

FIRST REGULAR SESSION

[CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 203

100TH GENERAL ASSEMBLY

2019

1191H.07T

AN ACT

To repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, and 88.770, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, and 88.770, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 82.462, 82.1025, 82.1027, 82.1030, 82.1031, 88.770, and section 1, to read as follows:

82.462. 1. Except as provided in subsection 3 of this section, a person who is not the owner of real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned may enter upon the premises of the real property, without having a right to a mechanics lien pursuant to section 429.010, to do the following:

(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be abandoned;

(2) Upon a good faith determination based upon the inspection that the property is abandoned, perform any of the following actions:

(a) Secure the real property;

(b) Remove trash or debris from the grounds of the real

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 **property;**

15 **(c) Landscape, maintain, or mow the grounds of the real**
16 **property;**

17 **(d) Remove or paint over graffiti on the real property.**

18 **2. A person who enters upon the premises and conducts the**
19 **actions permitted in subsection 1 of this section and who makes a good**
20 **faith determination based upon the inspection that the property is**
21 **abandoned shall be:**

22 **(1) Immune from claims of civil and criminal trespass and all**
23 **other civil liability therefor, unless the act or omission constitutes**
24 **gross negligence or willful, wanton, or intentional misconduct.**

25 **(2) Barred from bringing a civil action against the property**
26 **owner seeking damages as a result of physical injury, unless the**
27 **property owner's act or omission constitutes gross negligence or willful,**
28 **wanton, or intentional misconduct.**

29 **3. In the case of real property that is subject to a mortgage or**
30 **deed of trust, the creditor holding the debt secured by the mortgage or**
31 **deed of trust may not enter upon the premises of the real property**
32 **under subsection 1 of this section if entry is barred by an automatic**
33 **stay issued by a bankruptcy court.**

34 **4. As used in this section, "abandoned property" shall mean:**

35 **(1) A vacant, unimproved lot zoned residential or commercial for**
36 **which the owner is in violation of a county or municipal nuisance or**
37 **property maintenance ordinance; or**

38 **(2) With respect to actions taken pursuant to this section by a**
39 **creditor holding a lien interest in the property, a property which**
40 **contains a structure or building which has been continuously**
41 **unoccupied by persons legally entitled to possession for at least six**
42 **months prior to entry under this section and the creditor's debt**
43 **secured by such lien interest has been continuously delinquent for not**
44 **less than three months; or**

45 **(3) With respect to actions taken pursuant to this section by**
46 **persons other than creditors, a property which contains a structure or**
47 **building which has been continuously unoccupied by persons legally**
48 **entitled to possession for at least six months prior to entry under this**
49 **section, and for which the owner is in violation of a county or**
50 **municipal nuisance or property maintenance ordinance, and for which**

51 **either:**

52 **(a) Ad valorem property taxes are delinquent; or**

53 **(b) The property owner has failed to comply with any county or**
54 **municipal ordinance requiring registration of vacant property, or the**
55 **county or municipality has determined the structure to be**
56 **uninhabitable due to deteriorated conditions;**

57 **5. This section shall apply only to real property located in any**
58 **home rule city with more than four hundred thousand inhabitants and**
59 **located in more than one county, in any county with a charter form of**
60 **government and with more than nine hundred fifty thousand**
61 **inhabitants, in any home rule city with more than one hundred sixteen**
62 **thousand but fewer than one hundred fifty-five thousand inhabitants,**
63 **and in any city not within a county.**

82.1025. 1. [This Section applies] **Sections 82.1025, 82.1027 and**
2 **82.1030 apply** to a nuisance located within the boundaries of [any county of the
3 first classification with a charter form of government and a population greater
4 than nine hundred thousand, in any county of the first classification with more
5 than one hundred ninety-eight thousand but fewer than one hundred ninety-nine
6 thousand two hundred inhabitants, in any county of the first classification with
7 more than seventy-three thousand seven hundred but fewer than seventy-three
8 thousand eight hundred inhabitants, in any county of the first classification with
9 more than ninety-three thousand eight hundred but fewer than ninety-three
10 thousand nine hundred inhabitants, in any home rule city with more than one
11 hundred fifty-one thousand five hundred but fewer than one hundred fifty-one
12 thousand six hundred inhabitants, in] any city not within a county [and] **or in**
13 **any home rule city with at least three hundred fifty thousand inhabitants which**
14 **is located in more than one county.**

15 2. [A parcel of property is a nuisance, if such property adversely affects
16 the property values of a neighborhood or the property value of any property
17 within the neighborhood because the owner of such property allows the property
18 to be in a deteriorated condition, due to neglect or failure to reasonably maintain,
19 violation of a county or municipal building code, standard, or ordinance,
20 abandonment, failure to repair after a fire, flood or some other damage to the
21 property or because the owner or resident of the property allows clutter on the
22 property such as abandoned automobiles, appliances or similar objects.] Any
23 property owner who owns property within one thousand two hundred feet of a

24 parcel of property which is alleged to be a nuisance may bring a nuisance action
25 **under this section** against the offending property owner for the amount of
26 damage created by such nuisance to the value of the petitioner's property,
27 including diminution in value of the petitioner's property, and court costs[,
28 provided that the owner of the property which is alleged to be a nuisance has
29 received notification of the alleged nuisance and has had a reasonable
30 opportunity, not to exceed forty-five days, to correct the alleged nuisance. This
31 section is not intended to abrogate, and shall not be construed as abrogating, any
32 remedy available under the common law of private nuisance].

33 3. An action for injunctive relief to abate a nuisance [under this section]
34 may be brought **under this section** by:

35 (1) Anyone who owns property within one thousand two hundred feet to
36 a property which is alleged to be a nuisance; or

37 (2) A neighborhood organization, as defined in [subdivision (2) of] section
38 82.1027, on behalf of any person or persons who own property within the
39 boundaries of the neighborhood or neighborhoods described in the articles of
40 incorporation or bylaws of the neighborhood organization and who could maintain
41 a nuisance action under this section or under the common law of private
42 nuisance, or on its own behalf with respect to a nuisance on property anywhere
43 within the boundaries of the neighborhood or neighborhoods.

44 4. An action shall not be brought under this section until sixty days after
45 the party who brings the action has sent written notice of intent to bring an
46 action under this section by certified mail, return receipt requested, postage
47 prepaid to:

48 (1) The tenant, if any, or to "occupant" if the identity of the tenant cannot
49 be reasonably ascertained, at the property's address; and

50 (2) The property owner of record at the last known address of the property
51 owner on file with the county or city, or, if the property owner is a corporation or
52 other type of limited liability company, to the property owner's registered agent
53 at the agent's address of record;

54 that a nuisance exists and that legal action may be taken against the owner of
55 the property **if the nuisance is not eliminated within sixty days after the**
56 **date on the written notice.** If the notice sent by certified mail is returned
57 unclaimed or refused, designated by the post office to be undeliverable, or signed
58 for by a person other than the addressee, then adequate and sufficient notice
59 [may be given to the tenant, if any, and the property owner of record by sending

60 a copy of the notice by regular mail to the address of the property owner or
61 registered agent and] **shall be provided by** posting a copy of the notice on the
62 property where the nuisance allegedly is occurring. A sworn affidavit by the
63 person who mailed or posted the notice describing the date and manner that
64 notice was given shall be [prima facie] **sufficient** evidence [of the giving of such
65 notice] **to establish that the notice was given.** The notice shall specify:

- 66 (a) The act or condition that constitutes the nuisance;
- 67 (b) The date the nuisance was first discovered;
- 68 (c) The address of the property and location on the property where the act
69 or condition that constitutes the nuisance is allegedly occurring or exists; and
- 70 (d) The relief sought in the action.

71 5. [When a neighborhood organization files a suit under this section, an
72 officer of the neighborhood organization or its counsel shall certify to the court:

73 (1) From personal knowledge, that the neighborhood organization has
74 taken the required steps to satisfy the notice requirements under this section;
75 and

76 (2) Based on reasonable inquiry, that each condition precedent to the
77 filing of the action under this section has been met.

78 6. A neighborhood organization may not bring an action under this section
79 if, at the time of filing suit, the neighborhood organization or any of its directors
80 own real estate, or have an interest in a trust or a corporation or other limited
81 liability company that owns real estate, in the city or county in which the
82 nuisance is located with respect to which real property taxes are delinquent or
83 a notice of violation of a city code or ordinance has been issued and served and
84 is outstanding.

85 7. This section is not intended to abrogate, and shall not be construed as
86 abrogating, any remedy available under the common law of private nuisance.] **A**
87 **copy of a notice of citation issued by the city or county that shows the**
88 **date the citation was issued shall be prima facie evidence of whether**
89 **and for how long a citation has been pending against the property or**
90 **the property owner.**

91 6. A proceeding under this section shall:

- 92 (1) Be heard at the earliest practicable date; and
- 93 (2) Be expedited in every way.

94 7. When a property owner or neighborhood organization brings
95 an action under this section for injunctive relief to abate a nuisance,

96 a **prima facie** case for injunctive relief shall be made upon proof that
97 a nuisance exists on the property. Such an action shall not require
98 proof that the party bringing the action has sustained damage or loss
99 as a result of the nuisance.

100 8. With respect to an action under this section against the owner
101 of commercial or industrial property, when a property owner or
102 neighborhood organization bringing the action prevails in such action,
103 such property owner or organization may be entitled to an award for
104 its reasonable attorneys' fees and expenses, as ordered by the court,
105 incurred in bringing and prosecuting the action, which award for
106 attorneys' fees and expenses shall be entered as a judgment against the
107 owner of the property on which the act or condition constituting the
108 nuisance occurred or was located.

109 9. Property owners bringing a lawsuit based on the **prima facie**
110 case standard under subsections 5 and 7 of this section, or seeking
111 attorney fees and expenses under subsection 8 of this section, shall be
112 limited to lawsuits involving property ownership in any home rule city
113 with more than three hundred fifty thousand inhabitants and located
114 in more than one county or any city not within a county and shall
115 otherwise be limited to the general standards for nuisance applying to
116 other political subdivisions under section 1 of this section.

82.1027. As used in [sections 82.1027 to] section 82.1025 and sections
2 82.1027 to 82.1030, the following terms mean:

3 (1) "Code or ordinance violation", a violation under the provisions of a
4 municipal code or ordinance of any home rule city with more than four hundred
5 thousand inhabitants and located in more than one county, or any city not within
6 a county, which regulates fire prevention, animal control, noise control, property
7 maintenance, building construction, health, safety, neighborhood detriment,
8 sanitation, or nuisances;

9 (2) "Neighborhood organization", **either:**

10 (a) A Missouri not-for-profit corporation **that:**

11 a. **Is a bonafide community organization formed for the purpose**
12 **of neighborhood preservation or improvement;**

13 b. Whose articles of incorporation or bylaws specify that one of the
14 purposes for which the corporation is organized is the preservation and protection
15 of residential and community property values in **all or part of** a neighborhood

16 or neighborhoods with geographic boundaries that conform to the boundaries of
17 not more than two adjoining neighborhoods recognized by the planning division
18 of the city or county in which the neighborhood or neighborhoods are located
19 [provided that the corporation's articles of incorporation or bylaws provide that:

20 (a) The corporation has members;

21 (b) Membership shall be open to all persons who own residential real
22 estate or who reside in the neighborhood or neighborhoods described in the
23 corporation's articles of incorporation or bylaws subject to reasonable restrictions
24 on membership to protect the integrity of the organization; however, membership
25 may not be conditioned upon payment of monetary consideration in excess of
26 twenty-five dollars per year; and

27 (c) Only members who own residential real estate or who reside in the
28 neighborhood or neighborhoods described in the corporation's articles of
29 incorporation or bylaws may elect directors or serve as a director] **in any home**
30 **rule city with more than three hundred fifty thousand inhabitants and**
31 **located in more than one county, or in any city not within a county; and**

32 **c. Whose board of directors is comprised of individuals, at least**
33 **half of whom maintain their principal residence in a neighborhood the**
34 **organization serves as described in the organization's articles of**
35 **incorporation or bylaws; or**

36 **(b) An organization recognized by the federal Internal Revenue**
37 **Service as tax exempt under the provisions of Internal Revenue Code**
38 **section 501(c)(3), or the corresponding section of any future tax code,**
39 **which has had a contract with any home rule city with more than three**
40 **hundred fifty thousand inhabitants and located in more than one**
41 **county, or in any city not within a county to furnish housing related**
42 **services in that municipality or county at any point during the five-**
43 **year period preceding the filing of the action, and is in compliance with**
44 **or completed such contract;**

45 (3) "Nuisance", [within the boundaries of the neighborhood or
46 neighborhoods described in the articles of incorporation or bylaws of the
47 neighborhood organization, an act or condition knowingly created, performed,
48 maintained, or permitted to exist on private property that constitutes a code or
49 ordinance violation and that significantly affects the other residents of the
50 neighborhood; and] **an activity or condition created, performed,**
51 **maintained, or permitted to exist on private property that constitutes**

52 a code or ordinance violation, whether or not the property has been
53 cited by the city or county in which the property is located; or, if the
54 property is in a deteriorated condition, due to neglect or failure to
55 reasonably maintain, abandonment, failure to repair after a fire, flood,
56 or some other deterioration of the property, or there is clutter on the
57 property such as abandoned automobiles, appliances, or similar objects;
58 or, with respect to commercial, industrial, and vacant property, if the
59 activity or condition on the property encourages, promotes, or
60 substantially contributes to unlawful activity within three hundred feet
61 of the property; and the activity or condition either:

- 62 (a) Diminishes the value of the neighboring property; or
63 (b) Is injurious to the public health, safety, security, or welfare of
64 neighboring residents or businesses; or
65 (c) Impairs the reasonable use or peaceful enjoyment of other property in
66 the neighborhood.

82.1030. 1. Subject to subsection 2 of this section, [sections] **section**
2 **82.1025 and sections** 82.1027 to [82.1029] **82.1030** shall not be construed as
3 to abrogate any equitable or legal right or remedy otherwise available under the
4 law to abate a nuisance.

5 2. [Sections] **Section 82.1025 and sections** 82.1027 to [82.1029]
6 **82.1030** shall not be construed [as] to grant standing for an action challenging
7 any zoning application or approval.

82.1031. No action shall be brought under section 82.1025 [or] **and**
2 sections 82.1027 to 82.1030 if the owner of the property that is the subject of the
3 action is in good faith compliance with [any order] **all orders** issued by the
4 department of natural resources, the United States Environmental Protection
5 Agency, or the office of attorney general.

88.770. 1. The board of aldermen may provide for and regulate the
2 lighting of streets and the erection of lamp posts, poles and lights therefor, and
3 may make contracts with any person, association or corporation, either private
4 or municipal, for the lighting of the streets and other public places of the city
5 with gas, electricity or otherwise, except that each initial contract shall be
6 ratified by a majority of the voters of the city voting on the question and any
7 renewal contract or extension shall be subject to voter approval of the majority
8 of the voters voting on the question, pursuant to the provisions of section
9 88.251. The board of aldermen may erect, maintain and operate gas works,

10 electric light works, or light works of any other kind or name, and to erect lamp
11 posts, electric light poles, or any other apparatus or appliances necessary to light
12 the streets, avenues, alleys or other public places, and to supply private lights for
13 the use of the inhabitants of the city and its suburbs, and may regulate the same,
14 and may prescribe and regulate the rates to be paid by the consumers thereof,
15 and may acquire by purchase, donation or condemnation suitable grounds within
16 or without the city upon which to erect such works and the right-of-way to and
17 from such works, and also the right-of-way for laying gas pipes, electric wires
18 under or above the grounds, and erecting posts and poles and such other
19 apparatus and appliances as may be necessary for the efficient operation of such
20 works. The board of aldermen may, in its discretion, grant the right to any
21 person, persons or corporation, to erect such works and lay the pipe, wires, and
22 erect the posts, poles and other necessary apparatus and appliances therefor,
23 upon such terms as may be prescribed by ordinance. Such rights shall not extend
24 for a longer time than twenty years, but may be renewed for another period or
25 periods not to exceed twenty years per period. Every initial grant shall be
26 approved by a majority of the voters of the municipality voting on the question,
27 and each renewal or extension of such rights shall be subject to voter approval of
28 the majority of the voters voting on the question, pursuant to the provisions of
29 section 88.251. Nothing herein contained shall be so construed as to prevent the
30 board of aldermen from contracting with any person, persons or corporation for
31 furnishing the city with gas or electric lights in cities where franchises have
32 already been granted, and where gas or electric light plants already exist, without
33 a vote of the people, except that the board of aldermen may sell, convey,
34 encumber, lease, abolish or otherwise dispose of any public utilities owned by the
35 city including electric light systems, electric distribution systems or transmission
36 lines, or any part of the electric light systems, electric or other heat systems,
37 electric or other power systems, electric or other railways, gas plants, telephone
38 systems, telegraph systems, transportation systems of any kind, waterworks,
39 equipments and all public utilities not herein enumerated and everything
40 acquired therefor, after first having passed an ordinance setting forth the terms
41 of the sale, conveyance or encumbrance and when ratified by two-thirds of the
42 voters voting on the question, except for the sale of a water or wastewater system,
43 or the sale of a gas plant, which shall be authorized by a simple majority vote of
44 the voters voting on the question. In the event of the proposed sale of a water or
45 wastewater system, or a gas plant, the board of alderman shall hold a public

46 meeting on such proposed sale at least thirty days prior to the vote. The
47 municipality in question shall notify its customers of the informational meeting
48 through radio, television, newspaper, regular mail, electronic mail, or any
49 combination of notification methods to most effectively notify customers at least
50 fifteen days prior to the informational meeting. **In advance of putting a**
51 **proposed sale of a water or wastewater system or a gas plant before the**
52 **voters, the board of aldermen may seek an appraisal as set forth in**
53 **subsections 3 and 4 of section 393.320. The board may also seek and**
54 **provide additional reasonable analyses to inform voters of such sale**
55 **including, but not limited to, the impact of such sale on all city funds**
56 **and revenues, other city services, and annexation. Nothing in this**
57 **section shall be so construed as to discourage the board of aldermen**
58 **from seeking multiple bids when considering the disposal of a water or**
59 **wastewater system or a gas plant by sale.**

60 2. The board of aldermen's determination of the fair market
61 value of a water or wastewater system or a gas plant for the purposes
62 of this section shall not be dispositive of the price of a water or
63 wastewater system or a gas plant, which may be subject to negotiation
64 by the board of aldermen.

65 3. The board of aldermen may consider alternatives to disposing
66 of a water or wastewater system or a gas plant by sale, including
67 entering into a finance agreement, purchase agreement, management
68 agreement, or lease agreement with another entity.

69 4. The board of aldermen may make available on its internet site,
70 if such internet site exists, at least forty-five days prior to submitting
71 a proposal for election pursuant to this section, a copy of the appraisal
72 or additional reasonable analyses under subsection 1 of this section and
73 the fair market value of a water or wastewater system or a gas
74 plant. Such information may also be posted in the building where the
75 board of aldermen has its monthly meetings.

76 5. The board of aldermen may make a good-faith effort to notify
77 each property owner of the city and each ratepayer of a water or
78 wastewater system or a gas plant of the proposal to dispose of the
79 water or wastewater system or a gas plant, by sale through radio,
80 television, newspaper, regular mail, electronic mail, or any combination
81 of such notification methods. Such notice may also include instructions
82 for locating a summary of the proposal and a summary of any appraisal

83 and analyses as under subsection 1 of this section on the board of
84 aldermen's internet site, if such internet site exists. In the event the
85 board of aldermen does not have an internet site, the notice may inform
86 the recipient that written copies of such information may be made
87 available at the building where the board of aldermen has its monthly
88 meetings.

89 **6. Nothing in this section shall be construed as a violation of**
90 **section 115.646, relating to the use of public funds to advocate, support,**
91 **or oppose the ballot measure prescribed in subsection 7 of this section.**

92 **7. The ballots shall be substantially in the following form and shall**
93 **indicate the property, or portion thereof, and whether the same is to be sold,**
94 **leased or encumbered:**

95 Shall_____ (Indicate the property by stating whether electric
96 distribution system, electric transmission lines or waterworks, etc.)
97 be _____ (Indicate whether sold, leased or encumbered.)?

Section 1. In lieu of a political subdivision conducting building
2 **permit inspections of the new construction of a one or two family**
3 **residential dwelling, the licensed engineer who sealed the ultimate**
4 **submission of plans for the permit shall be allowed to conduct the**
5 **footing, foundation, wall, and framing inspections in accordance with**
6 **the procedures for such inspections established by the political**
7 **subdivision. Such licensed engineer or architect shall report on such**
8 **work by using the uniform inspection forms used by the political**
9 **subdivision and shall submit such forms to the political subdivision.**

[82.1028. Sections 82.1027 to 82.1030 apply to a nuisance
2 located within the boundaries of any city not within a county and
3 any home rule city with more than four hundred thousand
4 inhabitants and located in more than one county.]

[82.1029. 1. A neighborhood organization, on behalf of a
2 person or persons who own real estate or reside within one
3 thousand two hundred feet of a property on which there is a
4 condition or activity constituting a code or ordinance violation in
5 the neighborhood or neighborhoods described in the articles of
6 incorporation or the bylaws of the neighborhood organization, or on
7 its own behalf with respect to a code or ordinance violation on
8 property anywhere within the boundaries of the neighborhood or

9 neighborhoods, may seek injunctive and other equitable relief in
10 the circuit court for abatement of a nuisance upon showing:

11 (1) The notice requirements of this section have been
12 satisfied; and

13 (2) The nuisance exists and has not been abated.

14 2. An action under this section shall not be brought until:

15 (1) Sixty days after the neighborhood organization sends
16 written notice by certified mail, return receipt requested, postage
17 prepaid, to the appropriate municipal code enforcement agency of
18 the neighborhood organization's intent to bring an action under
19 this section, together with a copy of the notice the neighborhood
20 organization sent or attempted to send to the property owner in
21 compliance with subdivision (2) of subsection 2 of this section; and

22 (2) Sixty days after the neighborhood organization sends
23 notice by first class prepaid postage certified mail, return receipt
24 requested, to:

25 (a) The tenant, if any, or to "occupant" if the identity of the
26 tenant cannot be reasonably ascertained, at the property's address;
27 and

28 (b) The property owner of record at the last known address
29 of the property owner on file with the county or city, or, if the
30 property owner is a corporation or other type of limited liability
31 company, to the property owner's registered agent at the registered
32 agent's address of record;

33 that a nuisance exists and that legal action may be taken if the
34 nuisance is not abated. If the notice sent by certified mail is
35 returned unclaimed or refused, designated by the post office to be
36 undeliverable, or signed for by a person other than the addressee,
37 then adequate and sufficient notice may be given to the tenant, if
38 any, and the property owner of record by sending a copy of the
39 notice by regular mail to the address of the property owner or
40 registered agent and posting a copy of notice on the property where
41 the nuisance allegedly is occurring.

42 3. A sworn affidavit by the person who mailed or posted the
43 notice describing the date and manner that notice was given shall
44 be prima facie evidence of the giving of such notice.

- 45 4. The notice required by this section shall specify:
- 46 (1) The act or condition that constitutes the nuisance;
- 47 (2) The date the nuisance was first discovered;
- 48 (3) The address of the property and location on the property
- 49 where the act or condition that constitutes the nuisance is allegedly
- 50 occurring or exists; and
- 51 (4) The relief sought in the action.
- 52 5. In filing a suit under this section, an officer of the
- 53 neighborhood organization or its counsel shall certify to the court:
- 54 (1) From personal knowledge, that the neighborhood
- 55 organization has taken the required steps to satisfy the notice
- 56 requirements under this section; and
- 57 (2) Based on reasonable inquiry, that each condition
- 58 precedent to the filing of the action under this section has been
- 59 met.
- 60 6. An action may not be brought under this section based
- 61 on an alleged violation of a particular code provision or ordinance
- 62 if there is then pending against the property or the owner of the
- 63 property a notice of violation with respect to such code provision or
- 64 ordinance issued by an appropriate municipal code enforcement
- 65 agency unless such notice of violation has been pending for more
- 66 than forty-five days and the condition or activity that gave rise to
- 67 the violation has not been abated. This subsection shall not
- 68 preclude an action under this section where the appropriate
- 69 municipal code enforcement agency has declined to issue a notice
- 70 of violation against the property or the property owner.
- 71 7. A neighborhood organization may not bring an action
- 72 under this section if, at the time of filing suit, the neighborhood
- 73 organization or any of its directors own real estate, or have an
- 74 interest in a trust or a corporation or other limited liability
- 75 company that owns real estate, in the city or county in which the
- 76 nuisance is located with respect to which real property taxes are
- 77 delinquent or a notice of violation of a city code or ordinance has
- 78 been issued and served and is outstanding.
- 79 8. A copy of the notice of citation issued by the city that
- 80 shows the date the citation was issued shall be prima facie

81 evidence of whether and for how long a citation has been pending
82 against the property or the property owner.

83 9. A proceeding under this section shall:

84 (1) Be heard at the earliest practicable date; and

85 (2) Be expedited in every way.]

✓

Unofficial

Bill

Copy