



TESTIMONY

HOUSE LOCAL GOVERNMENT COMMITTEE

HB 2506

An Act concerning cities; relating to the rehabilitation of abandoned property

Whitney Damron
On behalf of the City of Topeka
January 23, 2018

PROPONENT

Good afternoon Madam Chair Williams and Members of the Committee. I am Whitney Damron and I appear before you today as a proponent of HB 2506 relating to the rehabilitation of abandoned housing.

Many of you have heard my testimony before, as this legislation has been around in one form or another for the past 6-7 years and close to this version for the past three years with a version vetoed by Governor Brownback in 2016. Since that time, we have continued to work with interested parties and make refinements to the bill, which includes additional changes made since this committee considered a related bill last session, HB 2404.

The Revisor's Office does an excellent job walking through the bill, so I will dispense with that from my testimony. Rather, I would like to highlight the substantive changes this legislation has seen since last session and make a few points on what this legislation is intended to do and what it is not intended to do.

Deputy City Manager Doug Gerber will testify on the importance of this legislation to the City of Topeka and why it has been a legislative priority for the past four years.

Changes from 2017 Version:

1. The bill will have only one definition of abandoned residential property, which essentially melds exiting law with the second definition we have worked with for the past several years:
 - Residential real property for which taxes are delinquent for the preceding two years;
 - Has been unoccupied continuously for the preceding 15 months by person lawfully in possession; and
 - Has a blighting influence on surrounding properties as defined in the bill.

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2. We have included an amendment added to a similar bill in the Senate last session that gives the owner, should they become known and subject themselves to the jurisdiction of the Court, an ability to halt proceedings under the Act and accept responsibility to bring the property into code compliance within 90 days.
3. The authority under the bill is limited to rehabilitation of abandoned housing and cannot be used for ancillary facilities, such as parks, parking lots and parking facilities.
4. We have included language requiring notification by a city utilizing the process to any neighbors located within 200 feet of the property and any existing neighborhood improvement association (or related association).

What this bill does and does not do:

First and foremost, this bill relates to abandoned property. It is not intended to address situations where the property owner is known and subject to service of process and court jurisdiction. The bill is not a tool to allow cities to accumulate abandoned property for transfer to third party developers or owners; cities do not want to own these properties – they want responsible owners and tenants living in them, neighborhoods kept up, taxes paid, and safe neighborhoods for all concerned. Cities have the requisite tools to deal with code violations if they have a property owner to cite.

The bill is an attempt to address very unique circumstances where, for whatever reason, a residential property has been abandoned by its lawful owner or owners and no one can be located and held responsible for its upkeep.

Cities would not keep bringing this legislation forward if current law provided an alternative solution. Currently, in instances of significant code violations that impact public safety, cities can cite a known owner if process can be served or the alternative is to demolish the house under dangerous structures statutes. In the latter instance, the city has the expense for demolition and is unlikely ever to be repaid by the property owner for the \$7,500 - \$15,000+ cost of demolition, as well as the the inherent obligation after demolition to care for a vacant lot forever.

On behalf of the City of Topeka, we respectfully ask for your favorable support of HB 2506 to fill in the gap between code violations and dangerous properties by giving cities the ability to work in between those two extremes with a nonprofit to address abandoned properties.

I am pleased to stand for questions at the appropriate time.

Thank you.

Whitney Damron