

HCS SB 780 -- POLITICAL SUBDIVISIONS

SPONSOR: Curls

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 7 to 1. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 13 to 0.

This bill allows a person who is not the owner of the real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned, to enter the premises to visually inspect the property to determine whether it is abandoned. If the person makes a good faith determination based on the inspection that the property is abandoned, the person may secure the property, remove trash or debris from the grounds, landscape, maintain, or mow the grounds, and remove or paint over graffiti. The bill defines what it means for a property to be "abandoned" and provides immunity for the person entering the property from claims of civil and criminal trespass and all other civil immunity unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct. The legislation applies to any home rule city.

The bill specifies that in the case of real property that is subject to a mortgage or deed of trust, the creditor holding the debt secured by the mortgage or deed of trust may not enter the premises of the real property if entry is barred by an automatic stay issued by a bankruptcy court.

Finally, The bill increases the maximum base annual compensation of Kansas City police officers of various ranks, as specified in the bill.

PROPOSERS: Supporters say that this is a good samaritan/good neighbor bill, and it seeks to address some of the issues in Kansas City with vacant and abandoned properties. People want to beautify these properties without concern for liability. There are over 16,000 vacant properties in Kansas City, and most of them are owned by out-of-town entities. This issue negatively affects property values. Finally, this does not allow people to enter into the properties, it just allows them to enter onto the properties.

Testifying for the bill were Senator Curls and the City of Kansas City, Missouri.

OPPOSERS: There was no opposition voiced to the committee.