

**Report of the
Subcommittee on SB 84
to the
Senate Committee on Commerce**

CHAIRPERSON: Senator Jeff Melcher

OTHER MEMBERS: Senators Oletha Faust-Goudeau and Jeff Longbine

STUDY TOPIC: SB 84 – An Act concerning cities; relating to the qualifications and rehabilitation of abandoned property.

Report

Conclusion and Recommendations

The Subcommittee recommends SB 84 be amended and the bill, as amended, be passed.

Proposed Legislation: An amendment that would revise the definition of “blighting influence” and change the alternative purpose for nonprofit corporations to temporarily possess private property.

BACKGROUND

SB 84, introduced by the Senate Committee on Commerce at the request of Representative Frownfelter, was heard before the Senate Commerce Committee on February 5 and 10.

On February 11, Chairperson Lynn appointed a Subcommittee—Senator Melcher, Chairperson, and Senators Faust-Goudeau and Longbine—to consider the bill. The Subcommittee was directed to report to the full Committee as soon as possible.

COMMITTEE ACTIVITIES

The Subcommittee met on February 13.

It heard additional testimony from Senator Pilcher-Cook, who expressed concern that a broad definition for “blighting influence” could negatively affect property rights in ways unintended by the bill. Suggesting abandoned property could be reconsidered in the future, Senator Pilcher-Cook said the financial means used by nonprofit organizations to rehabilitate housing should be taken into account as well.

A representative of the Kansas Association of Realtors explained the judicial process used to temporarily take possession of property and rehabilitate it. During the proceedings, absent property owners are given notice and may retain their property if certain conditions are met. An amendment, similar to legislation that was passed by the House in 2014, was offered for the Subcommittee’s consideration.

A representative of the City of Topeka stated support for the bill and the offered amendment.

Representative Frownfelter, expressing appreciation for the work done by the other conferees on the bill, noted many abandoned properties are over 50 years old and are located on relatively small lots that, if the buildings were razed, do not readily lend themselves for new residential construction.

A representative from the League of Kansas Municipalities, speaking in support of the bill, said cities take seriously the authority to take possession of private property, which can be an expensive undertaking.

CONCLUSIONS AND RECOMMENDATIONS

The Subcommittee recommends an amendment, as was suggested during its hearing, which would revise “blighting influence” by deleting reference to morals and welfare, by deleting reference to light and inserting ventilation in its place, and by deleting reference to the building’s exterior and grounds and inserting reference to violation of property maintenance codes. The amendment would delete the alternative purpose for rehabilitating property, using it for community or economic development, and insert reference for the property to be used for ancillary facilities related to housing, such as infrastructure, open space, parks, and parking facilities.

The Subcommittee recommends the bill, as amended, be passed.