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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 17-812, **Version:** 1

Resolution to Amend Building Code Provision Regarding Insurance Proceeds.

Recommended Action: Approve the resolution.

K.S.A. 40-3903 authorizes counties to receive 15% of the insurance proceeds for any claim in which at least 75% of the face value of the policy is to be paid out on a claim for damage to a structure and when the structure remains dangerous or unsafe. This money enables counties to complete demolition and infill work on the property if the property owner does not otherwise complete the work.

In 2016, the Kansas legislature amended K.S.A. 40-3903 to extend the timeframe during which a county must determine whether or not to initiate proceedings from 30 to 45 days. This change gives property owners more time to make the property safe before the county would decide whether or not to initiate proceedings to potentially utilize the insurance proceeds for that purpose. The proposed resolution would change the Wichita-Sedgwick County Unified Building and Trade Code to change its deadlines to be consistent with those deadlines established by state law.

The 2016 legislative change also broadened the application of K.S.A. 40-3903 so that it could apply to any insurance claim involving damage to a property, as opposed to the prior language, which had limited it to fire, explosion, and windstorm. The proposed resolution would also incorporate that change within the Wichita-Sedgwick County Unified Building and Trade Code.

Alternatives: Not approve the resolution.

Financial Considerations: n/a

Legal Considerations: This change is authorized pursuant to K.S.A. 19-101 et seq. It would be consistent with the legislative changes to K.S.A. 40-3903. Approval is by simple majority vote.

Policy Considerations: n/a