



To: House Committee on Local Government
From: Councilwoman Lavonta Williams, On Behalf of the Wichita City Council
Date: Mar. 23, 2017
Subject: HB 2404 Rehabilitation of Abandoned Property

Chairwoman Williams, Vice Chairman Thimesch, Ranking Member Alcalá, and honored members of the House Local Government Committee, thank you for the opportunity to provide testimony in support of cleaning up abandoned housing in our communities. The City of Wichita strongly supports HB 2404 as we have supported previous legislation. We do so because our constituents whose property values suffer from abandoned structures in their neighborhoods want us to do more. For them, the status quo is not working. They are suffering now. I hope this testimony will underscore the need to equip cities with tools to address their concerns and maintain safe, healthy, and vibrant communities.

I ask you to please pay special attention to the photos attached to the end of my testimony. In this case, a few pictures may truly be worth a thousand words.

HB 2404 and SB 31 are the result of a multiyear collaborative process reflecting the feedback of many public, private, and nonprofit interests.

- There is a sunset clause to ensure accountability.
- Proponents have listened closely to opponents' concerns and made corresponding changes strengthening measures to provide notice to interested parties.
- Due process is protected; this remains a court process.
- This is not a cure-all but a valuable tool to help address what has become a very large problem in cities of all sizes.

I want to stress that as Wichita and other cities do everything possible to work with owners and many others to abate blight, foremost in our minds are always property rights. However, if we are going to truly respect property rights, shouldn't we also value the rights of property owners who live in close proximity to abandoned housing? We ask: what about their rights?

It is not our intent to take any property from any owner; this is emphatically *not* eminent domain we are talking about here. Far from it, this bill would only address cases in which the owner of a house has *abandoned* it, is *not paying taxes*, and is *unresponsive*.

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In Wichita, the City Council and staff have worked tirelessly to address blight in our neighborhoods for more than a decade. Blight negatively impacts the property values and living conditions of all of our citizens. Even though we are using the tools at our disposal including code enforcement, we have seen blighted house after blighted house go through years of neglect, attracting crime and unsafe conditions.

When code enforcement efforts don't work, condemnation cases and demolition are a last resort. Here are condemnation case numbers in Wichita for the last five years:

Condemnation Cases	2012	2013	2014	2015	2016
Initiated	13	20	26	24	16
Closed	30	17	18	34	20

Too often, this blight is caused by a property owner who has abandoned it, and either cannot be reached or is unresponsive. The longer an abandoned structure is left to the elements, the less likely anyone will be able to save it. It feels like we are racing the clock, and in too many cases, losing.

We strongly believe that progress can be realized when we work together to protect our communities. Residents do their part by notifying City Hall when blight develops in their neighborhoods. Some even go above and beyond by trying to directly address these concerns for the sake of their own quality of life. Local organizations use their expertise and resources to rehabilitate and construct high-quality, affordable housing units that have helped to transform entire neighborhoods.

However, currently one unresponsive owner can short-circuit this process to the detriment of an entire neighborhood. This bill will give us an opportunity to significantly reduce the number of houses that finally end up in condemnation and are torn down. A fair number of properties that we end up tearing down could be saved if they were in the hands of someone who could rehabilitate them. We understand we cannot reach all of the properties that need attention. Even so, by assisting our community partners to more fully carry out their missions and rehabilitate abandoned properties causing a detrimental effect on the surrounding area, we can decrease the impact of blight and revive distressed communities more quickly. We can and will do so while still respecting and protecting individual property rights.

To address abandoned housing, cities need just a little more authority to intervene between the time a property exhibits multiple code violations and when, in the worst cases, it is finally demolished. In most cases today, demolition occurs months or years after initial contact, and even demolition does not solve the problem of the vicious cycle (illegal dumping, etc.) It is sad that, had the legal mechanisms existed to do so, many of these demolished structures could have been salvaged, rehabilitated, and returned to the tax rolls.

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The status quo is not working for Kansas neighborhoods. On behalf of our residents who have pleaded with us to do something more, I plead with you to support this common sense legislation. Each of us has a responsibility to maintain and improve the wellbeing and quality life in our cities, our neighborhoods and our state. As a fellow elected official, I assure you that the expertise and capacity exists in our cities to accomplish this. Please help us take this one step to make all of our communities more safe, healthy, and vibrant.

Thank you for your time and consideration.

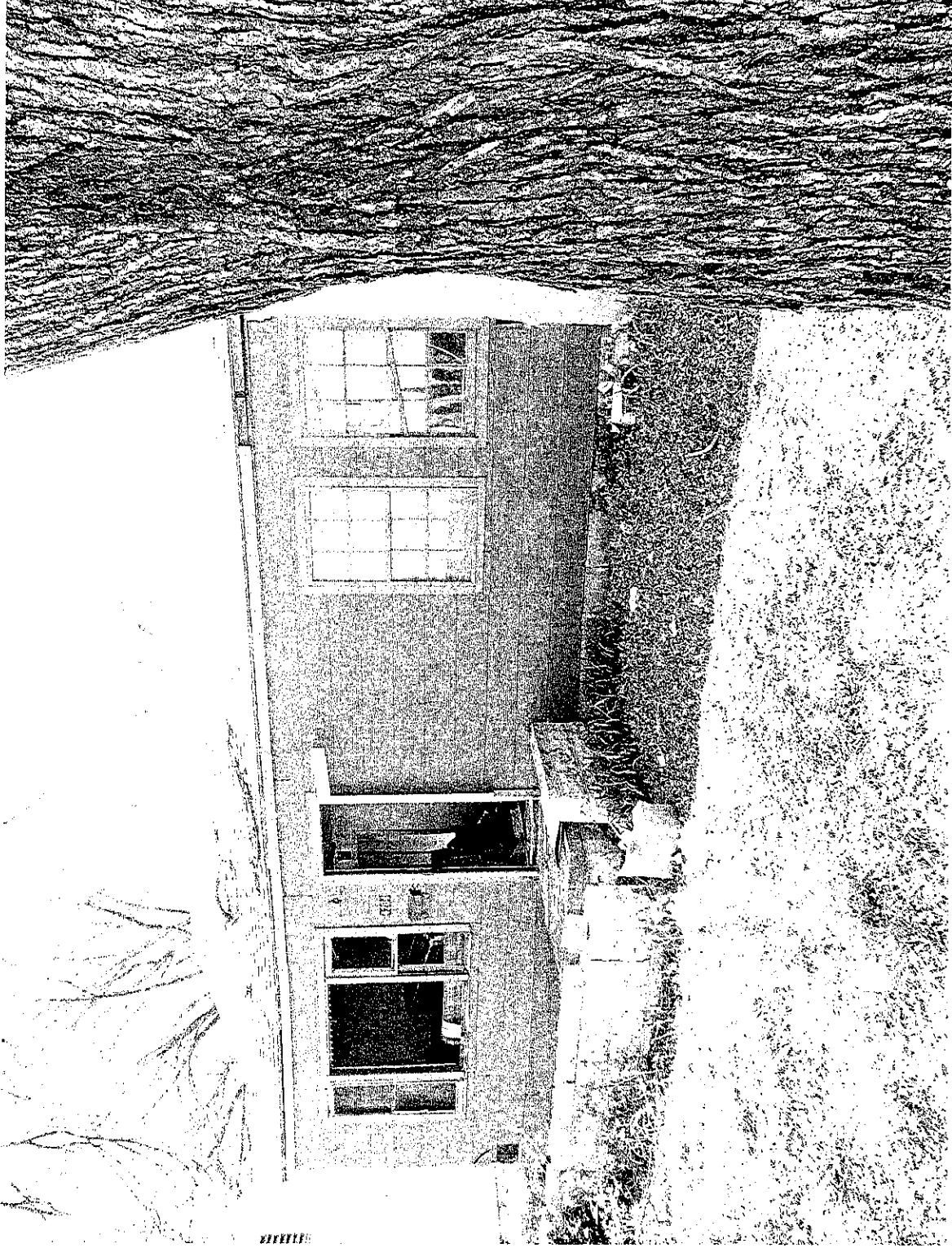
(The following images are representative of the hundreds of abandoned housing cases in our city.)

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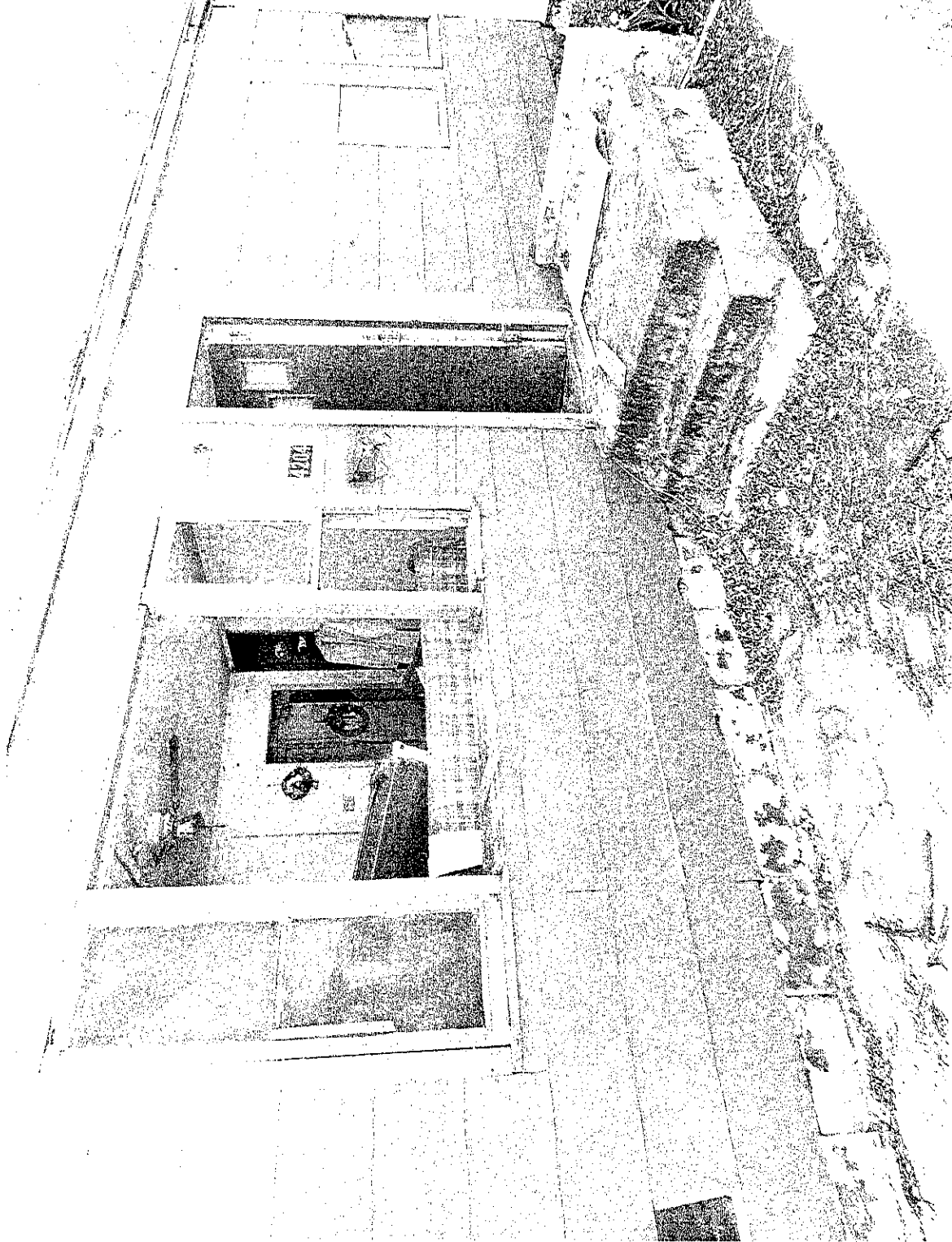
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Once the structure was unsecure, vagrants and vandals got involved. They broke out the windows and rummaged through the contents. With the structure being open, the contents were exposed to the elements, and the cats continued to use the structure as a refuge. The inside of the house became full of mold and cat urine and fecal matter, in addition to the deceased cats. The odor emitted from this property was beyond description and had a tremendous impact on the quality of life for the neighbors.



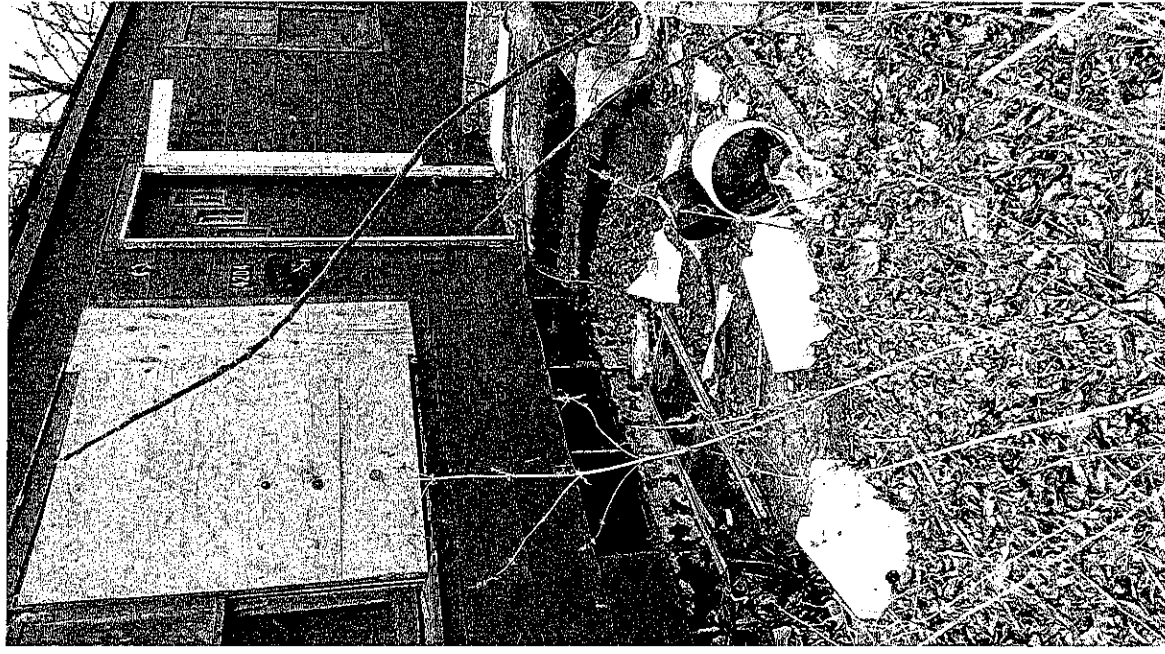
4204 E. Menlo

The residents/owners of this property abandoned it in 2010. Although gainfully employed by the KTA, the homeowner did nothing to maintain the property and when it became uninhabitable, he and wife abandoned it, leaving behind a large number of cats. For a short time they continued to come back to the house and feed the cats. When they stopped, unknown neighbors kicked the door in to rescue the cats trapped inside. A number of cats had already expired.

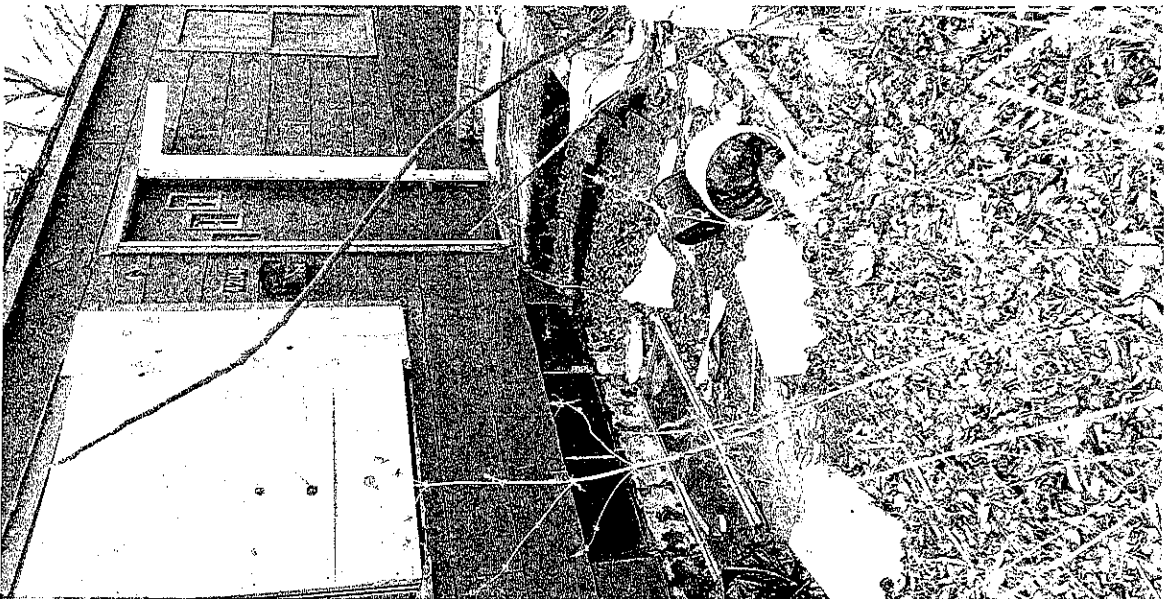
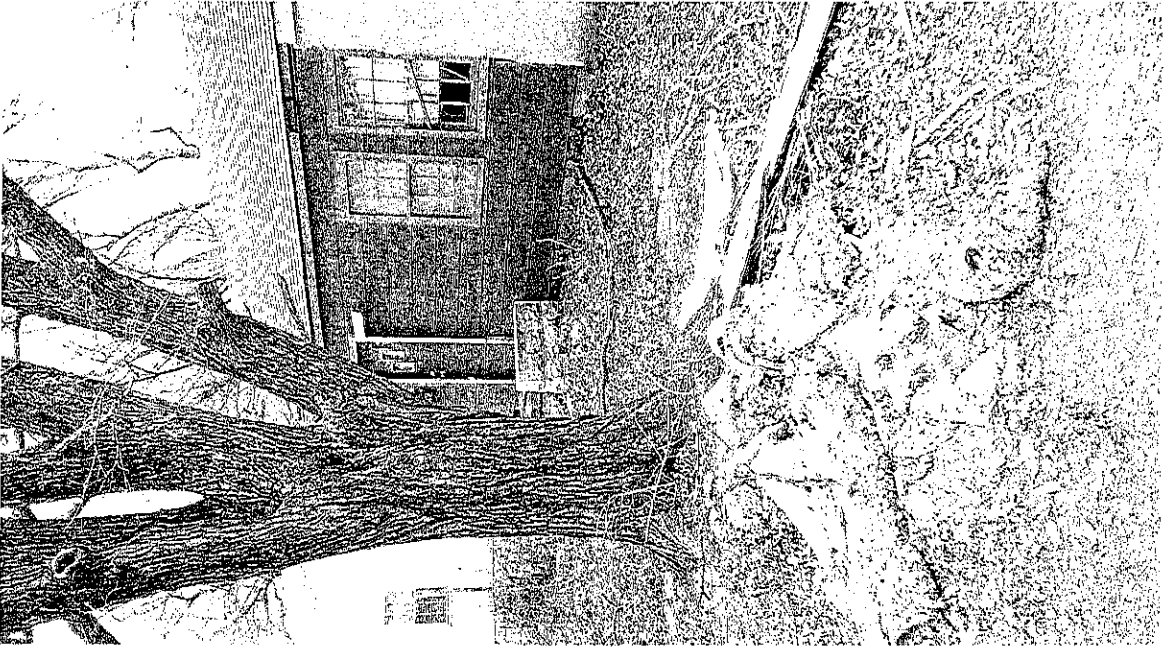


These photos were taken in April of 2016. The structure was left in this condition for 3-4 years.



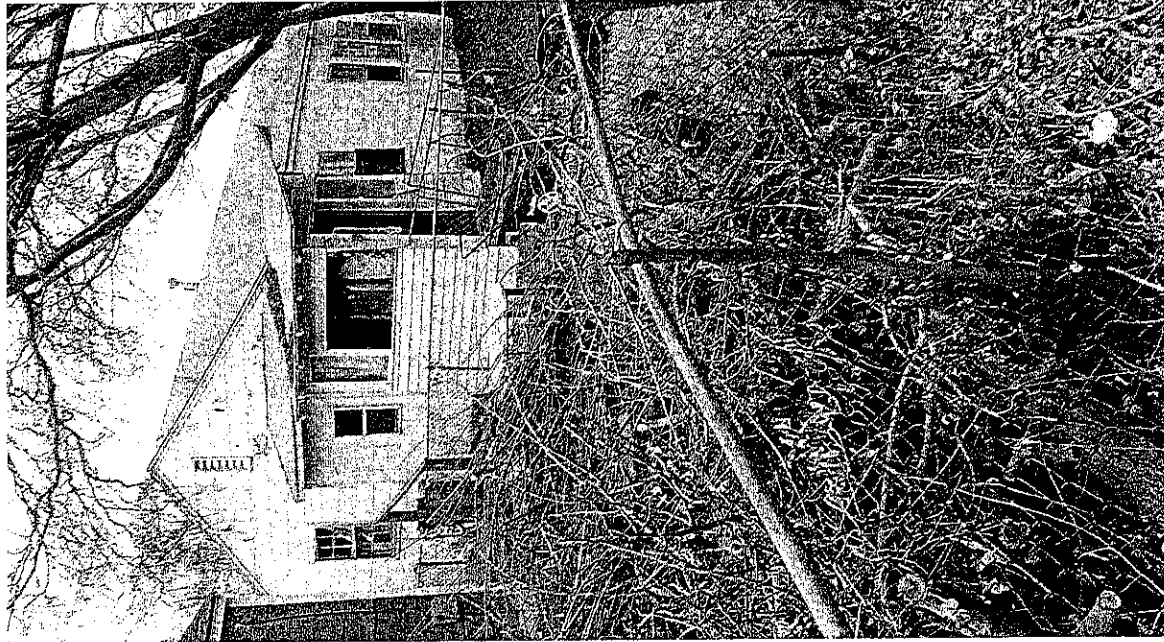
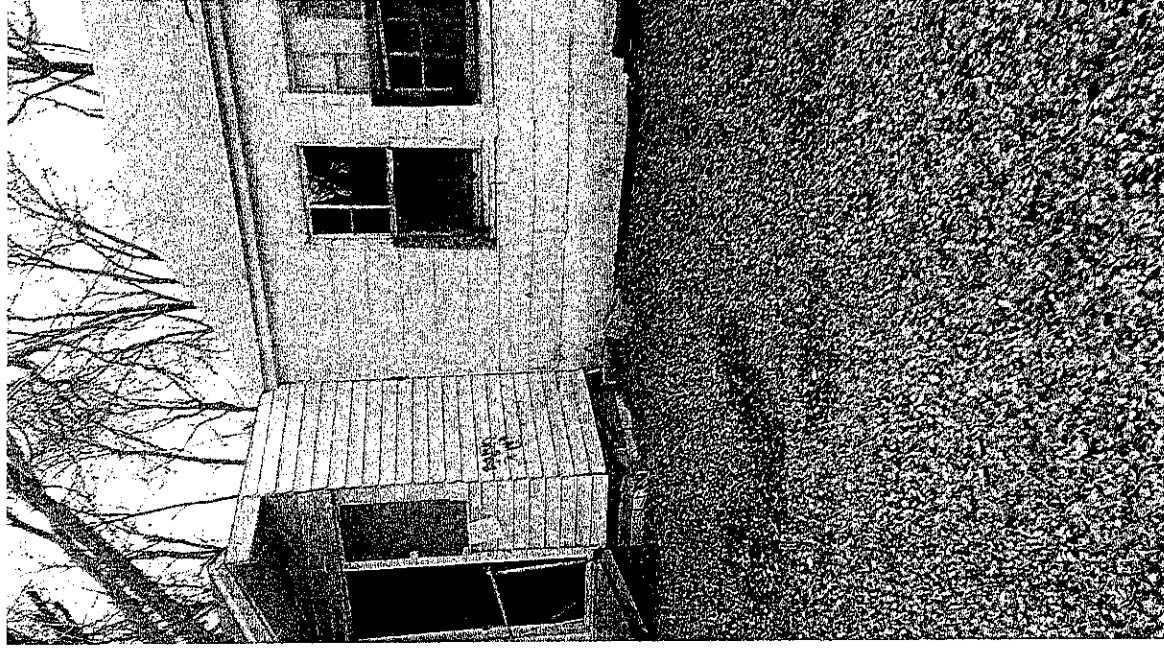


This is the condition of the property in January 2017. There are still feral cats living on the premises. The City boarded up the property in December of 2016, but additional windows have been broken out since then. While taking these photographs last Friday, neighbors approached City staff and pleaded to get something done with this property.



4448 E. Bayley

This property has a long history with the City and the neighborhood. When the property owners were alive they failed to maintain the property and now that they are deceased, it is five years delinquent in property taxes and the neighbors report it is being used by prostitutes, drug dealers and thieves. The neighbors' homes have been broken into and they are constantly vigilant as to what is occurring on this property. The structure's electrical system failed and the previous owners used stereo wire to rewire it. It is hoarded and infested with rodents and cockroaches.





Other problem properties in the same neighborhood

