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MITCH HOLMES

33RD DISTRICT

BARTON, EDWARDS, HODGEMAN, KIOWA, LANE, NESS,
PAWNEE, PRATT, RICE, RUSH, SCOTT & STAFFORD COUNTIES

Thank you, Madam Chair and committee members, for hearing this bill and the opportunity to speak on the topic. I chaired the interim committee that was charged with studying this subject, so have heard testimony of the magnitude of the problem, as well as seeing and talking first hand to neighbors, police, firemen, and city officials on a committee field trip here in Topeka.

This issue has been around for many years, but has been controversial due to the danger of violating private property rights. While I am a supporter of property rights, I acknowledge the need to address this issue because of the rights of other property owners, as well as the safety of the people who live in effected neighborhoods.

Here are the three main causes abandoned properties.

- Death of owner and disinterested heir
- Owner moved out and does not pay taxes or respond to notices
- Mortgage firms accounting issues

Documentable problems:

- Magnet for criminal activity
 - Drug use
 - Theft – like copper
 - Gang “turf”
 - Sexual assault of children
- Problems for Cities
 - Can’t arrest for trespassing unless posted
 - Concealment of criminal activity
 - Clock starts over with minimal payment
 - Fire hazard
 - Statewide Issue
- Problems for neighbors
 - Fear for selves and children
 - Devalued property

I would propose an amendment for the committee to consider based on testimony and conversations on the subject.

(a) Enforcing officers, including police officers or sheriff's deputies, shall have authority to place a no trespassing sign on the property;

(b) enforcing officers, including police officers or sheriff's deputies, shall have authority to remove visual impediments, including, but not limited to, trees and shrubs, that could conceal criminal activity; and

(c) the county may require full redemption of delinquent property taxes owed on the vacant property instead of allowing partial redemption and extension of the time when a tax foreclosure sale may be commenced as provided by K.S.A. 79-2401a(b).

A property becomes "vacant property" when:

(1) The property that has been vacant for 90 days or more;

(2) Delinquent property taxes due on the property in any amount; and

(3) city or county has made a reasonable attempt but has not been able to contact the property owner or the owner is unresponsive.