

HOUSE BILL 2827

By Coley

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1; Title 6, Chapter 54; Title 13, Chapter 21 and Title 13, Chapter 6, Part 1, relative to restoration of property.

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

SECTION 1. Tennessee Code Annotated, Section 5-1-115, is amended by adding the following language as a new subsection (g):

(g) If a person fails to remedy the condition within the time period prescribed by subsection (c), subject to any stay as provided in subsection (d), then the governing body of a county may, upon request by a community organization, authorize such community organization to remedy the condition of the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter, garbage, or any combination of the preceding elements. The community organization shall be entitled to place a lien upon the property for the reimbursement of any expenses incurred by the community organization in remedying the condition. The community organization shall assume all liability for any damage to the property and for any injury to persons employed by or acting on behalf of the community organization for the purpose of remedying the condition. For purposes of this section, a "community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

SECTION 2. Tennessee Code Annotated, Section 5-1-115(e), is amended by adding the following language as a new subdivision (3):

(3) The provisions of this subsection (e) shall not apply to subsection (g).

SECTION 3. Tennessee Code Annotated, Section 6-54-113, is amended by adding the following language as a new, appropriately designated subsection:

( ) If a person fails to remedy the condition within the time period prescribed by subsection (c), subject to any stay as provided in subsection (d), then the governing body of a municipality may, upon request by a community organization, authorize such community organization to remedy the condition of the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter, garbage, or any combination of the preceding elements. The community organization shall be entitled to place a lien upon the property for the reimbursement of any expenses incurred by the community organization in remedying the condition. The community organization shall assume all liability for any damage to the property and for any injury to persons employed by or acting on behalf of the community organization for the purpose of remedying the condition. For purposes of this section, a "community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

SECTION 4. Tennessee Code Annotated, Section 13-21-204, is amended by deleting the section in its entirety and by substituting instead the following:

(a) For purposes of this section:

(1) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group; and

(2) "Litter" means overgrown plant life including, but not limited to, trees, vines, grasses, and underbrush or the accumulation of debris, trash, garbage, or any combination of the preceding elements.

(b) A municipality may acquire by eminent domain pursuant to title 29, chapters 16 and 17, any property determined to be blighted or deteriorated pursuant to this part, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial, industrial and related use, pursuant to the provisions of this part.

(c) A community organization shall be entitled to petition a municipality acquiring property pursuant to subsection (b) in order to enter upon such property to remove litter provided that such community organization shall either:

(1) Assume all costs for removing litter and liability for any damage to the property and for any injury to persons employed by or acting on behalf of the community organization for the purpose of removing litter from the property; or

(2) Coordinate with the department of correction in utilizing inmates for removing litter as part of a volunteer inmate work program as described in § 4-6-201 or a similar department of correction program. If the community organization utilizes inmates pursuant to this subdivision, then the community organization shall not be held liable for any damage to the property or for any injury incurred by inmates arising from the removal of litter.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.