this legislation to the full Senate.