THE LEAGUE OF KANSAS MUNICIPALITIES

Review of 2026 Kansas SB 418

Practical Municipal Overview and July 1, 2026 Preparation Checklist

The Kansas Legislature passed 2026 SB 418, commonly referred to as the "By-Right Housing Development Act." The legislation substantially changes how cities regulate residential development, process permits, conduct inspections, and apply residential zoning rules. The bill takes effect July 1, 2026.

For municipal officials, the bill primarily affects:

- Residential zoning authority;
- Permit and development review timeline's;
- Building inspection procedures;
- Protest petition procedures; and
- Local development regulations applicable to single-family housing.

The legislation is designed to reduce discretionary review and increase housing development opportunities statewide. Cities should review building codes, permitting procedures, inspection staffing, and zoning ordinances before the effective date.

What is a "By-Right Housing Development"?

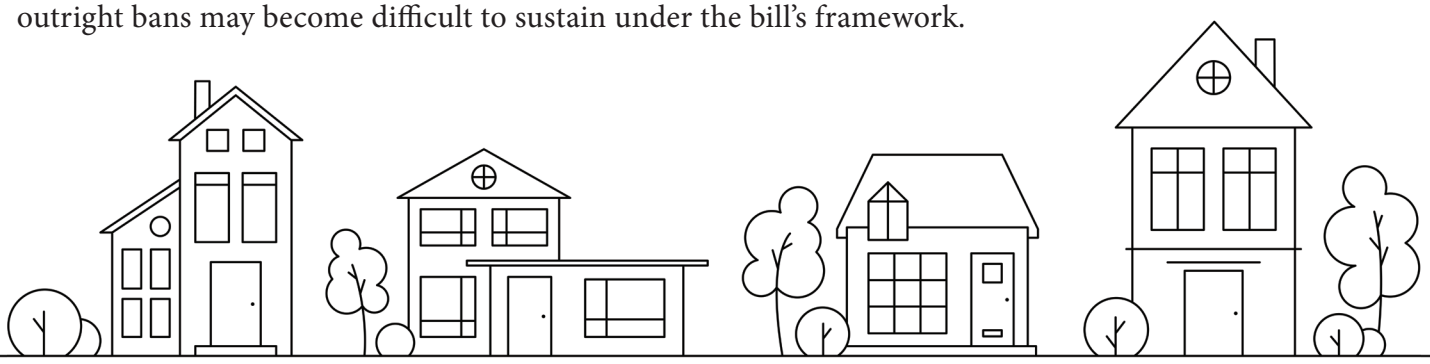
SB 418 defines a "by-right housing development" as a residential development that must be approved administratively — without discretionary review — when the project complies with applicable local regulations and the criteria established in the bill.

The bill generally applies to:

- Single-family homes, including duplexes;
- Townhouses; and
- Accessory dwelling units (ADUs)

SB 418 defines an accessory dwelling unit (ADU) as a secondary housing unit that is subordinate to the primary dwelling unit on the same lot and may include a separate kitchen, bathroom and entrance.

For cities, the inclusion of ADUs is significant because it limits the ability to prohibit accessory residential units outright in qualifying zoning districts. While municipalities may still regulate objective standards such as setbacks, height, utility connections, parking, and life-safety requirements, broad discretionary review or outright bans may become difficult to sustain under the bill's framework.



However, the definition of a by-right housing development is subject to important exclusions and limitations. A project is not considered a qualifying by-right housing development if it falls into certain excluded categories identified in the legislation.

The exclusions include developments:

- Located within historic districts;
- Located in floodplains or environmentally sensitive areas where restrictions apply;
- Requiring substantial public infrastructure extensions or upgrades beyond existing service capacity;
- Requiring rezoning or discretionary land-use approvals;
- Involving industrial or commercial conversions outside the bill's scope;
- Exceeding the bill's density, size, or lot limitations; and
- Subject to drainage or stormwater deficiencies identified by the permitting authority

Importantly, SB 418 does not eliminate all local authority. Cities retain authority over:

- Utility standards;
- Stormwater and drainage requirements;
- Street and infrastructure standards;
- Platting and subdivision review;
- Objective zoning and dimensional standards;
- Setbacks and lot configuration requirements and;
- Health and safety enforcement.

For municipal officials, the key operational issue is determining:

1. If a proposed project qualifies as a "by-right housing development" under the statute; and
2. If the city's regulations are written clearly enough to support objective administrative review within the bill's compressed timelines.

In practice, disputes are likely to center on:

- If a project truly qualifies for by-right treatment;
- If infrastructure limitations justify exclusion;
- If the city acted within statutory deadlines; and
- If denial reasons are sufficiently supported by adopted regulations

Because qualifying developments receive significant statutory protections, cities should expect the threshold determination of whether a project is "by-right" to become one of the most important early review decisions in the development process.

Major Provisions of SB 418 Affecting Cities

1 Creation of the "By-Right Housing Development Act"

The bill creates a statutory framework requiring approval of qualifying residential developments "by right" when the application complies with adopted zoning and land-use regulations. If a proposed development satisfies adopted code requirements, the city may not subject the application to discretionary denial or additional subjective review.

A completed application for a by-right housing development is automatically approved if the permitting authority does not deny the application within specified time limits—30 days generally, 60 days when a subdivision plat is required, and 90 days for larger plats over 40 single-family homes. However, subdivision plats are not deemed approved unless they fully comply with all applicable subdivision statutes and regulations under K.S.A. 12-752.

As the project gets underway, local governments must monitor approved by-right housing developments to ensure they comply with applicable regulations and standards. If a project is not in compliance, the city may enforce corrective actions, including fines, penalties, or requiring modifications to bring it into compliance.

Municipal Considerations

Cities should evaluate whether current approval processes rely on:

- Subjective compatibility standards;
- Broad discretionary authority;
- Staff-level policy determinations; and
- Planning commission recommendations that exceed adopted standards

Where possible, objective standards should be clearly incorporated into code language before July 1.

2 Third-Party Plan Review and Inspection Authority

SB 418 permits, but does not require, cities to use qualified third-party reviewers and inspectors for development document review and inspections under specified conditions.

Development Document Review

If the review of a development document is not completed within 30 days, the document may be reviewed by a qualified third party, provided the reviewer is independent of the applicant and did not prepare the materials being reviewed. The reviewing party must submit the results to the city within 15 days of completion.

Inspections

If a required inspection is not completed within 30 days of a request, the inspection may be performed by an alternative qualified party, including a certified building inspector, an employee of another political subdivision, or another authorized reviewer consistent with the statute. The reviewing party must submit inspection results to the city within 15 days of completion.

Practical Effect

The new framework permits cities to use external inspectors to prevent delays. The trade-off is that the city loses a degree of control over how and when those inspections are processed.

Municipal Considerations

Cities should evaluate:

- Inspection scheduling and turnaround procedures;
- Staffing capacity and backlog risks;
- Permit system workflows and integration of third-party submissions;
- Documentation and record retention of third-party reviews; and
- Whether local ordinances or administrative policies should define approved third-party reviewers and submission standards prior to implementation.

Municipalities may also wish to establish administrative standards for qualifying third-party reviewers and inspection reporting procedures before the effective date.

3 Residential Construction Standards for Certain Single-Family Homes

SB 418 establishes minimum regulatory standards that political subdivisions must allow for newly constructed single-family residences under 2,500 square feet of livable floor area (excluding garages and basements) when constructed on individual lots with separate legal descriptions.

Required Allowances

Cities do need to have a building code, but if they do, SB 418 requires that the use of the following codes be allowed as an alternative to the local code should it differ:

- One of the following versions of the 2018 International Residential Code (IRC), at the discretion of the political subdivision:
  - » The 2018 IRC;
  - » The version of the 2018 IRC previously adopted by the political subdivision; or
  - » A version of the 2018 IRC adopted by another political subdivision;
- Construction of single-car garages;
- Architectural finish on only one side of the residence; and
- Residential lot sizes as small as 3,000 square feet, subject to reasonable setback requirements intended to protect public welfare and safety while avoiding unwarranted hardship.

Effect on Local Regulations

The bill provides that any local building code, ordinance, regulation, rule, or resolution that conflicts with these requirements is null and void as applied to qualifying properties.

Municipal Considerations

Cities may wish to review:

- Existing minimum lot size requirements;
- Garage and parking requirements;
- Adopted residential building codes and amendments;
- Subdivision and zoning regulations; and
- Whether local setback standards are consistent with the bill's requirements.

4 Appeals: Deadlines and Automatic Approval Risks

The bill establishes appeal rights and timelines related to inspections and development review decisions.

Key Deadlines:

- Appeals must generally be filed within 15 days.
- If the governing body does not affirm or modify the decision within 60 days:
  - » The development document may be deemed approved, or
  - » The inspection may be deemed waived.

Practical Effect

Failure to act within statutory deadlines may result in automatic approvals or waived inspections.

Municipal Considerations

Cities should immediately review:

- Governing body agendas and scheduling practices;
- Administrative appeal procedures;
- Internal routing timelines;
- Local tracking systems; and
- Legal review processes.

Cities may wish to adopt internal deadline tracking systems before July 1.

5 Residential Zoning Changes

One of the most significant provisions provides that land zoned for any residential use within a city is deemed zoned for single-family residential use as well.

Practical Effect

Cities generally may not prohibit single-family homes in residential zoning districts simply because the district was intended for another residential type.

For example, single-family residences may potentially be permitted in districts previously intended primarily for:

- Multifamily development;
- Townhomes;
- Planned residential districts; and
- Mixed residential configurations.

The bill does preserve some local regulatory authority.

Cities may still regulate matters such as:

- Setbacks;
- Utility standards;
- Development standards;
- Subdivision requirements;
- Grading; and
- Platting.

Municipal Considerations

Cities should conduct a full review of:

- Residential zoning districts;
- Use tables;
- Definitions;
- Planned district regulations;
- Overlay districts;
- Subdivision regulations; and
- Design standards.

Cities should also identify any provisions that directly prohibit single-family dwellings within residential districts.

6 Protest Petition Changes

SB 418 excludes certain owner-initiated rezonings to single-family residential districts from protest petition procedures.

Municipal Considerations

Cities should review:

- Zoning amendment procedures;
- Protest petition forms;
- Public hearing notices;
- Internal legal guidance; and
- Planning commission procedures.

Training for planning staff and governing bodies is advisable before July 1.

Recommended Action Items Before July 1, 2026

Immediate Legal and Policy Review

Cities Should Review:

- Zoning ordinances
- Residential use tables
- Planned unit development provisions
- Subdivision regulations
- Permit approval procedures
- Inspection policies
- Appeal procedures
- Protest petition ordinances
- Administrative regulations and manuals

Operational Preparation Checklist

Permit and Development Review

- Identify any discretionary review provisions
- Clarify objective approval standards
- Review permit processing timelines
- Evaluate staffing capacity
- Update application forms if necessary

Inspection Procedures

- Assess current inspection turnaround times
- Determine if the city will allow third-party reviews
- Develop procedures for third-party inspection submissions
- Determine acceptable certification standards
- Train inspection and code staff

Governing Body Procedures

- Establish systems to monitor new statutory deadlines
- Review agenda scheduling procedures
- Update appeal handling processes
- Educate elected officials on automatic approval risks

Planning and Zoning

- Identify residential districts affected by the new single-family provisions
- Review conflicting code language
- Evaluate potential impacts on infrastructure planning
- Consider code amendments preserving permissible development standards

Practical Questions Cities Should Ask Now

Before July 1, municipal officials may wish to evaluate:

1. Can inspections consistently be completed within 30 days?
2. Are appeal timelines and governing body meeting schedules sufficient to avoid deemed approvals?
3. Which zoning districts currently prohibit single-family residential construction?
4. What local regulations remain enforceable under the new law?
5. Are existing permit software systems capable of tracking statutory deadlines?
6. Does the city want to allow third-party inspections and reviews? If so, have we developed formal policies governing third-party inspections and reviews?

Final Observations

SB 418 represents a substantial shift in the balance between state housing policy and local land-use authority. While cities retain authority over many development standards, the legislation narrows local discretion in residential development review and increases the importance of objective code standards and timely administrative action.

Cities that proactively review procedures, revise ordinances where appropriate, and train staff before July 1 will likely be in a significantly better position to implement the law while preserving as much local regulatory authority as possible.

If you have questions or suggestions to improve this guidance, please contact the League's Legal Department at (785) 354-9565.