

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4417-04
Bill No.: HCS for SCS for SB 1086 & 1126
Subject: Cities: Weed Abatement
Type: Original
Date: April 17, 2002

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2003 | FY 2004 | FY 2005 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2003 | FY 2004 | FY 2005 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|-----------------|-----------------|-----------------|
| FUND AFFECTED | FY 2003 | FY 2004 | FY 2005 |
| Local Government | \$44,865 | \$44,865 | \$44,865 |

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Sections- 67.398, 67.402, 71.285:

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

Officials of the **City of Independence** stated that this proposal would not create costs or any additional revenues, but the proposal would generate significant savings from the elimination of the need to send certified letters, and publish notices in the newspaper. Officials estimate annual savings at \$34,865. Savings from not having to publish notices would be about \$10,000 a year.

Office of State Courts Administrator officials assume no fiscal impact to the State's Courts.

The **Jefferson County Commission** assumes no fiscal impact.

Oversight assumes this proposal is enabling legislation, and provides another option for weed abatement in certain cities. Cities would have no fiscal impact unless their governing body would elect to control weeds under the provisions of this proposal. Oversight assumes cities could have property cleaned and the cost would be recoverable.

Sections- 447.620 thru 447.640:

In response to legislation which has identical language to Sections 447.620 thru 447.640, (fiscal note number 2976-01), the following entities issued the following statements:

Officials of the **Department of Economic Development- Mo. Housing Development Commission** stated that this proposal changes procedures for owners of properties that constitute a public nuisance in Jackson County and Kansas City. Officials stated that the proposal allows owners to regain possession of their property after a non-profit organization has gained temporary possession of the property for the purpose of rehabilitation. This proposal states that a court would determine whether to restore possession to the owner and the proper compensation due to the non-profit organization. The Court does not have to restore possession to the owner, if it finds that the owner does not have the capacity or resources to complete rehabilitation.

Officials assume this proposal would not fiscally impact their Commission.

Oversight assumes this proposal will not fiscally impact state or local governments in the Kansas City area.

| <u>FISCAL IMPACT - State Government</u> | FY 2003 (10 Mo.) | FY 2004 | FY 2005 |
|---|---------------------|---------|---------|
|---|---------------------|---------|---------|

| | | | |
|--|----------------------------|------------------------|------------------------|
| <u>FISCAL IMPACT - State Government</u> | FY 2003 (10 Mo.) \$0 | FY 2004 \$0 | FY 2005 \$0 |
| <u>FISCAL IMPACT - Local Government</u> | FY 2003 (10 Mo.) | FY 2004 | FY 2005 |
| <u>Savings</u> to Certain Cities from postage and publication costs | <u>\$44,865</u> | <u>\$44,865</u> | <u>\$44,865</u> |

FISCAL IMPACT - Small Business

Small businesses located in the City of Independence or Excelsior Springs, that would not clean up their property, and would be in violation of certain ordinances that pertain to weed and trash nuisances, could expect to have their property cleaned and the city would require the business to pay the cost of cleanup.

DESCRIPTION

This act allows Jefferson County and cities with home rule in counties of the first classification with charter form of government to remove trash and weeds on properties that violate city ordinances. The substitute also allows the City of Excelsior Springs to order the abatement of weeds and trash within five business days after notice is sent or posted on the property. If the property is not cleaned within five days, the city may have the property cleaned and the cost of cleanup would be billed, on a special tax bill, to the owner that would be collected by the Collector along with taxes that would be assessed against the property.

Sections 447.620 thru 447.640:

Current law requires that several conditions be met in order for an organization to petition the court for temporary possession of abandoned property. One of these requirements is that the organization must intend to rehabilitate the property and use it for low- or moderate-income housing. The bill eliminates the requirement that the property being rehabilitated be used as low- or moderate-income housing and does not require any particular use for the property.

Under current law, title to the property is conveyed to the organization one year following the entry of the order granting temporary possession to the organization. Under the bill, title is conveyed to the organization when the rehabilitation is complete.

DESCRIPTION (continued)

The bill allows the owner of the property to file a motion for restoration of possession prior to the completion of rehabilitation. If the rehabilitation has not already been completed by the

organization, the court will determine whether or not the owner has the resources and capacity to complete the rehabilitation. If the court determines that the owner is not able to complete the rehabilitation, the court will not restore possession to the owner. However, if the court determines that the owner is able to complete the rehabilitation, possession of the property will be restored to the owner and the court will determine proper compensation due to the organization for its expenditures.

Current law requires that the organization file an annual report detailing its rehabilitation and use of the property, including a statement of all expenditures made by the organization. The bill requires that these reports be submitted quarterly.

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 Economic Development- Mo. Housing Commission
Office of State Courts Administrator
Department of Natural Resources
City of Independence
Jefferson County Commission



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