

To: House Committee on Local Government
From: Spencer Duncan, Government Affairs Director
Date: February 1, 2023
RE: HB 2083 – Vacant Property Registry Pre-emption
In Opposition – Verbal Testimony

Thank you to the Chair and Committee for the opportunity to provide this testimony today.

HB 2083 is over-reach legislation to concerns that can be remedied at the local level, while ignoring Constitutional Home Rule and the desire of Kansans to have local governments make these determinations. The League, and Kansas cities, respectfully ask you to vote NO on HB 2083.

Passing legislation that negatively impacts every city while letting thousands of purposefully neglectful property owners off the hook - to satisfy a small number of interests whose problems can be solved locally - is not good policy.

We encourage the groups with concerns to make a good faith efforts to work with cities to address the problems before they continue to ask for Legislative remedy. The League will work with them on these issues and help provide solutions to pass on to cities to adopt.

Those pushing for passage of HB 2083 represent a small fraction of vacant property holders that blight our cities. The concerns they have can be fixed locally with the cities who have a registry. These solutions include providing bankers a grace period during the time they cannot put a property on the market or allowing realtors to show if they (or the owner) are making a good faith effort to sell a property, fees can be waived or reduced during that period.

Vacant properties present significant problems for cities. The longer a property remains vacant, the greater the possibility it becomes beyond reusable and is a target for property crimes and criminal behavior. Cities utilize registries to better monitor vacant commercial and residential property to stave off and prevent these harmful effects.

Deterioration of structures leads to blight that lowers the value of neighboring properties and acts as a hinderance to development.

For reasons that are simply head-scratching, there are property owners who choose to leave a structure vacant instead of selling it or putting it to use. Others pay local code compliance fines, do the bare minimum, and leave properties vacant. Cities are already hindered by laws which hamper the ability to expedite processes to hold these owners accountable. A Vacant Property Registry is another tool to encourage these derelict owners to rehab or sell their property.

Sixty-two years ago, Kansas voters approved Constitutional Home Rule powers allowing cities to conduct their affairs to reflect the direct will of the residents. The Constitutional directive to you

is clear: citizens of Kansas want local governments to make these decisions for their communities. HB 2083 contradicts the Constitutional right of local self-governance by removing any ability for local consideration of whether these regulations are appropriate for a municipality.

As this issue can be resolved at the local level, it does not rise to a level that requires your intervention. In fact, consideration of HB 2083 ignores Article 12, Section 5 of the Kansas Constitution. This is clear in Article 12, Section 5(d), where it states, "*Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.*"

It is not in the best interest of a city to adopt policies that drive away business from the community or turn people off from living in their city. Just as citizens across the state must trust in those that serve in the Legislature, this Legislature must trust in the work being done by local elected officials and the citizens who elect them.

It is OK for cities across Kansas to look different and adopt different policies. Businesses and citizens can decide for themselves what communities they want to live and do business in. Over time, cities will adjust and adopt policies reflective of what attracts businesses and residents.

Please support Constitutional Home Rule, recognize this problem has a local fix that does not require Legislative intervention, and vote NO on HB 2083.

I am always available to provide more information and answer any questions.

A handwritten signature in blue ink that reads "Spencer".

Spencer Duncan

Government Affairs Director

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