

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2739

By Committee on Commerce, Labor and Economic Development

Requested by Representative Tarwater

2-6

1 AN ACT concerning housing; relating to **design and construction**
2 **standards and doorway and other interior accessibility**
3 **requirements; providing certain such state specifications not**
4 **applicable to moderate income housing program and Kansas**
5 **investor tax credit housing act projects; fire safety and prevention;**
6 providing that fire sprinkler systems shall not be required in this state
7 for ~~multi-family dwellings~~ **townhouses** of four attached units or fewer;
8 prohibiting municipal fire sprinkler requirements for ~~multi-family~~
9 ~~dwellings~~ **townhouses** of four or fewer attached living units; ~~defining~~
10 ~~apartment buildings for purposes of the fire code;~~ amending K.S.A. 12-
11 16,219 and ~~31-132a~~ **58-1401** and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. **For construction projects approved by the local**
15 **authority having jurisdiction after July 1, 2026,** notwithstanding any
16 other provision of law, **except as provided in this section,** installation of a
17 multi-purpose residential fire protection sprinkler system or any other fire
18 sprinkler protection system in any ~~multi-family dwelling~~ **townhouse** of
19 four attached units or fewer shall not be required in this state. **As used in**
20 **this section, "townhouse" means a townhouse as described in K.S.A.**
21 **12-16,219, and amendments thereto. Townhouses of four attached**
22 **units or fewer shall not exceed three stories above grade, unless**
23 **restricted to two stories above grade by the local authority having**
24 **jurisdiction, and each dwelling unit shall have:**

25 (a) Separation by a two-hour total fire-resistance-rated wall
26 assembly, that may comprise either a double-wall assembly with a
27 combined fire rating of two hours or a common-wall assembly with a
28 two-hour fire rating; or

29 (b) separation by a one-hour fire-resistance-rated wall assembly
30 and a multi-purpose residential fire protection sprinkler system.

31 Nothing in this section shall prohibit any person from voluntarily
32 installing a multi-purpose residential fire protection sprinkler system or
33 any other fire sprinkler protection system. **Nothing in this section shall**
34 **exempt a townhouse with not more than four attached dwelling units**
35 **from any other applicable code requirements.**

1 Sec. 2. K.S.A. 12-16,219 is hereby amended to read as follows: 12-
2 16,219. (a) As used in this section:

3 (1) "Municipality" means any city or county.

4 (2) "Residential structure" means any improvement to real property to
5 be used or occupied as a single-family dwelling or ~~multi-family dwelling~~
6 **townhouse** of ~~two~~ *four* attached ~~living~~ **dwelling** units or ~~less~~ *fewer* or any
7 manufactured home.

8 (3) **"Dwelling unit" means a single unit providing complete,**
9 **independent living facilities for one or more persons, including**
10 **permanent provisions for living, sleeping, eating, cooking and**
11 **sanitation.**

12 (4) **"Townhouse" means a single-family dwelling unit constructed**
13 **in a group of three or more attached units in which each unit extends**
14 **from the foundation to roof and has a yard or public way on not fewer**
15 **than two sides. A "townhouse" shall meet the requirements described**
16 **in section 1, and amendments thereto.**

17 (b) **Except if required pursuant to section 1, and amendments**
18 **thereto**, no municipality shall adopt or enforce any ordinance, order, code,
19 standard or rule requiring the installation of a multi-purpose residential fire
20 protection sprinkler system or any other fire sprinkler protection system in
21 any residential structure. Nothing in this section shall prohibit any person
22 from voluntarily installing a multi-purpose residential fire protection
23 sprinkler system or any other fire sprinkler protection system in a
24 residential structure.

25 (c) **Except if required pursuant to section 1, and amendments**
26 **thereto**, no municipality shall require the installation of a multi-purpose
27 residential fire protection sprinkler system in any residential structure as a
28 condition for consideration or approval of any building permit or plat.

29 ~~Sec. 3. K.S.A. 31-132a is hereby amended to read as follows: 31-~~
30 ~~132a. (a) *Except as provided by subsection (b), every building or other*~~
31 ~~structure, together with any building or structure used in connection~~
32 ~~therewith, kept, used, maintained, advertised, or held out to the public to~~
33 ~~be a place where furnished or unfurnished living accommodations other~~
34 ~~than sleeping accommodations for transient guests may be rented as a~~
35 ~~single room or as a suite of rooms, containing three (3) or more single~~
36 ~~units or suites, or both, regardless of the number of tenants therein, and~~
37 ~~regardless of whether any such room or suite of rooms is occupied by an~~
38 ~~owner or operator of such a building or structure, shall, for the purpose of~~
39 ~~this act, be deemed an apartment house.~~

40 ~~(b) *Townhouses and townhouse units shall not be considered*~~
41 ~~*apartment houses.*~~

42 ~~(c) *As used in this section:*~~

43 ~~(1) *"Townhouse" means a building that contains three or more-*~~

1 *attached townhouse units; and*

2 ~~(2) "townhouse unit" means a single-family dwelling unit in a~~
3 ~~townhouse that extends from the foundation to the roof, is separated from~~
4 ~~any adjacent townhouse unit by a fire separation wall and has a yard or~~
5 ~~public way on not fewer than two sides.~~

6 **Sec. 3. K.S.A. 58-1401 is hereby amended to read as follows: 58-**
7 **1401. As used in this act:**

8 **(a) "Dwelling" means any single family residence and each**
9 **individual living unit in a duplex or triplex residential building which**
10 **is constructed with public financial assistance.**

11 **(b) "Public financial assistance" means:**

12 **(1) A building contract or similar contractual agreement with any**
13 **state agency;**

14 **(2) any real estate received by the owner through a donation by**
15 **the state;**

16 **(3) state tax credits, except for tax credits pursuant to the Kansas**
17 **housing investor tax credit act, K.S.A. 79-32,110 et seq., and amendments**
18 **thereto;**

19 **(4) grant assistance from state funds, except for grant assistance**
20 **from the Kansas moderate income housing program, administered by the**
21 **Kansas housing resources corporation with funding from the state housing**
22 **trust fund pursuant to K.S.A. 12-5256, and amendments thereto, and**
23 **appropriations acts;**

24 **(5) state loan guarantees; or**

25 **(6) federal funds administered by the state or a state agency.**

26 **(c) "Director" means the director of the division of housing in the**
27 **Kansas development finance authority.**

28 **Sec. 4. K.S.A. 12-16,219 and ~~31-132a~~ 58-1401 are hereby repealed.**

29 **Sec. 5. This act shall take effect and be in force from and after its**
30 **publication in the statute book.**