

SENATE BILL 1830

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 13,
Chapter 6, relative to the Neighborhood
Preservation Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-6-102, is amended by deleting the language “otherwise determined by the municipal corporation or code enforcement entity” and by substituting instead the language “otherwise determined by the court, the local municipal corporation or code enforcement entity” in subdivision (8).

SECTION 2. Tennessee Code Annotated, Section 13-6-104, is amended by adding the following as a new, appropriately designated subsection:

(___) Upon a finding by the court that an owner of residential rental property or unoccupied residence has failed to maintain the property in the manner required by § 13-6-103, the court may award to the person bringing an action under this chapter reasonable attorney’s fees and costs.

SECTION 3. Tennessee Code Annotated, Section 13-6-106, is amended by deleting the last sentence of subsection (a) and by substituting instead the following:

If the code enforcement entity fails to respond within thirty (30) calendar days of written notice, or if the code enforcement entity denies the issuance of certificate of public nuisance, then the court shall schedule a hearing requesting that the code enforcement entity be present, with its findings, and participate in the hearing of the issue of public nuisance. At the conclusion of the hearing of the issue of public nuisance, the court shall determine whether or not the issuance of a certificate of public nuisance is warranted.

SECTION 4. Tennessee Code Annotated, Section 13-6-106, is amended by deleting the language “where the building is located.” and by substituting instead the language “where the building is located or by the court.” in subsection (e).

SECTION 5. Tennessee Code Annotated, Section 13-6-106, is amended by adding the following language to the end of subsection (f):

Upon a finding by the court that the issuance of a certificate of public nuisance is warranted, the court may (i) issue an order or an injunction barring transfer of the property at issue without the prior abatement of the public nuisance, and (ii) award to the person bringing the action reasonable attorney’s fees and costs.

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.