

Substitute for SENATE BILL NO. 31

By Committee on Ethics, Elections and Local Government

AN ACT concerning cities; relating to the sale of abandoned property; amending K.S.A. 12-1751, 12-1752 and 12-1753 and K.S.A. 2016 Supp. 12-1750 and repealing the existing sections; also repealing K.S.A. 12-1756c, 12-1756d and 12-1756f and K.S.A. 2016 Supp. 12-1756a, 12-1756b, 12-1756e and 12-1756g.

Be it enacted by the Legislature of the State of Kansas:

Section. 1. K.S.A. 2016 Supp. 12-1750 is hereby amended to read as follows: 12-1750.

As used in this act:

(a) "Structure" means any building, wall or other structure.

(b) "Enforcing officer" means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act.

(c) (1) "Abandoned property" means:

~~(A)~~ Any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding 90 days; ~~or~~

~~(B)~~ any residential real estate that has been unoccupied continuously by persons legally in possession for the preceding 15 months and that has a blighting influence on surrounding properties, unless the exterior of the property is being maintained and the property is either the subject of a probate action, action to quiet title or other ownership dispute, or the property is subject to a mortgage; or

(C) commercial real estate for which the taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties. "Commercial real estate" means any real estate for which the present approved use is other than one to four residential units or for agricultural purposes.

(2) "Abandoned property" shall not mean any real estate where the owner of such real estate is known and has expressed in writing to the governing body a desire to retain ownership and maintain such real estate and has brought the property into code compliance within 90 days of such expressed desire.

(d) "Blighting influence" means conditions in such structure which are dangerous or injurious to the health, safety or ~~morals~~ welfare of the occupants of such buildings or other residents of the municipality ~~or which have an adverse impact on properties in the area~~. Such conditions may include, but are not limited to, the following: Defects increasing the hazards of fire, accident, or other calamities; air pollution; ~~light or~~ lack of sanitary facilities; dilapidation; disrepair; structural defects; ~~uncleanliness; dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood;~~ unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; ~~inadequate drainage;~~ or any violation of health, fire, building or property maintenance codes or zoning regulations which constitute a health or safety threat.

~~(e) "Organization" means any nonprofit corporation organized under the laws of this state and which has among its purposes the improvement of housing.~~

~~(f) "Rehabilitation" means the process of improving the property into compliance with applicable fire, housing and building codes.~~

~~(g) "Parties in interest" means any owner or owners of record, judgment creditor, tax purchaser or other party having any legal or equitable title or interest in the property.~~

(h) "Last known address" includes the address where the property is located, or the

address as listed in the tax records.

The provisions of subsection (c)(2) shall expire on July 1, 2021.

Sec. 2. K.S.A. 12-1751 is hereby amended to read as follows: 12-1751. (a) The governing body of any city shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous.

(b) The governing body of any city shall have the power to cause the ~~rehabilitation of~~ ~~or to rehabilitate~~ sale of any abandoned property located within the city.

Sec. 3. K.S.A. 12-1752 is hereby amended to read as follows: 12-1752. Whenever the enforcing officer files with the governing body of the city a statement in writing that any structure, describing the same and where located, is unsafe or dangerous or is abandoned property, the governing body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures or ~~rehabilitated~~ sold in the case of abandoned property. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

Sec. 4. K.S.A. 12-1753 is hereby amended to read as follows: 12-1753. On the date fixed for hearing or any adjournment thereof, the governing body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the statement and

shall make findings by resolution. If the governing body of the city finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. If the governing body of the city finds that such structure is abandoned property, the governing body may authorize the ~~rehabilitation~~ sale of such property as provided by ~~K.S.A. 12-1756a~~ section 5, and amendments thereto. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed in the case of unsafe or dangerous structures or ~~rehabilitated~~ sale in the case of abandoned property.

New Sec. 5. (a) Any city that has determined that property meets the definition of abandoned property as defined in K.S.A. 12-1750, and amendments thereto, may file a petition in district court seeking the court's determination that such property is abandoned.

(b) If the court finds such property has been abandoned, the court shall issue an order allowing the city to initiate a judicial tax foreclosure sale as provided in K.S.A. 79-2801 et seq., and amendments thereto.

Sec. 6. K.S.A. 12-1751, 12-1752, 12-1753, 12-1756c, 12-1756d and 12-1756f and K.S.A. 2016 Supp. 12-1750, 12-1756a, 12-1756b, 12-1756e and 12-1756g are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.