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On behalf of the City of Liberal, thank you for the opportunity to provide testimony in opposition to H.B. 2343—AN ACT concerning economic development; creating the no-impact home-based business fairness act; providing that such businesses shall be a permitted use and prohibiting additional permit or licensing requirements by a municipality; requiring that municipal regulations be narrowly-tailored with respect to such businesses; supporting the development and growth of such business by limiting the regulatory powers of municipalities.

The City of Liberal is one of the few communities in rural Kansas with a young and growing population. The city takes pride in fostering a welcoming environment for both small and large businesses. While we understand and appreciate the intent behind this bill, we are deeply concerned that its potential consequences far outweigh its intended benefits.

Local planning and zoning regulations are meticulously designed to serve the community's unique needs. Decisions regarding variances are made by local representatives who understand and are accountable to the residents directly affected. H.B. 2343 would usurp this localized decision-making process by imposing a one-size-fits-all policy, thereby replacing a proven, case-by-case approach that welcomes input from all involved parties.

For example, consider whether a resident with a large backyard should be allowed to pave their property and erect a privacy fence to operate a used car lot—provided that doing so does not cause “a substantial increase in traffic.” Similarly, should the same flexibility apply to an event venue that gravels a large parking lot and operates throughout the night, seven days a week? Should a data center be created in a basement with no consideration of fire hazards? These determinations should be made collaboratively by residents and local officials, not dictated by a blanket state law. Moreover, a home-based business that grows over time might eventually violate local ordinances. Without local control, rectifying such issues would become a lengthy, cumbersome, and expensive process, tying up valuable municipal resources in court battles. These are problems that could be avoided entirely by preserving local authority.

In summary, although H.B. 2343 may be well-intentioned, its approach is overly broad and fails to address the nuances of local governance. We believe that the underlying concerns would be more effectively resolved at the local level or through more targeted legislation.

For these reasons, the City of Liberal stands in opposition to H.B. 2343 and respectfully urges you to oppose it as well. I welcome any questions you may have and thank you for your time and consideration.

Sincerely yours,

Nathanial Blank, City of Liberal Government Affairs