

Amendment No. 1 to SB1800

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 1800\***

**House Bill No. 2260**

by deleting all language after the enacting clause and by substituting instead the following:

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;

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(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 longer of one (1) year or a time constraint otherwise placed upon the owner by 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 by substituting instead the following:

(1)

(A) "Blighted" or "deteriorated" property means any property, with buildings or improvements:

(i) 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;

(ii) 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;

(iii) 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;

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

(v) 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;

(vi) 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

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

(B) "Blighted" or "deteriorated" property does not include land used predominantly in the production of agriculture, as defined by § 1-3-105;

SECTION 4. Tennessee Code Annotated, Section 13-21-205, is amended by adding the following as a new subsection (a) and by redesignating the subsequent subsections and any subsection references accordingly:

(a) Prior to the commission commencing any action pursuant to this section, the owner must be cited by the municipality or an agency of the municipality for at least one (1) condition identified in § 13-21-202(1)(A) and must have the opportunity to rehabilitate the cited property within the longer of one (1) year or a time constraint otherwise placed upon the owner by law.

SECTION 5. Tennessee Code Annotated, Title 13, Chapter 21, Part 2, is amended by adding the following as a new section:

13-21-209.

(a) The indirect public benefits resulting from private economic development and private commercial enterprise shall not be factors in the determination of whether a property is considered a blighted or deteriorated property as defined in § 13-21-202.

(b) Property shall not be deemed blighted or deteriorated because of aesthetic conditions.

(c) All determinations of whether a property is a blighted or deteriorated property shall be done on the basis of an individual parcel of property being considered blighted or deteriorated as defined in § 13-21-202. The determination that a parcel is blighted or deteriorated property shall not be a factor in determining that another parcel is a blighted or deteriorated property.

SECTION 6. Tennessee Code Annotated, Section 29-16-119, is amended by deleting the section in its entirety and by 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 7. This act shall take effect upon becoming a law, the public welfare requiring it.