

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2083

By Committee on Local Government

1-19

1 AN ACT concerning real property; creating the Kansas vacant property
2 act; prohibiting municipalities from imposing certain fees and other
3 requirements on vacant property.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) This section shall be known and may be cited as the
7 Kansas vacant property act.

8 (b) As used in this section:

9 (1) "Municipality" means any city, county, township or other political
10 or taxing subdivision;

11 (2) "vacant property" means any parcel of residential or commercial
12 real estate that:

13 (A) For property consisting of a single unit, is not occupied; or

14 (B) for property consisting of multiple units, has one or more units
15 that are not occupied.

16 (c) No municipality shall adopt or enforce any ordinance, resolution
17 or regulation and no agent of any municipality shall take any
18 administrative action that requires any owner, operator, ~~or manager,~~
19 ~~lienholder or mortgagee~~ of any vacant property **or any legal or equitable**
20 **mortgagee or lienholder with an interest in any vacant property** to:

21 ~~(1) Register or otherwise submit such property to such municipality~~
22 ~~for inclusion in a record of vacant properties maintained by such~~
23 ~~municipality or any agent thereof;~~

24 ~~(2) Pay any tax, fee or other charge for such property if such tax, fee~~
25 ~~or other charge is levied, assessed or otherwise imposed on the basis that~~
26 ~~such property is vacant property, *except that if a municipality requires*~~
27 ~~*registration of vacant property, a municipality may charge a fine in an*~~
28 ~~*amount not to exceed:*~~

29 ~~(A) \$100 as a penalty for failure to register a building as vacant~~
30 ~~property within 60 days after receiving written notice from the~~
31 ~~municipality that such building must be registered; and~~

32 ~~(B) \$300 as a penalty for failure to register a building as vacant~~
33 ~~property if such building is not registered as vacant property within 30~~
34 ~~days after receipt of written notice of failure to register, which notice~~

1 ~~shall be mailed by certified mail}; or~~

2 ~~(2)~~ pay any tax, fee or other charge for a legal mortgagee,
3 equitable mortgagee or lienholder to enforce a mortgage or lien by judicial
4 means; or

5 **(3) impose any responsibility of property ownership, such as**
6 **repair, maintenance or security, on a legal or equitable mortgagee or**
7 **lienholder.**

8 (d) Any **provision of any** ordinance, resolution or regulation **that**
9 **requires the payment of any tax, fee or other charge that is** prohibited
10 by subsection (c) that was adopted prior to July 1, 2023, shall be null and
11 void.

12 (e) For purposes of this section, property shall be considered vacant
13 regardless of the cause of such vacancy, ~~including, but not limited to,~~
14 ~~default, foreclosure, probate or bankruptcy.~~

15 (f) Nothing in this section shall be construed to prohibit or otherwise
16 limit a municipality from adopting or enforcing any ordinances,
17 resolutions or regulations concerning vacant property that are applicable to
18 other real property located in such municipality.

19 Sec. 2. This act shall take effect and be in force from and after its
20 publication in the statute book.