

SESSION OF 2025

## **SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2088**

As Amended by House Committee of the Whole

### **Brief\***

HB 2088, as amended, would create the Fast-Track Permits Act (Act) for single-family residential developments with the stated purpose of enhancing economic growth in local communities and streamlining the building permit review process.

### ***Review Period***

The bill would require a local government or local governmental authority (authority) to approve or deny a building permit for all single-family residential development within 60 days of receiving a completed application. If the authority fails to provide written notice of an application's approval or denial, the application must be deemed approved by the authority. The 60-day review provision would not apply if an applicant agrees in writing to proceed with phased permitting.

The bill would require the Secretary of Health and Environment to issue an authorization, waiver, or denial within 45 days of receiving from the applicant a notice of intent to:

- Discharge stormwater runoff from construction activities;
- Request authorization to discharge stormwater runoff from construction activities under the federal

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

National Pollutant Discharge Elimination System general permit; or

- Apply for a rainfall erosivity waiver.

### ***Application Determinations***

When approving an application, an authority shall not require any conditions or requirements pursuant to a rule, resolution, ordinance, or policy of the authority that is adopted or amended after the complete application was submitted to the authority.

The authority would be required to state the reasons for a denial in the written notice of denial. The authority shall not deny an application on the basis of a rule, resolution, ordinance, or policy of the authority that is adopted or amended after the complete application was submitted to the authority.

### ***Incomplete Applications***

If an application does not contain all information and meeting requirements pursuant to an authority's rule, resolution, ordinance, or policy adopted prior to the application's submission, or applicable state or federal law, the authority must provide written notice to the applicant within 15 days of receiving the application stating the application is incomplete and provide an opportunity for the applicant to cure any deficiency.

An incomplete application is not considered received by the authority until the application is complete unless the authority fails to provide written notice within 15 days of receiving an incomplete application. If the authority fails to notify within 15 days, then the 60-day period starts upon receipt of the incomplete application.

### ***Submission and Signatures***

The bill would consider a local authority' s written notice and the application submission dates to be the date when the:

- Notice is deposited in the U.S. mail by the authority addressed to the address provided by the applicant and proof of the date of mailing is obtained;
- Application is received in the U.S. mail by the authority;
- Notice or application is written in the body of, or in an attachment to, an email sent to the email address provided by the applicant or authority. If possible, the email shall be sent with a request for a delivery receipt confirming that the email was delivered to the recipient' s email server;
- Notice or application is faxed to the facsimile number provided by the applicant or authority; or
- Notice or application is submitted to a private carrier for delivery addressed to the address provided by the applicant or the authority and proof of the date of submission to such carrier is obtained.

The bill would include weekends, but not federal or state holidays, for purposes of determining deadlines.

For required signatures, the bill would allow electronic signatures.

### ***Superseding Conflicting Law***

The bill would not supersede any rule, resolution, ordinance, or policy of a municipality, city, county, or other political subdivision of Kansas that provides for a shorter

period of time for the authority to issue decisions upon applications or give notice of incomplete applications.

The bill would also make technical changes to amend current law implementing the Act.

## **Background**

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of Opportunity Solutions Project.

### ***House Committee on Commerce, Labor and Economic Development***

In the House Committee hearing, **proponent** testimony was provided by representatives of Americans for Prosperity, Opportunity Solutions Project, and Pacific Legal Foundation. The proponents generally stated the bill would make housing more affordable by reducing delays and providing more certainty in the permitting process.

**Opponent** testimony was provided by representatives of the City of Topeka, Kansas Association of Counties, and the League of Kansas Municipalities. The opponents generally stated there are concerns with the same timeline applied across jurisdictions and various development types. It was also noted that permitting delays are not currently a problem for Kansas municipalities.

Written-only proponent testimony was provided by a representative of the Kansas Chamber.

Written-only opponent testimony was provided by representatives of the Cities of Derby, Overland Park, and Wichita; American Planning Association – Kansas Chapter; and Little Government Relations.

No other testimony was provided.

The House Committee amended the bill to:

- Remove industrial development from the fast-track permit process;
- Remove an appeal to the zoning board as requiring fast-track treatment;
- Exclude phased permitting from the 60-day deadline;
- Change when an application is deemed submitted to an authority and when written notice by an authority is deemed issued when using the U.S. mail; and
- Add a section requiring authorizations to discharge stormwater runoff from construction activities to be issued by the Secretary of Health and Environment to an applicant within 45 days of notice.

### ***House Committee of the Whole***

The House Committee of the Whole amended the bill to limit the Act to single-family residential properties.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Association of Counties states enactment of the bill could require additional staff for counties to process applications or for public meetings for zoning challenges, which could increase costs to counties. However, a fiscal effect cannot be estimated.

The League of Kansas Municipalities states enactment of the bill would have a fiscal effect on cities; however, the League does not have enough information to estimate a fiscal effect.

Fast-track permits; local government; building permits; single family real estate