

BEFORE THE HOUSE
LOCAL GOVERNMENT COMMITTEE
IN NEUTRALITY TO HOUSE BILL 2404 (2017)
AN ACT CONCERNING CITIES;
QUALIFICATIONS & REHABILITATION OF ABANDONED PROPERTIES

Thursday, March 23, 2017 1:30 PM

Madame Chair; Members of the Committee:

Thank you for taking time to hear this bill and to consider the Testimony on all sides of it.
I register today as a NEUTRAL Conferee to HB 2404; On Rehab of “Abandoned” Properties.

I'll be brief here.

Over the years, I have patiently responded to the neighborhood groups who have asked me about my previous opposition to other incarnations of what is now HB 2404 and is, currently, SB 31. Amended in the Senate's Ethics, Elections & Local Government by an amendment (one which I humbly ask this Committee to consider, IF HB 2404 is actually worked), SB 31 passed out of the Senate Committee by only one vote, on a day when one committee member who openly opposes SB 31 was absent from the committee. SB 31 was vigorously debated on General Orders yesterday (March 22) before the Senate and returned, by voice vote, to the Senate Committee of Ethics, Elections & Local Government for further study. Last year, HB 2404 (SB 31) was known as SB 338 ...which did pass both Chambers of the Kansas Legislature but the Governor wisely vetoed ...and, also previously HB 2075; HB 2646; etc., etc. in outlying years. I have referred to this novel concept to real property conversion as, simply, “eminent domain light.”

In his Veto Message on SB 338 just last year in 2016, Governor Brownback opined “Government should protect property rights and ensure that the less advantaged are not denied the liberty to which every citizen is entitled.”

I, Senator David Haley (WY), in my ONLY Constitutional Protest in, then, twenty-three years of Legislative service in opposing SB 338 said “The property rights of legal property owners should not be infringed upon by this Legislature. Marginal or fragile property owners...will be set upon by keen-eyed, out of county based developers sheltered by an industrious ‘not-for-profit’ which uses the city and district court to harass and ultimately take the land, all in the name of ‘civic pride’ or ‘community betterment.’ Theft.”

And a bi-partisan House Explanation of Vote opposing SB 338 observed “...allowing our local governments to expeditiously confiscate, seize or destroy law abiding citizens’ private property without compensation, adequate notice, and a legal property title.”

Incredible how so wide an array of political philosophies can reach the simultaneous conclusion. No one likes blight. And no responsible entity should want to protect any irresponsible, tax delinquent person or entity from depreciating a community by not maintaining responsibilities as a property owner.

But, finding no attached entity or person to stand for these charges of dereliction is not a condition for “abandonment” in this bill. Were truly no person or entity to be found to represent the ownership interest, I would heartily support this bill’s intent; give the property to the city to give to a not-for-profit to renovate, resale and make substantial profit from.* Further, the loosely defined “blighting influence” as the trigger for selective enforcement by a municipality in favor of a CHDO over a potentially struggling property also owner invokes my neutrality. Finally, in my book, an extended vacancy of a structure is not ever, in and of itself, tantamount to “abandonment” nor is failure, or inability, to have paid property taxes for two (2) or more years.

On one hand, I remain today a staunch proponent of taking long time vacant; tax delinquent; truly dilapidated houses away from negligent property owners who exhibit little or no concern about the appearance or the value of the surrounding neighborhood.

If the property is tax delinquent, it can be listed and sold in a delinquent tax or “sheriff’s” sale, as provided under current state law, to the highest bidder; including a CHDO, if it is so inclined.

If the property is truly blight, the municipality can issue citation(s) and compel the offending property owner to appear in court to defend and abate OR surrender title to the property to the city; or the CHDO, if they want, without further penalty.

My full support for the bill marries the THREE (3) elements of tax-delinquency with chronic vacancy with obvious neglect and disrepair to trigger a government’s taking for a conversion.

PLEASE consider adding an “identifiable owner” amendment as the Senate Committee added should this bill come to a vote,* and members of the Committee, I yield the balance of my time to the other NEUTRAL conferee(s) here today and will be pleased to stand for any question(s) you might have at the appropriate time.

Respectfully Submitted,
David Haley (WY)
Senator / Kansas