

HOUSE BILL No. 2380

By Committee on Judiciary

2-5

9 AN ACT concerning counties; relating to foreclosure and sale of real
10 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and
11 repealing the existing sections.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) During the period any real estate sold for delin-
15 quent taxes and bid in by the county is held by the county pending re-
16 demption or sale, pursuant to K.S.A. 79-2801, and amendments thereto,
17 the county may make, or may cause or permit any city within the county
18 or any organization described subsection (d) of K.S.A. 12-1750, and
19 amendments thereto, to make such repairs to any structure upon or in-
20 cluded within such real estate as may be needed to bring or maintain
21 such structure in compliance with minimum housing code standards.

22 (b) As a precondition of causing or permitting such repairs, the board
23 of county commissioners shall, at least 30 days prior to the date such
24 repairs are to be made, cause actual notice of the proposed date, descrip-
25 tion and estimated cost of the repairs to be given to all parties having or
26 claiming an interest in such real estate whose addresses are reasonably
27 ascertainable, and also by publication in a newspaper of general circula-
28 tion within the county. The content of the notice shall include a statement
29 of the board's intent to cause or permit the proposed repairs on the date
30 stated in the notice unless an action seeking hearing with respect to any
31 matter related to the proposed repairs has been filed in the district court
32 within the county and served upon the board. If notice has been given as
33 required and no such action has been filed and served upon the board
34 prior to the date of the proposed repairs as stated in the notice, the board
35 may proceed to cause or permit such repairs pursuant to this section on
36 or after the date stated in the notice.

37 (c) The cost of such repairs shall become part of the payment re-
38 quired for the exercise of any redemption right prior to the date of any
39 sale under K.S.A. 79-2803, and amendments thereto, and after the date
40 of any such sale, shall be treated as a cost incident to the sale under
41 subsection (a) of K.S.A. 79-2805, and amendments thereto, and shall, in
42 all cases, be repaid after the date of redemption or sale to the county,
43 city or organization that made the repairs.

1 Sec. 2. K.S.A. 79-2811 is hereby amended to read as follows: 79-
2 2811. (a) If real estate has been or shall be sold and bid by the county,
3 and the redemption period has expired, the board may sell such real estate
4 to provide affordable low-income housing or for community development
5 or economic development purposes which are hereby declared to be pub-
6 lic purposes. Any such sale shall not be subject to the provisions of K.S.A.
7 79-2801 et seq., and amendments thereto. *However, at least 30 days prior*
8 *to the proposed date of sale, the board shall cause actual notice of the date*
9 *and terms of the proposed sale to be given to all parties having or claiming*
10 *an interest in such real estate whose addresses are reasonably ascertain-*
11 *able, and also by publication in a newspaper of general circulation within*
12 *the county. The content of the notice shall include a statement of the*
13 *board's intent to proceed with the proposed sale on the date stated in the*
14 *notice unless an action seeking hearing with respect to any matter related*
15 *to the sale has been filed in the district court within the county and served*
16 *upon the board. If notice has been given as required and no such action*
17 *has been filed and served upon the board prior to the date of the proposed*
18 *sale as stated in the notice, the board may proceed with such sale pursuant*
19 *to this section on or after the date stated in the notice.*

20 (b) The board of county commissioners may abate any delinquent ad
21 valorem property taxes, special assessments or other special taxes on any
22 property sold pursuant to subsection (a). If such taxes or assessments are
23 not abated, any moneys received from the sale of such property shall be
24 apportioned in the manner provided by K.S.A. 79-2805, and amendments
25 thereto.

26 Sec. 3. K.S.A. 2006 Supp. 79-2401a is hereby amended to read as
27 follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and sub-
28 section (b), real estate bid off by the county for both delinquent taxes and
29 special assessments, as defined by subsection (c), shall be held by the
30 county until the expiration of two years from the date of the sale, subject
31 only to the right of redemption as provided by this section. Any owner or
32 holder of the record title, the owner's or holder's heirs, devisees, execu-
33 tors, administrators, assigns or any mortgagee or the owner's or holder's
34 assigns may redeem the real estate sold in the sale at any time within two
35 years after the sale by paying to the county treasurer the amount for which
36 the real estate was sold plus the interest accrued, all delinquent taxes and
37 special assessments and interest thereon that have accrued after the date
38 of such sale which remain unpaid as of the date of redemption and costs
39 and expenses of the sale and redemption, including but not limited to,
40 abstracting costs incurred in anticipation of a tax sale.

41 (2) Any abandoned building or structure and the land accommodat-
42 ing such building or structure bid off by the county for ~~both~~ *either* delin-
43 quent taxes ~~and~~ *or* special assessments, as defined by subsection (c), shall

1 be held by the county until the expiration of one year from the date of
2 the sale, subject only to the right of redemption as provided by this sec-
3 tion. Any owner or holder of the record title, the owner's or holder's heirs,
4 devisees, executors, administrators, assigns or any mortgagee or the
5 owner's or holder's assigns may redeem the real estate sold in the sale at
6 any time within one year after the sale by paying to the county treasurer
7 the amount for which the real estate was sold plus the interest accrued,
8 all delinquent taxes and special assessments and interest thereon that have
9 accrued after the date of such sale which remain unpaid as of the date of
10 redemption and costs and expenses of the sale and redemption, including
11 but not limited to abstracting costs incurred in anticipation of a tax sale.

12 When used in this subsection "abandoned building or structure and
13 the land accommodating such building or structure" shall mean a building
14 or structure which, for a period of at least one year, has been unoccupied
15 and which there has been a failure to perform reasonable maintenance
16 of such building or structure and the land accommodating such building
17 or structure.

18 (b) (1) Except as provided by paragraph (2), real estate which is a
19 homestead under section 9 of article 15 of the Kansas Constitution and
20 all real estate not described in subsection (a) shall be held by the county
21 until the expiration of three years from the date of the sale and may be
22 redeemed partially by paying to the county treasurer the amount of taxes
23 for which the real estate was sold for one or more years, beginning with
24 the first year for which the real estate was carried on the tax-sale book of
25 the county plus interest at the rate prescribed by K.S.A. 79-2004, and
26 amendments thereto, on the amount from the date the same was carried
27 on the sale book. Upon payment and partial redemption, the time when
28 a tax foreclosure sale may be commenced shall be extended by the num-
29 ber of years paid in the partial redemption.

30 (2) In Johnson county, real estate which is a homestead under section
31 9 of article 15 of the Kansas constitution and all real estate not described
32 in subsection (a) shall be held by the county until the expiration of three
33 years from the date of the sale and may be redeemed partially by paying
34 to the county treasurer the amount of taxes for which the real estate was
35 sold for one or more years, beginning with the most recent year for which
36 the real estate was carried on the tax-sale book of the county plus interest
37 at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on
38 the amount from the date the same was carried on the sale book.

39 (c) For the purpose of this act, the ~~term~~ terms "real estate bid off by
40 the county for both delinquent taxes and special assessments" and "*real*
41 *estate bid off by the county for either delinquent taxes or special assess-*
42 *ments*" shall include only real estate on which there are delinquent taxes
43 of a general ad valorem property tax nature and delinquent special as-

1 assessments or other special taxes levied by a city, county or other munic-
2 ipality in response to a petition or request of the landowners. Upon pub-
3 lication of the listing of real estate subject to sale under the provisions of
4 K.S.A. 79-2302, and amendments thereto, the clerk of any city, county
5 or other municipality which has levied special assessments during the past
6 10 years shall certify to the county treasurer those listed parcels of real
7 estate which are located within a special assessment district, but no parcel
8 shall be so certified unless the public improvement was constructed pur-
9 suant to a petition or request of one or more landowners sufficient to
10 authorize the improvement under the applicable statutory special assess-
11 ment procedure used by the city, county or other municipality.

12 (d) If at the expiration of the redemption period, the real estate has
13 not been redeemed, the real estate shall be disposed of by foreclosure
14 and sale in the manner provided by K.S.A. 79-2801 et seq., and amend-
15 ments thereto.

16 Sec. 4. K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a are hereby
17 repealed.

18 Sec. 5. This act shall take effect and be in force from and after its
19 publication in the statute book.