

Approved: March 18, 1998  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:12 a.m. on March 16, 1998 in Room 514S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Legislative Research Department  
Gordon Self, Revisor  
Mary Blair, Committee Secretary

Conferees appearing before the committee: Martha Neu Smith, Kansas Manufactured Housing Association

Others attending: see attached list

**HB 2676 - An act relating to mobile and manufactured homes**

Conferee Smith, testified as a proponent of **HB 2676**, a bill which she states "provides for a more timely process in the disposal of valueless mobile and manufactured homes that have been abandoned in manufactured home parks." She explained the current process for disposing of abandoned mobile/manufactured homes and stated that this bill eliminates the sheriff's sale portion. (attachment 1) Discussion followed. Officials from the Kansas Motor Vehicle Department were present and stated they had no problem with the bill. Senator Goodwin moved to pass the bill out favorably. Senator Harrington seconded. Motion carried.

The meeting adjourned at 10:24 a.m. The next scheduled meeting is Wednesday March 18.





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**TESTIMONY BEFORE  
THE  
SENATE  
JUDICIARY COMMITTEE**

TO: Senator Tim Emert, Chairman and  
Members of the Committee

FROM: Martha Neu Smith, Executive Director

DATE: March 16, 1998

RE: HB 2676 - providing for disposition of valueless mobile and manufactured homes

Mr. Chairman and Members of the Committee, my name is Martha Neu Smith and I am the executive director for Kansas Manufactured Housing Association (KMHA) and I appreciate the opportunity to comment. KMHA is a statewide trade association representing all facets of the manufactured housing industry.

I am here today to ask for your support of HB 2676. This bill provides for a more timely process in the disposal of **valueless** mobile and manufactured homes that have been abandoned in manufactured home parks.

HB 2676 defines valueless as, the value of the home and other personal property is equal to or less than the reasonable cost of disposal plus all sums owing to the real property owner pertaining to the home.

HB 2676 uses two existing laws; K.S.A. 58-25,121 to define abandonment (A tenant is considered to have abandoned a mobile home when the tenant has been absent from the mobile home without a reasonable explanation for 30 days or more during which time there is a default of rent three days after rent is due or when the rental agreement is terminated) and K.S.A. 58-227 for the statutory lien process (Notice of such lien shall be given by the lessor by causing written notice of such lien to be posted conspicuously upon such manufactured home or mobile home for 30 days).

*Senate Judiciary*  
3-16-98  
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Currently the real property owner goes through the following process when a mobile/manufactured home has been abandon in a manufactured home park:

- Real property owner gives proper notice of lien (posted 30 days) K.S.A. 58-227
- Real property owner then forecloses & executes the order K.S.A. 58-227 (c )
- Real property owner waits for sheriff sale to dispose of abandoned mobile/manufactured home.

HB 2676 makes one change to this process; it eliminates the sheriff sale. So, if the mobile/manufactured home meets the definition of abandonment, meets the definition of valueless **and** there is no lien of record other than a tax lien, the real property owner would still post proper notice of lien, enforce and foreclose on that lien, but would then give written notice to the county treasurer within ten days of foreclosure. The notice would include a description of the valueless home, its owner or occupant's name and address, if known, date of removal OR the name and address of any disinterested third party to whom a new title should be issued.

At this point HB 2676 gives the real property owner two options, have the home disposed of OR give it to a disinterested third party. If the home is given to a disinterested third party, the real property owner CANNOT receive money or anything of value when the home is turned over. Also, any tax lien is canceled and a new title is issued upon payment of a title fee by the third party.

It is important to note, while the elimination of the sheriff sale is new to manufactured housing industry in Kansas, this law has been used in Iowa since July 1, 1995, and to my knowledge has not had any problems or challenges.

In closing, we feel HB 2676 makes a reasonable change to the current process dealing with valueless homes abandoned in parks, the change is minor AND still provides due process to the homeowner through the posting of the lien (K.S.A. 58-227) and through the foreclosure process (K.S.A.58-227(c) ). Without this change, the real property owner may be dealing with the abandoned home and the upkeep (mowing and heating bills) associated with it for months after foreclosure.

I respectfully ask for your support of HB 2676.

Thank you.