

HCS SCS SB 203 -- PROPERTY IN POLITICAL SUBDIVISIONS

This bill changes certain laws relating to real property. In its main provisions, the bill:

(1) Modifies how actions against another property owner whose property is a nuisance are brought in the cities of Kansas City and St. Louis. It specifies how notice of a nuisance is given to the property owner or tenant of the property. This bill modifies how proceedings seeking injunctive relief against the property owner are conducted. Property owners and neighborhood organizations seeking injunctive relief will no longer have to show they are suffering actual damages as a result of the nuisance in order to bring such an action. The bill permits attorney's fees being awarded in certain circumstances to the party who brought the action. It also modifies a defense available to property owners who are acting in good faith to comply with all orders rather than an order issued by the Department of Natural Resources, the U.S. Environmental Protection Agency, or the Office of the Attorney General. The bill will apply only to property owners and neighborhood organizations in Kansas City and the City of St. Louis and repeals reference to other political subdivisions;

(2) Allows licensed engineers to conduct specified building permit inspections on certain residential dwelling units for which they submitted plans in accord with criteria and uniform forms provided by political subdivisions for such permit inspections;

(3) Authorizes the board of aldermen of cities of the fourth classification to seek an appraisal and to conduct reasonable analyses before putting a proposed water or wastewater system sale or a sale of a gas plant before the voters. The board may consider alternatives to a sale and the fair market value may be a matter of negotiation. Good faith notification efforts of any ballot measure may be made through a variety of media including Internet sites and should target voters and users of the utilities as specified in the bill; and

(4) Allows a person who is not the owner of real property in Kansas City, St. Louis County, Independence, St. Joseph, Springfield, or St. Louis City 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. However, such person must make his or her inspection without entering any structure on the property. 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. This bill provides immunity for the person entering the property from claims of civil and criminal trespass and all other civil immunity, as well as barring an action against the property owners in certain circumstances, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct. 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 the entry is barred by an automatic stay issued by a bankruptcy court.