

HOUSE BILL 1881

By Coley

AN ACT to amend Tennessee Code Annotated, Title 13,
Chapter 6, relative to neighborhood preservation.

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

SECTION 1. Tennessee Code Annotated, Section 13-6-102(4), is amended by deleting the language ""Interested party" means" and by substituting instead the language ""Interested party", for purposes of § 13-6-106(g) only, means."

SECTION 2. Tennessee Code Annotated, Section 13-6-102(9)(A), is amended by deleting the first sentence and by substituting instead the following:

"Receiver" means either a municipal corporation or a nonprofit corporation that agrees to be appointed by the court for the purpose of preserving or improving the property of another. Any nonprofit corporation so appointed shall first be certified as an eligible receiver by the court, the municipal corporation, or the code enforcement entity where the building is located.

SECTION 3. Tennessee Code Annotated, Section 13-6-106(i)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(2) Any party submitting a detailed development plan under this section may be required by the court to post a reasonable bond in an amount fixed by the court.

SECTION 4. Tennessee Code Annotated, Section 13-6-106(l), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(l) If the lien is not satisfied within a one hundred eighty-calendar day period or longer, with approval of the court after a full hearing on the matter, the court may enter an order directing the receiver to offer the building and property for sale upon terms and conditions that the court shall specify.

SECTION 5. Tennessee Code Annotated, Section 13-6-106, is further amended by adding the following as a new subsection:

(n)

(1) Nothing in this section shall be construed as a limitation upon the powers granted to a court having jurisdiction over a civil action described in subsection (a).

(2) The monetary and other limitations specified in § 16-15-501(d)(1) upon any court with jurisdiction over a civil action described in subsection (a) do not operate as limitations upon any of the following:

(A) Expenditures of a mortgagee, lienholder, other interested party, or receiver that has been selected pursuant to subsection (g) or (h) to undertake the work and to furnish the materials necessary to abate a public nuisance;

(B) Any notes issued by a receiver pursuant to subsection (j);

(C) Any mortgage granted by a receiver in accordance with subsection (j);

(D) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with subsection (j);

(E) The enforcement of an order of a judge entered pursuant to this chapter; or

(F) The actions that may be taken pursuant to this chapter by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to subsection (g) or (h) to undertake the work and to furnish the materials necessary to abate a public nuisance.

(3) A judge in a civil action described in subsection (a), or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this chapter.

SECTION 6. Tennessee Code Annotated, Title 13, Chapter 6, Part 1, is amended by adding the following as a new section:

13-6-107. Jurisdiction for civil actions filed pursuant to this chapter is conferred upon the chancery, circuit, and any court designated as an environmental court pursuant to Chapter 426 of the Public Acts of 1991.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.