

SENATE BILL 1800

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 13
and Title 29, relative to eminent domain.

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

SECTION 1. Tennessee Code Annotated, Section 13-20-201, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as otherwise provided in subsection (c), "blighted property" means any property, with buildings or improvements:

(1) That, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;

(2) That, because of physical condition, use or occupancy, is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(3) That, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the jurisdiction in which the area is located, has been designated by the appropriate agency or department responsible for enforcement of the code as unfit for human habitation;

(4) That is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(5) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(6) That, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin and is dangerous to the safety of persons or property; or

(7) That has been tax delinquent for a period of at least three (3) years.

(b) Prior to the commencement of any eminent domain action to remediate blight, the owner must be cited for at least one (1) condition in subdivisions (a)(1)-(7) and must have the opportunity to rehabilitate the cited property within the time constraints placed upon the owner by law, or one (1) year if no time constraint is stated in law.

(c)

(1) Under no circumstance shall land used predominantly in the production of agriculture, as defined by § 1-3-105, be considered a blighted property.

(2) The indirect public benefits resulting from private economic development and private commercial enterprise shall not be factors in the determination of whether a property meets the definition of “blighted property” in subsection (a).

(3) Property shall not be deemed blighted because of aesthetic conditions.

(d) All determinations of whether a property is blighted property shall be done on the basis of an individual parcel of property meeting the definition in subsection (a). The determination that a parcel is blighted property shall not be a factor in determining that another parcel is blighted property.

SECTION 2. Tennessee Code Annotated, Sections 13-20-202(a)(1), 13-20-209(a), 13-20-216(a), are amended by deleting the language “blighted area” or “blighted areas”, as appropriate, and substituting instead the language “blighted property”.

SECTION 3. Tennessee Code Annotated, Section 13-21-202(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) Except as otherwise provided in subdivision (3), "blighted property" or "deteriorated property" means any property, with buildings or improvements:

(A) That, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;

(B) That, because of physical condition, use or occupancy, is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(C) That, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the jurisdiction in which the area is located, has been designated by the appropriate agency or department responsible for enforcement of the code as unfit for human habitation;

(D) That is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(E) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(F) That, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents or other vermin and is dangerous to the safety of persons or property; or

(G) That has been tax delinquent for a period of at least three (3) years.

(2) Prior to the commencement of any eminent domain action to remediate blight, the owner must be cited for at least one (1) condition in subdivisions (1)(A)-(G) and must have the opportunity to rehabilitate the cited property within the time

constraints placed upon the owner by law, or one (1) year if no time constraint is stated in law.

(3)

(A) Under no circumstance shall land used predominantly in the production of agriculture, as defined by § 1-3-105, be considered a blighted property.

(B) The indirect public benefits resulting from private economic development and private commercial enterprise shall not be factors in the determination of whether a property meets the definition of “blighted property” or “deteriorated property” in subdivision (1).

(C) Property shall not be deemed blighted because of aesthetic conditions.

(4) All determinations of whether a property is blighted property shall be done on the basis of an individual parcel of property meeting the definition in subdivision (1) The determination that a parcel is blighted property shall not be a factor in determining that another parcel is blighted property.

SECTION 4. Tennessee Code Annotated, Section 29-16-119, is amended by deleting the section in its entirety and substituting instead the following:

29-16-119.

(a) If the final judgment or award for damages, as determined at any level in the eminent domain process, is more than forty percent (40%) greater than the last written offer of compensation made by the condemning authority prior to the filing of the petition, the court shall award the owner reasonable attorney fees, expenses, and other related costs.

(b) If the final judgment or award is at least twenty percent (20%), but not more than forty percent (40%), greater than the last written offer, the court may award reasonable attorney fees, expenses, and other related costs.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.