



*Sedgwick County...
working for you*

Metropolitan Area Building and Construction Department

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To: Chairman Thompson, Kansas House Committee on Local Government

Re: HB 2238; Sedgwick county urban area nuisance abatement act

From: Chris W. Labrum, Director, Metropolitan Area Building and Construction Department

Chairman Thompson and members of the committee. My name is Chris Labrum and I'm here representing Sedgwick County in support of HB 2238, the Sedgwick county urban area nuisance abatement act.

For clarification purposes, a nuisance is a dangerous condition that exists on a property. For example, a structure that has been partially burned down that is at risk of collapsing would be considered a nuisance. Pursuant to many municipal codes, property owners are expected to remedy nuisance conditions on their property. If time passes and the property owner has failed to address those nuisance conditions, cities and even improvement districts have statutory authority to remove, or abate, those nuisances. Counties, however, do not have nuisance abatement powers. In counties, property owners may be cited for violations of county resolutions, but if a property owner fails, refuses, or is unable to remedy a nuisance in the county, the nuisance is allowed to remain.

Sedgwick County has approximately 500,000 residents, with approximately 40,000 people living outside of city limits. This means that there are several areas within the unincorporated area of Sedgwick County with relatively dense populations, making the hazards and impacts of nuisances greater than might be in more sparsely populated rural areas. Pursuant to the Kansas Constitution, the legislature may designate areas in counties that have become urban in character as urban areas. Sedgwick County has been defined as an urban area. HB 2238 would only grant nuisance abatement powers to Sedgwick County, as an urban area. It would not impact any other counties.

House Bill Number 2238 would allow Sedgwick County to utilize self-help powers to abate nuisances. However, before initiating any nuisance abatement, Sedgwick County would first have to obtain a judgment against the property owner for violation of a county resolution. So before any nuisance abatement would begin, a judge would have already found that the property is in violation of a resolution that would support a nuisance finding. Then, after that judgment, and as a part of the nuisance abatement process, the property owner would be afforded notice and an opportunity to request a constitutional due process hearing on the potential nuisance abatement. If after all of these procedural steps have been followed, this bill would then allow the County to charge the property owner for those costs of taking care of the nuisance. If the costs remain unpaid, then the County would be able to assess those costs against the property as a special assessment.

House Bill Number 2238 would afford Sedgwick County an effective means to protect the health and safety of residents in the unincorporated areas of Sedgwick County. We intend to utilize any nuisance abatement powers sparingly and only as a last resort to address nuisance properties that might otherwise languish for years. In summary, Sedgwick County respectfully requests your support for HB 2238.