

**SENATE BILL No. 319**

By Committee on Federal and State Affairs

2-6

10 AN ACT concerning counties; relating to foreclosure and sale of real  
11 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and  
12 repealing the existing sections.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

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

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

40 (c) The cost of such repairs shall become part of the payment re-  
41 quired for the exercise of any redemption right prior to the date of any  
42 sale under K.S.A. 79-2803, and amendments thereto, and after the date  
43 of any such sale, shall be treated as a cost incident to the sale under

1 subsection (a) of K.S.A. 79-2805, and amendments thereto, and shall, in  
2 all cases, be repaid after the date of redemption or sale to the county,  
3 city or organization that made the repairs.

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

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

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

1 abstracting costs incurred in anticipation of a tax sale.

2 (2) Any abandoned building or structure and the land accommodat-  
3 ing such building or structure bid off by the county for ~~both~~ *either* delin-  
4 quent taxes ~~and~~ *or* special assessments, **or both**, as defined by subsection  
5 (c), shall be held by the county until the expiration of one year from the  
6 date of the sale, subject only to the right of redemption as provided by  
7 this section. Any owner or holder of the record title, the owner's or  
8 holder's heirs, devisees, executors, administrators, assigns or any mort-  
9 gagee or the owner's or holder's assigns may redeem the real estate sold  
10 in the sale at any time within one year after the sale by paying to the  
11 county treasurer the amount for which the real estate was sold plus the  
12 interest accrued, all delinquent taxes and special assessments and interest  
13 thereon that have accrued after the date of such sale which remain unpaid  
14 as of the date of redemption and costs and expenses of the sale and  
15 redemption, including but not limited to abstracting costs incurred in  
16 anticipation of a tax sale.

17 When used in this subsection "abandoned building or structure and  
18 the land accommodating such building or structure" shall mean a building  
19 or structure which, for a period of at least one year, has been unoccupied  
20 and which there has been a failure to perform reasonable maintenance  
21 of such building or structure and the land accommodating such building  
22 or structure.

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

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

1 (c) For the purpose of this act, the ~~term~~ *terms* “real estate bid off by  
2 the county for both delinquent taxes and special assessments” and “*real*  
3 *estate bid off by the county for either delinquent taxes or special assess-*  
4 *ments*”, **or both**, shall include only real estate on which there are delin-  
5 quent taxes of a general ad valorem property tax nature ~~and~~ **or** delinquent  
6 special assessments, **or both**, or other special taxes levied by a city, county  
7 or other municipality in response to a petition or request of the land-  
8 owners. Upon publication of the listing of real estate subject to sale under  
9 the provisions of K.S.A. 79-2302, and amendments thereto, the clerk of  
10 any city, county or other municipality which has levied special assessments  
11 during the past 10 years shall certify to the county treasurer those listed  
12 parcels of real estate which are located within a special assessment district,  
13 but no parcel shall be so certified unless the public improvement was  
14 constructed pursuant to a petition or request of one or more landowners  
15 sufficient to authorize the improvement under the applicable statutory  
16 special assessment procedure used by the city, county or other  
17 municipality.

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

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

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