

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Local Government** recommends **HB 2646**, as amended by House Committee, be amended on page 1, in line 14, by striking "and" and inserting "or"; in line 15, by striking "90" and inserting "180";

On page 2, following line 12, by inserting:

"Sec. 2. K.S.A. 2011 Supp. 12-1756a is hereby amended as follows: 12-1756a. (a) (1)
An organization may file a petition with the district court for an order for temporary possession of property if:

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

~~(2)~~ (B) the organization intends to rehabilitate the property and use the property as housing; and

~~(3)~~ (C) the organization has sent notice to the enforcing officer and the parties in interest of the property, by certified or registered mail, mailed to their last known address and posted on the property at least 20 days but not more than 60 days before the date the petition is filed, of the organization's intent to file a petition for possession under K.S.A. 12-1750 through 12-1756e, and amendments thereto.

(2) The governing body of any city may file a petition with the district court for an order for temporary possession of property if:

(A) The property meets the definition of abandoned as set forth in K.S.A. 12-1750, and

amendments thereto;

(B) the governing body of the city filing a petition under this section has designated an organization to rehabilitate the property;

(C) the organization designated under subsection (a)(2)(B) intends to rehabilitate the property and use the property as housing; and

(D) the governing body of the city filing the petition under this section has sent notice to the enforcing officer and the parties in interest of the property, by certified or registered mail, mailed to their last known address and posted on the property at least 20 days but not more than 60 days before the date the petition is filed, of the governing body's intent to file a petition for possession under K.S.A. 12-1750 through 12-1756e, and amendments thereto.

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

(c) Any defendant may file as part of such defendant's answer, as an affirmative defense, a plan for the rehabilitation of the property and evidence of capacity and resources necessary to complete rehabilitation of the property. The court shall grant the defendant 90 days to bring the property into compliance with applicable fire, housing and building codes and to pay all delinquent *ad valorem* property tax. For good cause shown, the court may extend the ninety-day compliance period for an

additional 90 days. If the property is brought into such compliance within the ninety-day period or extension of time thereof, the petition shall be dismissed. If the defendant fails to bring the property into such compliance within the ninety-day period or extension of time thereof, or if the defendant's plan is otherwise insufficient, the defendant's affirmative defense shall be stricken.

(d) At the hearing on ~~the organization's~~ a petition filed in accordance with subsection (a), the organization or the governing body of a city shall submit to the court a plan for the rehabilitation of the property and present evidence that the organization has adequate resources to rehabilitate and thereafter manage the property. For the purpose of developing such a plan, representatives of the organization may be permitted entry onto the property by the court at such times and on such terms as the court may deem appropriate.

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

(f) If the court approves the petition, the court shall enter an order approving the rehabilitation plan and granting temporary possession of the property to the organization or the governing body of a city. The organization, subject to court approval, may enter into leases or other agreements in relation to the property. Whether the court approves or denies the petition, the organization shall provide the governing body of a city a copy of the order within 30 days of the organization's receipt or knowledge of such order.";

And by renumbering sections accordingly;

In line 13, after "12-1750" by striking "is" and inserting "and 12-1756a are";

On page 1, in the title, in line 1, after "to" by inserting "the qualifications and rehabilitation of"; also in line 1, by striking "and"; in line 2, by striking "qualifications thereof"; also in line 2, after "12-

1750" by inserting "and 12-1756a"; in line 3, by striking "section"; and inserting "sections"; and the bill be passed as amended.

_____Chairperson