

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2083

As Amended by House Committee on Local
Government

Brief*

HB 2083, as amended, would establish the Kansas Vacant Property Act and prohibit city and county governments from taking certain actions against a property based solely on the property being vacant.

The bill would define a “municipality” as being any city, county, township, or other political or taxing subdivision.

The bill would also define a “vacant property” as any residential or commercial property that meets the following requirements:

- Property consisting of a single unit that is unoccupied; or
- Property consisting of multiple units in which one or more units are not occupied.

The bill states a property shall be considered vacant under the Act, regardless of the reason for said vacancy.

The bill would prohibit a municipality from adopting or enforcing any ordinance, resolution, regulation, or from taking an administrative action that would require the owner, operator, manager, or any legal or equitable mortgagee or lienholder with an interest in the property to do the following:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Pay any tax, fee, or other charge imposed on the basis that the property is vacant;
- Pay any tax, fee, or other charge for a legal mortgagee, equitable mortgagee, or lienholder to enforce a mortgage or lien by judicial means; or
- Impose responsibility of property ownership, including, but not limited to, repairs, maintenance, or security on a legal or equitable mortgagee or lienholder.

The bill would make any provision of any ordinance, resolution, or regulation that requires the payment of a tax, fee, or other charge prohibited by the Act to be considered null and void that was adopted prior to July 1, 2023.

The bill would state that nothing in the Act would prohibit or otherwise limit a municipality from adopting or enforcing any ordinances, resolution, or regulations that uniformly apply to both vacant and non-vacant property within the municipality.

Background

The bill was introduced by the House Committee on Local Government at the request of a representative of the Kansas Association of Realtors.

House Committee on Local Government

In the House Committee hearing, **proponent** testimony was provided by representatives of the Associated Landlords of Kansas, Kansas Association of Realtors, and Kansas Bankers Association. The proponents generally stated that imposing fees on vacant properties infringes on the rights of a property owner to make decisions for their property. The proponents also stated that banks and other financial institutions are being considered as the owners of vacant

properties and being assessed fees by cities before the financial institution can legally care for or sell the property.

Written-only proponent testimony was provided by a representative of the Kansas Manufactured Housing Association.

Opponent testimony was provided by representatives of the City of Topeka, Kansas Association of Counties, and League of Kansas Municipalities. The opponents generally stated the bill would infringe on local control. The opponents also generally stated it can be important for public safety to maintain lists of vacant properties so first responders can act accordingly in the case of an emergency.

Written-only opponent testimony was provided by representatives of the City of Concordia, City of Edwardsville, City of Halstead, City of Overland Park, Unified Government of Wyandotte County and Kansas City, Kansas, Winfield Area Chamber of Commerce, and two private citizens.

The House Committee amended the bill to:

- Remove language detailing causes for vacancy that would be disregarded for the purpose of determining vacancy;
- Remove the prohibition on a municipality maintaining a registry or record of vacant properties within the city or county;
- Clarify terms of “mortgagee” and “lienholder” as being any legal or equitable mortgagee or lienholder with an interest in any vacant property;
- Prohibit a municipality from imposing any responsibility of property ownership on a legal or equitable mortgagee or lienholder; and

- Clarify that only the provisions of an ordinance, resolution, or regulation that requires payment of any tax, fee, or other charge would become null or void upon enactment of the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, both the Kansas Association of Counties and the League of Kansas Municipalities state that enactment of the bill would reduce county and city revenues used primarily to fund programs responsible for maintaining vacant properties.

Local government; Kansas Vacant Property Act; vacant property; city; county; fees; requirements