

To: House Commerce Committee

From: Amanda L. Stanley, General Counsel

Date: February 19, 2020

RE: Testimony in Opposition to HB 2703

I want to thank Chairman Tarwater and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to HB 2703.

The League stands opposed to this bill because of what it will mean for local building and zoning standards. HB 2703 preempts local government entities from enacting and enforcing ordinances or resolutions establishing building standards and practices more stringent than those established by “National Model Codes.” In doing this, the bill strips cities of an important element of their Home Rule authority.

It is not uncommon for cities to adopt building codes to ensure that the safest products, materials, and building practices are used in every neighborhood. At times the standards that they adopt are going to be stricter than those established in national code, while at other times they might be less stringent. Governing bodies adopt these codes knowing the wants and needs of their community. Local governments do not demand a higher standard lightly – they do so because it is what conditions dictate or their residents want to see.

Another concern voiced to us by cities is the potential effect that it could have on zoning. Some cities have passed building regulations that require a certain kind and grade of building materials for particular areas within the city. It is unclear if HB 2703 has the breadth to invalidate these ordinances as well, but if it would, many cities would be forced to adjust quickly to amend zoning to maintain safe development practices, preserve the nature of neighborhoods within the city, and ensure compatible uses for neighboring properties.

Additionally, it is unclear in reading the bill what version of the “National Model Code” is to be used. Is a city supposed to constantly survey all new model codes as they are released to see what

is the least stringent version and then instantaneously implement it with no feedback from its business and building community?

This bill appears to be, in part, a solution looking for a problem. By not identifying any main areas of concern, HB 2703 presents over-broad language that will handicap cities' ability to respond to the characteristic of their communities. Each city in the state presents different conditions, circumstances, and concerns that cannot be addressed with a one-size-fit-all approach -- they must be addressed at the local level to make sure that building codes fit local needs.

For these reasons, the League is opposed to HB 2703 and asks that the committee not recommend the bill to the Full House for consideration.