

February 3, 2026

The Honorable Larry Alley, Chairperson  
Senate Committee on Commerce  
300 SW 10th Avenue, Room 159-S  
Topeka, Kansas 66612

Dear Senator Alley:

**SUBJECT: Fiscal Note for SB 418 by Senators Rose and Masterson**

In accordance with KSA 75-3715a, the following fiscal note concerning SB 418 is respectfully submitted to your committee.

SB 418 would enact the By-Right Housing Development Act and amend existing zoning statutes. The bill would require that all proposed housing developments, including single-family homes, townhouses, and accessory dwelling units, that meet zoning code and land use regulations be approved by-right, without the need for discretionary review or approval by planning commissions, zoning boards, or other regulatory bodies. A complete application for a by-right housing development would be approved automatically unless denied within 15 days of receipt by the permitting authority. The bill would provide for court review of denied permit applications, with the court reviewing the permitting authority's decision independently and with the authority to award reasonable attorney fees and costs to a prevailing applicant.

The bill would allow political subdivisions that elect to be subject to its provisions to permit third-party review of development documents and inspection of improvements when the regulatory authority does not act within 15 days. Third-party reviewers and inspectors would need to meet specified qualifications, and the regulatory authority could not impose additional fees for third-party reviews or inspections.

For new construction of single-family residences of less than 3,000 square feet of total livable floor area, the bill would require all political subdivisions to allow the use of the 2018 edition of the International Residential Code (or a version previously adopted by the political subdivision or another political subdivision), construction of single-car garages, only one side of

architectural finish, and a minimum residential lot size of 3,000 square feet subject to reasonable setback requirements.

The bill would amend existing law to exclude owner-initiated rezoning to a single-family residential district from protest petition provisions. The bill also would provide that all land within the corporate limits of a city be considered zoned for single-family residential use, in addition to any other zoning adopted by the city, while allowing cities to impose reasonable regulations related to setbacks, development and performance standards, utility and subdivision standards, and other related requirements.

The Department of Revenue indicates that SB 418 would have no fiscal effect on its operations.

The League of Kansas Municipalities indicates that the bill would increase city government costs for planning and permitting administration to meet the statutory 15-day review deadlines, legal and compliance costs related to appeals and enforcement, costs associated with third-party inspection and review, and investment in land-use and long-range planning. The Kansas Association of Counties indicates that the bill has the potential to increase costs for county governments if the requirements are extended to counties or as a result of new development or growth within cities that extends into unincorporated areas. However, neither organization was able to provide a specific estimate of the fiscal effect on local governments.

Sincerely,



Adam C. Proffitt  
Director of the Budget

cc: Lynn Robinson, Department of Revenue  
Jay Hall, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities