



# CITY OF TOPEKA

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To: House Local Government  
From: Amanda L. Stanley, City Attorney  
Date: Tuesday, March 21, 2023  
Re: Neutral Testimony - HB 2083

Madam Chair McGinn and Members of the Committee:

On behalf of the City of Topeka, we respectfully submit these comments on HB 2083 and are neutral on the bill as written.

In the House Local Government Committee, we provided testimony in opposition to HB 2083 as it was drafted and worked with the proponents following the hearing to craft amendments to the bill that addressed most of their concerns as well as the City's primary objective, which is to retain the ability to have a vacant property ordinance that requires affected property owners to comply with registration requirements of our ordinance.

## **Background.**

Neglected and chronically vacant buildings are a major cause and source of blight in both residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant neglected buildings and/or substandard or unkempt buildings discourage economic development and adversely affect property values. It is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare.

In the last 20 years, Topeka has had 949 fires in vacant buildings resulting in approximately \$12.3 million in property loss. 58 firefighters were injured in these fires. In the past 18 months there have been 97 fires in vacant buildings resulting in one civilian death.

Communities across the country are adopting registration programs in an effort to combat blight in their neighborhoods. These programs offer increased scrutiny, increased and up-to-date contact information for communities and a financial incentive for properties to be moved from vacant, distressed and deteriorating to productive use in the community and a contributing property to the overall value of the community and are supported by studies showing that vacant property registration ordinances lowered both foreclosures and the negative spillover effects of vacancy on the surrounding neighborhood.<sup>1</sup>

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<sup>1</sup> Arnab Biswas, Chris Cunningham, Kristopher Gerardi, and Daniel Sexton, Federal Reserve Bank of Atlanta Working Paper. Foreclosure Externalities and Vacant Property Registration Ordinances (November 2019); Fitzpatrick, Thomas J., Lisa Nelson, Francisca G.-C. Richter, and Stephan Whitaker. "Can Local Ordinances Prevent Neighborhood Destabilization?" Housing Policy Debate 26, no. 3 (2016): 517-35.

The City's proposed ordinance on vacant property went before our governing body three separate times in late 2019 allowing ample times for citizen comments and amendments regarding the length of time before a property is considered vacant, the amount of fees to be charged, etc. to create the correct balance for our community. Several community organizations participated in the review process, including the Citizen's Advisory Council, the Shawnee County Landlord's Association, and attendees of the City's first Landlord Expo held in October 2018.

There are key protections built into our ordinance. Our governing body wanted to ensure this registry was made up of only the truly vacant properties and not ones being renovated, owned by snowbirds, currently actively attempting to be sold, etc. A property is not required to register until it has been vacant for more than 6 months and is only considered vacant when certain conditions are met such as disconnected utilities or past due utilities, a buildup of trash and debris, unsanitary, stagnant swimming pools. A property is not considered vacant if an owner is performing renovation activities.

Ultimately the ordinance was passed on November 19, 2019 establishing the legal framework for the Vacant and Foreclosed Property Registration programs. The actual program was launched in March 2021. The program is being operated internally by City Staff who are working with care to ensure only actual vacant properties are being cited. Once fully implemented the benefits will be significant.

We have continued to have conversations with key stakeholders and are working at the local level to resolve concerns as they arise. Ordinances, much like statutes, are constantly a work in progress as we see what works and what needs modified in response to our local citizens, banks, and other key stakeholders.

Our program is in the beginning stages but we have already seen benefits to the community and our City. We are aware of vacant structures being brought back to compliance and rented, properties sold and properties getting worked on to avoid or get off the rental registration. We have gained elusive owner contacts and began dialogue with other owners. Once Property Maintenance can get this program fully implemented, these benefits will be significant. That will never be allowed to occur if HB 2083 becomes law.

In closing, we are neutral on HB 2083 as currently drafted and will defer to the proponents to advocate for its passage. We would be opposed to the bill should it be amended to make a registry voluntary, as such a system would be of little benefit to those negatively impacted by vacant properties.

On behalf of the City of Topeka, we appreciate your consideration of our position.

Amanda Stanley  
City Attorney  
City of Topeka