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To: House Local Government Committee

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Subject: **HB 2544** -- Opposing Changes to the Definition of “Abandoned Housing” in the Kansas Abandoned Housing Act to Avoid Unintended Consequences for Kansas Property Owners

Chairman Huebert and members of the House Local Government Committee, thank you for the opportunity to testify today on behalf of the Kansas Association of REALTORS® in opposition to **HB 2544** that would modify the definition of “abandoned property” under the Kansas Abandoned Housing Act. Through the comments expressed herein, it is our hope to provide additional legal and public policy context to the discussion on this issue.

KAR is the state’s largest professional association, representing nearly 8,000 members involved in both residential and commercial real estate and advocating on behalf of the state’s 700,000 homeowners for over 90 years. REALTORS® serve an important role in the state’s economy and are dedicated to working with our elected officials to create better communities by supporting economic development, a high quality of life, sustainable communities and providing affordable housing opportunities, while protecting the rights of private property owners.

As currently drafted, **HB 2544** would modify the definition of “abandoned property” under the Kansas Abandoned Housing Act to allow a local government to seize residential real property as “abandoned property” when the property taxes are delinquent on the property for the preceding two years or the property has been unoccupied and vacant continuously by persons legally in possession for the preceding 120 days. Under current law (which was just amended during the 2010 Legislative Session), the property must be two years delinquent on property taxes and the property must have been unoccupied and vacant for the preceding 90 days.

Unfortunately, **HB 2544** would completely obliterate the procedural protections for property owners built into the current statute and would technically allow a local government to seize a property as “abandoned property” when the property has been vacant for over 120 days, even though the property owner has paid all the outstanding property taxes due on the property. In an extreme example, a property owner who is current on their property tax payments could go on vacation or visit relatives for four months and come back to face a court proceeding from the local government wishing to seize the property as “abandoned property” under the amended statute.

In our opinion, the current language in the statute addresses the definition of “abandoned property” in a very effective and fair manner. By amending the definition to change the “and” to an “or” as in **HB 2544**, the Kansas Legislature would effectively be giving local governments the green light to seize any property as “abandoned property” under the statute when the property owner has left the property for an extended period of time, even if the property taxes on the property are completely current and paid.

For all the foregoing reasons, we would urge the members of the House Local Government Committee to strongly oppose the provisions of **HB 2544**. Once again, thank you for the opportunity to provide comments on **HB 2544** and I would be happy to respond to questions from committee members at the appropriate time.