



# CITY OF TOPEKA

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OFFICE OF THE MAYOR  
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## **Senate Bill 31**

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

## **TESTIMONY**

**CITY OF TOPEKA**

**January 26, 2017**

On behalf of the City of Topeka, we respectfully submit these comments from selected public officials and municipal department leaders in support of SB 31.

**Larry Wolgast**  
**Mayor, City of Topeka**  
**Past President, League of Kansas Municipalities (2016)**

As Mayor of Topeka, I know firsthand that abandoned and blighted properties have become one of the major areas of concern and complaint for our citizens in recent years. Our city is in the midst of a renaissance of sorts in our downtown area with many exciting projects completed, in progress or planning. However, as a mature city, we have neighborhoods with properties that suffer from neglect and disrepair. The problems become more challenging when owners simply abandon these properties or are no longer responsive to legal notice to repair. Too often this leads to the structures falling into disrepair, becoming a fire hazard, becoming a source of criminal activity or becoming a sanctuary for vagrants or the homeless. This situation leads to a disproportional increase in police and fire calls to the property and the continued decline has a blighting influence on the entire neighborhood resulting loss of property value to surrounding properties.

Cities have tools to address dangerous structures, albeit not a good one: Tear the property down and then likely become the caretaker for a vacant lot forever. We also have tools to deal with code compliance issues when the owner can be served with legal process and held accountable in court. Unfortunately, the former is not our preference and the latter does not help with properties that have been abandoned. SB 31 would give a city a tool to use in extreme cases where the owner of a property is simply not able to be found and the property has a blighting influence on surrounding properties and constitutes a health or safety threat. On behalf of the City of Topeka, we respectfully request your support for SB 31.

**Doug Gerber  
Interim City Manager  
City of Topeka**

It is an exciting time to be in Topeka. The changes taking place in the city are vibrant and exciting. Unfortunately, one area of continued concern is the blighted and abandoned properties throughout the city. As a city, we want to address these concerns. However, our approach to resolving the blighted and abandoned properties can be more difficult because of owners that do not care and abandon these properties. This in turn promotes difficulties in other areas of municipal operations, whether it is additional criminal activity, increased fire hazard, or a haven for homelessness. Finally, it cannot be understated that the most serious concern posed by these properties is that blighting influence that they have on the entire neighborhood. This vicious cycle too often manifests itself in the loss of property values for entire areas of the city.

I have had the opportunity to serve in leadership roles in communities, large and small, across our great state. Although I speak for the City of Topeka on this issue, I can assure you that this is an issue that all communities face. It is a challenge for communities with the resources of Topeka and even more challenging for communities with fewer resources.

We all strive to serve our citizens to make our communities more livable. Having additional legislative tools to accomplish that goal will benefit citizens in Topeka and across the state. On behalf of the City of Topeka, we respectfully request your support for SB 31.

**Chief K. Kramer  
Chief of Police, Topeka Police Department  
City of Topeka**

The abandonment of houses and/or structures are a constant drain on first responder resources and other city resources to manage the risk these properties propagate.

These places are nuisances which offer a harborage to carry on criminal activities while promoting squatting, stripping of copper wire and plumbing, prostitution, rape, assault and battery, narcotic activity, storage of stolen property, fugitive sanctuaries, and many other activities which destroy the quality of life in a neighborhood.

Children are naturally curious, and abandoned run down houses are an attractive nuisance. Children are fascinated with these places because of the unknowns and may want to explore the “scary house” on the block. This innocent exploration can bring them face to face with the ill intended criminal, sexual predator and unseen danger. Abandoned houses are fraught with dangers like broken glass, rotten floor boards, diseased pets, feral animals, and people who would harm the child in a dark place beyond the natural surveillance of the community.

Law Enforcement prescribe to “broken windows theory” and Crime Prevention Through Environmental Design (CPTED). “Broken Windows” basically offers that if a window is broken and not fixed, other windows will be broken as there is no caretaker, or at least none who cares, making it easier and easier for more vandalism to occur, graduating to criminal damage and escalating to more devastating criminal activity. Basically, blight begets blight as succinct as it can be explained. CPTED puts a purposeful design in place to maximize natural surveillance, define authority, define boundaries, and create a safer environment. Abandoned houses and/or structures effectively negates this design.

Additionally, abandoned houses are attractive to arsonists. Not only are police called on these, but the fire department responds. This creates a dangerous situation beyond the fire, as fireman will need to search for any human life. Since abandoned houses rarely have custodians who can be contacted quickly, or not at all, first responders put their selves at needless risk.

**Sasha Haehn**  
**Director of Neighborhood Relations**  
**City of Topeka**

Abandoned housing has a devastating impact on the quality of life and livability of the neighborhoods they are surrounded by. Neighbors and property owners who surround these blighted and abandoned properties are helpless against the negative impact to their own property values that this blight brings. Likewise, they are often held hostage in their own homes by the criminal and undesirable activity that surrounds these abandoned and neglected houses. Community members share experiences of fear and mistrust in their neighborhoods as they deal with the criminal activity that is attracted to abandoned homes on the block. Parents fear for the safety of their children from the activity on the block and children are no longer allowed to play outside or walk to school. Neighbors keep doors locked and curtains closed in attempts to protect themselves, and soon neighbors are no longer visiting over fences or on front porches and security of community is lost. This erosion of the livability and quality of life in our aging and at-risk neighborhoods is not a result of the actions of those living in these once vibrant neighborhoods and communities, but rather the inaction or inability of deceased, absent or unknown property owners whose properties are quickly sliding into decline and pulling the neighborhood along with them.

**Mike Haugen**  
**Manager, Division of Property Maintenance Code Enforcement**  
**City of Topeka**

Abandoned houses are indicators of blight, which reduce the quality of life for the surrounding community. The “Broken Window Theory” is reality in neighborhoods dealing with abandoned housing. Not only do these unmaintained structures negatively impact neighboring property values, failure to maintain these properties leads to an overall decline in the maintenance to entire neighborhoods. Abandoned houses attract crime and criminals. With little to no oversight, abandoned houses provide a haven for criminal activity and a danger to those living near them. Dangerous crime such as drug activity, prostitution, sexual assault and murder regularly occur in or around abandoned properties. Police and the Property Maintenance resources are spend dealing with the lack of maintenance and responsible ownership of abandoned property, with taxpayers footing the bills. Virtually every abandoned house I have secured contained drug paraphernalia, signs of prostitution activity and stolen property. Residents of surrounding property are fearful of an environment containing abandoned houses, which in return limits healthy outdoor activities. Finally, these properties are frequent targets of arson, which puts the neighbors, the homeless and our firefighters in danger.

**Seth K. Brackman**  
**Chief of Prosecution, Legal Department**  
**City of Topeka**

Our office has the duty and the privilege to both enforce code violations as well as protect individuals' constitutional rights throughout the legal process. The City of Topeka Prosecution Office has worked closely with Code Enforcement Officers to ensure the citizens in our community are receiving proper service as it is our goal to fix and repair the properties rather than to prosecute an individual or business for failing to comply with City Ordinance. Our Code Enforcement Officers do an excellent job working with the citizens and answering any questions he or she may have to promote compliance. It is only after the citizens fail to take any action that the prosecution office files charges. Even after charges are filed, our office seeks to work with citizens regarding the time needed to find sufficient funds as well as additional time to complete such projects. Additionally, we provide contact information for community resources/organizations that are available to assist citizens in completing the projects.

This joint effort to fix and rebuild, however, is impossible when dealing with abandoned property as defined by the amended language in SB 31. The new language addresses a large hole in our system, which provides an intense process a City may follow to reclaim abandoned property and promote the welfare of our City. As the law is written now, our City has its hands tied behind its back and is not able to take action to adequately protect our citizens. The Prosecution Office continues to work within the constraints of the current system to prosecute violations on abandoned property, but to no avail. This does not affect the woman in the nursing home who is not living at her house, but rather the individual in New York who has never seen the property he or she owns and does not care to maintain the property for the safety of those who live close by.

The new language in SB 31 does not provide an avenue for abuse as the legal process will ensure individual constitutional rights are protected; rather, it will finally provide the cities with a legal avenue to take action on properties that meet the definition of 'abandoned' to protect the community as well as closing the loop hole being abused by uninterested, indifferent "owners".

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For additional information, please contact the City Manager's Office:

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