

SENATE BILL NO. 84

By Committee on Commerce

1-27

AN ACT concerning cities; relating to the qualifications and rehabilitation of abandoned property; amending K.S.A. 2014 Supp. 12-1750 and 12-1756a and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 12-1750 is hereby amended to read as follows: 12-1750. As used in this act:

(a) "Structure" means any building, wall or other structure.

(b) "Enforcing officer" means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act.

(c) "Abandoned property" means:

(1) Any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding 90 days; or

(2) any residential real estate which has been unoccupied continuously by persons legally in possession for the preceding 180 days and which has a blighting influence on surrounding properties; or

(3) commercial real estate for which the taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties. "Commercial real estate" means any real estate for which the present approved use is other than one to four residential units or for agricultural purposes.

(d) "Blighting influence" means conditions in such structure which are dangerous or injurious to the health, safety or morals or welfare, including, but not limited to economic welfare, of the occupants of such buildings or other residents of the municipality or which have an adverse impact on properties in the area. Such conditions may include, but are not limited to, the following: Defects increasing the hazards of fire, accident, or other calamities; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; dead and dying trees; limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property; the neighborhood or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof;

Kansas Association of REALTORS® Proposed Balloon Amendment

- (1) Tighten definition of "blighting influence"
- (2) Eliminate the ability of municipalities to seize property and transfer control for economic development purposes
- (3) Clarify that violations of property maintenance regulations fit within this definition of "blighting influence"
- (4) Eliminate reference to "community development purposes" and instead specify which categories of uses the property can be used for after rehabilitation

lack of ventilation

1 vermin infestation; ~~inadequate drainage or any violation of health, fire,~~
2 ~~building or zoning regulations.~~

3 (c) "Organization" means any nonprofit corporation organized under
4 the laws of this state and which has among its purposes the improvement
5 of housing.

6 (f) "Rehabilitation" means the process of improving the property into
7 compliance with applicable fire, housing and building codes.

8 (g) "Parties in interest" means any owner or owners of record,
9 judgment creditor, tax purchaser or other party having any legal or
10 equitable title or interest in the property.

11 (h) "Last known address" includes the address where the property is
12 located, or the address as listed in the tax records.

13 Sec. 2. K.S.A. 2014 Supp. 12-1756a is hereby amended to read as
14 follows: 12-1756a. (a) (1) An organization may file a petition with the
15 district court for an order for temporary possession of property if:

16 (1) (A) The property meets the definition of abandoned as set forth in
17 K.S.A. 12-1750, and amendments thereto;

18 (2) (B) the organization intends to rehabilitate the property and use
19 the property as housing or for ~~community development or economic~~
20 ~~development purposes~~; and

21 (3) (C) the organization has sent notice to the enforcing officer and
22 the parties in interest of the property, by certified or registered mail,
23 mailed to their last known address and posted on the property at least 20
24 days but not more than 60 days before the date the petition is filed, of the
25 organization's intent to file a petition for possession under K.S.A. 12-1750
26 through 12-1756e, and amendments thereto.

27 (2) The governing body of any city may file a petition with the district
28 court for an order for temporary possession of property if:

29 (A) The property meets the definition of abandoned as set forth in
30 K.S.A. 12-1750, and amendments thereto;

31 (B) the governing body of the city filing a petition under this section
32 has designated an organization to rehabilitate the property;

33 (C) the organization designated under subsection (a)(2)(B) intends to
34 rehabilitate the property and use the property as housing or for ~~community~~
35 ~~development or economic development purposes~~; and

36 (D) the governing body of the city filing the petition under this
37 section has sent notice to the enforcing officer and the parties in interest of
38 the property, by certified or registered mail, mailed to their last known
39 address and posted on the property at least 20 days but not more than 60
40 days before the date the petition is filed, of the governing body's intent to
41 file a petition for possession under K.S.A. 12-1750 through 12-1756e, and
42 amendments thereto.

43 (b) The proceeding shall be commenced by filing a verified petition

or property maintenance codes

ancillary facilities relating to
housing, including but not limited to
infrastructure, open space, parks
and parking facilities

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