

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 114
SENATE BILL NO. 303

By Johnson

Substituted for: House Bill No. 310

By Sargent, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 21, Part 1, relative to structures unfit for human occupation or use.

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

SECTION 1. Tennessee Code Annotated, Section 13-21-102, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b)(1) As used in this subsection:

(A) "Abandoned construction" means that construction of an unfinished structure has ceased and that no good faith effort has been made to complete the construction for a period of one hundred eighty (180) days;

(B) "Suspended construction" means that construction of an unfinished structure has ceased and that no good faith effort has been made to complete the construction for a period of sixty (60) days;

(2) As a pilot project until July 1, 2012, the provisions of this subsection (b) apply to any municipality located in any county having a population not less than one hundred twenty-six thousand six hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700) or located in any county having a population of not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500), according to the 2000 federal census or any subsequent federal census:

(A) When any municipality to which this subsection (b) applies finds that there are structures in the municipality unfit for human occupation or use because of suspended construction, the municipality may use the procedures in this part to remedy the unsafe conditions caused by the unfinished structure and the suspended construction. All the applicable procedures set out in § 13-21-103 apply, but upon the public officer's finding that construction has been suspended and that the unfinished

structure and the suspended construction create conditions that are dangerous or injurious to the health or safety of neighboring residents or the general public or the safety of neighboring structures, the public officer is limited to ordering that construction resume or that the owner make the unfinished structure safe by boarding up the structure, removing construction debris and other safety hazards from the construction area, and otherwise removing or neutralizing health or safety hazards. If the owner fails to take the actions within ten (10) days after being ordered to do so, the municipality may cause the unfinished structure to be boarded and the debris and other health and safety hazards removed or neutralized. The costs of doing so shall be assessed against the owner and may be collected as provided in § 13-21-103(6).

(B) When such municipality finds that there are structures in the municipality unfit for human occupation or use because of abandoned construction, the municipality may use all the procedures, remedies, and rights in this part to deal with the unfinished structure and the abandoned construction. When an unfinished structure meets both the definition of "suspended construction" and "abandoned construction", it may be dealt with as abandoned construction.

(C) An ordinance adopted by a municipality pursuant to this subsection (b) shall provide that the public officer may determine that a structure is unfit for human occupation or use if the public officer finds that conditions exist in the structure that are dangerous or injurious to the health, safety, or morals of the occupants of the structure, the occupants of neighboring structures or other residents of the municipality, or to the safety of neighboring structures. These conditions may include, but are not limited to, the following: defects increasing the hazards of fire, accident, or other calamities; lack of ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; or suspended construction or abandoned construction.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 20, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2009



PHIL BREDESEN, GOVERNOR