



Testimony on House Bill 2343
Before the Senate Committee on Commerce
Mark Engholm, State Fire Marshal
March 12, 2025

Chairperson, Vice Chair, Ranking Member and Members of the Committee:

Thank you for the opportunity to provide neutral testimony on House Bill 2343, which creates the home-based business fairness act. Due to the rapid rate that this bill moved, our staff did not discover that there was language in the bill regarding fire prevention until it had been passed out of the House. Our concern is that the bill, as introduced, includes a sentence that places it in conflict several statutes in Chapter 31, Fire Protection, of Kansas law.

For background, in the early 1980's the legislature reached a compromise between those who were advocating for fire sprinklers to be included in all new residential construction and those who objected to the inclusion of residential fire sprinklers, primarily based on the cost of installing those systems in new homes. The compromise exempted buildings used wholly as dwelling houses containing no more than two families from the state fire prevention code altogether¹. Later, additional legislation was passed that forbids political subdivisions from requiring the installation of residential sprinklers in any building with two or less dwelling units². Buildings with three or more dwelling units are defined in statute as "apartment houses."³ So, since that time, the bright line between when we exempt residential structures from installing fire sprinklers or when we require them has been the break between 2 and 3 dwelling units in a single building.

The conflicting language is highlighted below in Section 7 of the bill, which currently states,

"A municipality shall not require a person as a condition of operating a no-impact home-based business or a rural no-impact homebased business to seek rezoning of the property for commercial use or install fire sprinklers in a single family detached residential dwelling, **any residential dwelling consisting of more than two dwelling units** or any additional buildings on the property. A municipality shall not require a rural no-impact home-based business or a no-impact home-based business to undergo fire or building inspections, unless such codes or inspections are also applied to similar residences not operating a rural no-impact home-based business. home-based business or a no-impact home-based business."

To ensure consistency with existing statute and the Kansas Fire Prevention Code we suggest that the committee strike the highlighted language from the bill. We do not believe that striking this language will change the overall effect of the underlying bill.

¹ K.S.A. 8-133(a)(3), K.S.A. 8-133(a)(4), K.S.A 8-133(a)(14)

² K.S.A. 12-16,219

³ K.S.A. 31-132a