

HOUSE BILL No. 2247

By Committee on Taxation

2-4

9 AN ACT concerning cities; relating to rehabilitation of abandoned
10 houses; amending K.S.A. 2008 Supp. 12-1750, 12-1756a and 12-1756g
11 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2008 Supp. 12-1750 is hereby amended to read as
15 follows: 12-1750. As used in this act:

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

17 (b) "Enforcing officer" means the building inspector or other officer
18 designated by ordinance and charged with the administration of the pro-
19 visions of this act.

20 (c) "Abandoned property" means any residential real estate for which
21 taxes are delinquent ~~for the preceding two years~~ and which has been
22 unoccupied continuously by persons legally in possession for the preced-
23 ing ~~180~~ 90 days.

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

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

29 (f) "Parties in interest" means any owner or owners of record, judg-
30 ment creditor, tax purchaser or other party having any legal or equitable
31 title or interest in the property.

32 (g) "Last known address" includes the address where the property is
33 located, or the address as listed in the tax records.

34 Sec. 2. K.S.A. 2008 Supp. 12-1756a is hereby amended to read as
35 follows: 12-1756a. (a) An organization may file a petition with the district
36 court for an order for temporary possession of property if:

37 (1) The property meets the definition of abandoned as set forth in
38 K.S.A. 12-1750, and amendments thereto;

39 (2) the organization intends to rehabilitate the property and use the
40 property as housing; and

41 (3) the organization has sent notice to the enforcing officer and the
42 parties in interest of the property, by certified or registered mail, mailed
43 to their last known address and posted on the property at least 20 days

1 but not more than 60 days before the date the petition is filed, of the
2 organization's intent to file a petition for possession under K.S.A. 12-1750
3 through 12-1756e, and amendments thereto.

4 (b) The proceeding shall be commenced by filing a verified petition
5 in the district court in the county in which the property is located. The
6 petition shall state that the conditions specified in subsection (a) exist. All
7 parties in interest of the property shall be named as defendants in the
8 petition. Summons shall be issued and service shall be made pursuant to
9 K.S.A. 60-303, and amendments thereto. Service may be made by pub-
10 lication if the organization with due diligence is unable to make service
11 of summons upon a defendant pursuant to subsection (a)(3) of K.S.A. 60-
12 307, and amendments thereto.

13 (c) Any defendant may file as part of such defendant's answer, as an
14 affirmative defense, a plan for the rehabilitation of the property and ev-
15 idence of capacity and resources necessary to complete rehabilitation of
16 the property. The court shall grant the defendant 90 days to bring the
17 property into compliance with applicable fire, housing and building codes
18 and to pay all delinquent ad valorem property tax. For good cause shown,
19 the court may extend the ninety-day compliance period *for an additional*
20 *90 days*. If the property is brought into such compliance within the ninety-
21 day period or extension of time thereof, the petition shall be dismissed.
22 If the defendant fails to bring the property into such compliance within
23 the ninety-day period or extension of time thereof, or if the defendant's
24 plan is otherwise insufficient, the defendant's affirmative defense shall be
25 stricken.

26 (d) At the hearing on the organization's petition, the organization
27 shall submit to the court a plan for the rehabilitation of the property and
28 present evidence that the organization has adequate resources to reha-
29 bilitate and thereafter manage the property. For the purpose of devel-
30 oping such a plan, representatives of the organization may be permitted
31 entry onto the property by the court at such times and on such terms as
32 the court may deem appropriate.

33 (e) The court shall make its own determination as to whether the
34 property is in fact abandoned consistent with the terms of K.S.A. 12-1750
35 through 12-1756e, and amendments thereto.

36 (f) If the court approves the petition, the court shall enter an order
37 approving the rehabilitation plan and granting temporary possession of
38 the property to the organization. The organization, subject to court ap-
39 proval, may enter into leases or other agreements in relation to the prop-
40 erty. Whether the court approves or denies the petition, the organization
41 shall provide the governing body a copy of the order within 30 days of
42 the organization's receipt or knowledge of such order.

43 Sec. 3. K.S.A. 2008 Supp. 12-1756g is hereby amended to read as

1 follows: 12-1756g. Any person who purchases a house from an organi-
2 zation which has rehabilitated such house pursuant to K.S.A. 12-1750 et
3 seq., and amendments thereto, shall agree to occupy such house for at
4 least ~~three years~~ *one year* following the date of taking title to such
5 property.

6 Sec. 4. K.S.A. 2008 Supp. 12-1750, 12-1756a and 12-1756g are
7 hereby repealed.

8 Sec. 5. This act shall take effect and be in force from and after its
9 publication in the statute book.