

Testimony Before the Local Government Committee on House Bill 2506

1:30 p.m., Tuesday, January 23, 2018

Kansas State House, Room 281-N

Good day. I thank you for the opportunity today to discuss abandoned housing and the proposed legislation that is currently before you. I appear before the Committee in opposition to House Bill 2506.

My name is Michael Bell. For identification purposes, I am the president of the Tennessee Town Neighborhood Improvement Association in Topeka, as well as the chair of the Citizens Advisory Council, which is the association of NIAs in Topeka. NIAs are Topeka's low- to moderate-income areas. I am speaking only for myself and from my 22 years of being a neighborhood activist in Topeka. My testimony will center not on the traditional methods to address abandoned housing, methods included in the proposed legislation, that sometimes raise due process and taking issues that have complicated the adoption of legislation but instead on finding alternative ways to address the central issue of abandoned housing.

It is my hope that the State of Kansas will do all it can to support these alternatives instead of adopting legislation that may continue to expose cities to due process and taking issues. The alternatives I'll discuss today only highlight a number of options cities and states across the nation have crafted to address abandoned housing. Here are those alternatives:

- 1) Land Banking: Land banking is the practice of aggregating parcels of vacant land for future sale or development. It allows cities to move in on multiple parcels of vacant land or to acquire vacant housing that then can be assessed for rehabilitation appropriateness. If houses, using objective measures like Housing Quality Standards,** are deemed to be beyond rehabilitation, then those houses can be demolished and combined with adjacent properties for housing or other development. In 2004 Michigan adopted a land-banking statute. Ohio followed suit in 2009 and New York in 2011. In Topeka, land banking has been discussed since at least the late 1990s but no ordinance has ever been adopted. In 1996 and 2009 the State of Kansas authorized cities to create land banks via ordinance and counties via resolution. I'd prefer to see the State move on adopting a land-banking statute so that all cities and counties have an equal chance to take part in this important neighborhood revitalization tool (<http://www.livewelllawrence.org/DocumentCenter/View/145>). The language for a state land-banking statute essentially already exists in the city and county authorizations. This can occur at no cost to the State.

** Housing Quality Standards: HQS define "standard housing" and establish the minimum criteria for the health and safety of program participants. Current HQS regulations consist of 13 key aspects of housing quality, performance requirements, and acceptability criteria to meet each performance requirement. HQS includes requirements for all housing types, including single and multi-family dwelling units, as well as specific requirements for special housing types such as manufactured homes, congregate housing, single room occupancy, shared housing, and group residences.

- 2) Buying abandoned housing and vacant lots: Cities can buy abandoned houses and vacant lots at or near market value or at tax sales and immediately turn them over to individuals, nonprofits and/or developers for rehabilitation (working closely with neighborhood residents and organizations) or for demolitions if rehabilitation per HQS/objective measures is not practicable. Those demolitions then can be followed by land banking and identifying local housing providers like Habitat for Humanity and others to use the vacant lots for new construction (working closely with neighborhood residents and organizations). The Tennessee Town neighborhood of Topeka followed this blueprint in the early 2000s in the first 1200 block of SW Lincoln and completely turned around the worst block in the neighborhood through placing 9 new houses in the block, which encouraged other property owners to improve their houses. Making reasonable offers on properties completely eliminates the due process and taking issues that have plagued past legislative efforts. This can occur at no cost to the State.
- 3) Public-Private Partnerships: A public-private partnership is a contractual arrangement between a public agency (federal, state or local) and a private-sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility (<https://www.ncppp.org/ppp-basics/7-keys/>). Cities can carry out their duties to secure and amass property and identify individuals, neighborhood organizations and nonprofit housing partners and the private entities with which they partner can bring financial, material and human resources to redeveloping those properties. One example of a successful public-private partnership is found in Columbus, OH. Several years ago Nationwide Children's Hospital formed a partnership with an adjacent low-income neighborhood, later joined by the City of Columbus, that completely turned around that neighborhood (<http://www.nationwidechildrens.org/healthy-neighborhoods-healthy-families-affordable-housing>). This can occur at no cost to the State.
- 4) Vacant Property and Vacancy Prevention Programs: Many of the issues described here come into play only after a property has become vacant. But the best outcome is to keep properties from becoming vacant in the first place. A vacant property program should be well coordinated with a vacancy prevention program to prevent properties from becoming vacant. For example, early warning databases and collaboration involving cities, neighborhood organizations and residents can help cities identify properties and neighborhoods at risk of vacancy (something that's tracked in Topeka by the City's planning department), so they can provide homeowners, renters and neighborhood organizations with information and services that might prevent a property from becoming vacant while understanding that these 2 mechanisms are NOT meant to be punitive but are meant to positively address housing challenges for all involved (<http://mayorscaucus.org/wp-content/uploads/2014/10/How-Can-Municipalities-Confront-the-Vacant-Property-Challenge-A-Toolkit.pdf>).

Again, this list of suggestions is not exhaustive. It does suggest ways to proactively address the problem of abandoned housing at the “front end” of the process instead of reactively addressing the challenges at the “back end” of the process and removes from the process the issues associated with due process and takings.

Thank you for the opportunity to speak with you today.

Michael Bell