

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 0569-01
Bill No.: SB 134
Subject: Kansas City: Nuisance Abatement
Type: Original
Date: February 4, 2005

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Natural Resources** assume no fiscal impact.

Officials of the **Kansas City Manager's Office** did not respond.

Oversight assumes this proposal would have no local fiscal impact.

| | | | |
|--|-----------------------------|-------------------|-------------------|
| <u>FISCAL IMPACT - State Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| | | | |
|--|-----------------------------|-------------------|-------------------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act provides that a neighborhood organization representing persons aggrieved by a code violation may seek injunctive and other equitable relief in the circuit court for abatement of the nuisance upon showing: 1) The notice requirements have been satisfied; and 2) The nuisance still exists and has not been abated.

This act limits when such an action may be brought. It must be at least 60 days after the organization sends notice to the appropriate municipal agency. The action may not be brought if the municipal code enforcement agency has filed an action for equitable relief from the nuisance. Also, it must be at least 60 days after the organization send notice to the tenant and property owner. If notice by mail is not returned, is refused, or signed for by a person other than the addressee, notice can be given by sending a copy by mail and posting a copy on the property.

This act requires notice to include the nature of the alleged nuisance, the date and time it was first discovered, the location of the nuisance, and the relief sought.

In filing a suit, an officer of the neighborhood organization shall certify to the court that the organization has taken steps to satisfy the notice requirements and that each condition needed for filing has been met.

Under this act, an action may not be brought against an owner of residential rental property unless a notice of violation has first been issued by an appropriate municipal code enforcement agency and remains outstanding after 45 days. Requires notice to include the nature of the alleged nuisance, the date and time it was first discovered, the

If a violation notice is an essential element of the municipal enforcement action, a copy of the notice signed by an official from the agency shall be prima facie evidence of the facts within the notice. A notice of abatement issued by the agency is evidence that the plaintiff is not entitled to the requested relief.

Under this act, a proceeding must be heard at the earliest date practicable and be expedited.

A political subdivision of the state and its agencies shall not be subject to any action resulting from an action against a private property owner under this act.

DESCRIPTION (continued)

Nothing in this act may be construed as to abrogate any equitable or legal right or remedy otherwise available under the law. This act may not be construed to grant standing for actions challenging zoning applications, involving the interior physical defect of property, or involving a municipal alcohol law.

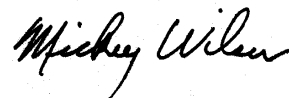
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources.

NOT RESPONDING

Kansas City Manager's Office



Mickey Wilson, CPA
Director
February 4, 2005