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SENATE CHAMBER

**DAVID B. HALEY**  
SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

BEFORE THE HOUSE

.....COMMERCE, LABOR & ECONOMIC DEVELOPMENT COMMITTEE.....  
IN NEUTRALITY TO SENATE BILL 338 ( 2016 )  
AN ACT CONCERNING CITIES;  
QUALIFICATIONS & REHABILITATION OF ABANDONED PROPERTIES  
Wednesday, March 9, 2016 1:30 PM

Mister Chairman; Members of the Commerce, Labor & Economic Development Committee :

Thank you for taking time to hear this bill and to consider the Testimony on all sides of it.  
I register today as a NEUTRAL Conferee to SB 338; On Rehab of "Abandoned" Properties .

I'll be brief here.

Representative Frownfelter, my colleague from Wyandotte County, is to be genuinely commended for his tenacity and his well meaning intent in introducing and re-introducing and repeatedly promoting this novel concept to real property conversion; or what I have referred to as I have patiently responded to the many neighborhood groups who have asked me about my previous opposition to other incarnations of what is now SB 338 ( previously HB 2075; HB 2646; etc., etc.) as "eminent domain light."

This concept failed repeatedly before the Senate Local Government committee. As well it should for it truly is not as much about local governments; which already have sufficient means (through delinquent tax or "sheriff's" sales and/or code enforcement ordinances)" to abate blight or nuisance properties and to deed the same away to more responsible owners but about Commerce, or the making (here through an accelerated governmental taking) of money for the empowered often at the expense, in my opinion, of the underprivileged.

We have just heard from qualified Proponents to this bill who have enumerated several potential benefits; first for community housing development organizations (CHDO's), then, and hopefully, for the community that *might* have been disheveled by an empty, tax delinquent house OR, even more vague and disturbing, an empty house with this newly defined term: "blighting influence."

COMMITTEE ASSIGNMENTS

JUDICIARY  
PUBLIC HEALTH & WELFARE  
ETHICS, ELECTIONS & LOCAL GOVERNMENT

JOINT COMMITTEE ASSIGNMENTS

HEALTH POLICY OVERSIGHT  
STATE TRIBAL RELATIONS CHILDREN'S ISSUES  
CORRECTIONS & JUVENILE JUSTICE OVERSIGHT

For those here who don't know my personal legislative history, I ran for state office on the platform of renovating for private ownership rather than demolishing with tax-payer dollars old, vacant houses in my county. With chronic renter rates disproportionately high and with vacant lots not paying any taxes compared to what an occupied, restored residence would; I literally stood in front of a bulldozer and fought with City Hall to “stop wasting tax dollars to create vacant lots and create home ownership instead.”

Full disclosure here, Mister Chairman and Members of the Committee.

I have since bought, fixed to varying degrees and rented and sometimes sold to new residents many houses ( 23 to date ) ; many of which were empty and remained vacant for more than 90 days or more than 180 days (half a year). But just being “unoccupied” was NOT “abandoned.”

The loosely defined “blighting influence” as the trigger for selective enforcement by a municipality in favor of a CHDO over a potentially struggling property owner invokes my neutrality. Further, shortening the statutory delinquent tax standard does not necessarily define an indication of “abandonment.”

On one hand, I remain today a staunch proponent of taking long time vacant; tax delinquent; truly dilapidated houses away from negligent property owners who exhibit little or no concern about the appearance or the value of the surrounding neighborhood.

If the property is tax delinquent, it can be listed and sold in a delinquent tax or “sheriff’s” sale, as provided under current state law, to the highest bidder; including a CHDO, if it is so inclined.

If the property is truly blight, the municipality can issue citation(s) and compel the offending property owner to appear in court to defend and abate OR surrender title to the property to the city; or the CHDO, if they want, without further penalty.

If the property is simply “vacant” for a half a year or a year or ten years, that should not create, in my opinion at least Mr. Chairman, a causable action by a local government against a property owner. The real estate market, though rebounding, still has a relatively sluggish momentum.  
That's not necessarily “abandonment.” Nor blight. Nor even irresponsibility.

My full support for this bill would marry the three(3) elements of tax-delinquency with chronic vacancy with obvious neglect and disrepair to trigger a government's taking for a conversion.

If this measure is worked, I would offer that BALLOON amendment and would request all Proponents and Opponents to support, pass and implement with all deliberate speed.

Members of the Committee, I yield the balance of my time to the other NEUTRAL conferee here today and will be pleased to stand for any question(s) you might have at the appropriate time.