

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1666

By: Dank

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to nuisance; enacting the Neglected
10 or Abandoned Residential Property Nuisance Abatement
11 Act; defining terms; providing for petition process;
12 requiring signatures of certain persons; authorizing
13 district attorney to make request with regard to
14 nuisance conditions; authorizing appointment of
15 receiver; imposing qualifications for receiver;
16 authorizing performance bond; specifying powers of
17 receiver; requiring collection and accounting of
18 rental income; authorizing certain equitable
19 remedies; providing for codification; and providing
20 an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 101 of Title 50, unless there is
24 created a duplication in numbering, reads as follows:

 This act shall be known and may be cited as the "Neglected or
Abandoned Residential Property Nuisance Abatement Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 102 of Title 50, unless there is
3 created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Business entity" means a person, firm, general partnership,
6 limited partnership, corporation, limited liability company or any
7 other lawfully recognized entity organized for profit or any
8 nonprofit entity; and

9 2. "Person" means any individual or any business entity.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 103 of Title 50, unless there is
12 created a duplication in numbering, reads as follows:

13 A. Any person may request the district attorney to institute an
14 action for the abatement of nuisance conditions which exist at a
15 single- or multi-family dwelling structure located at any point
16 within the district of such district attorney.

17 B. Before making the request, a person or business entity shall
18 be required to gather at least one hundred signatures of persons who
19 own real property or persons who own at least fifty-one percent
20 (51%) of the voting equity interest of a business entity that holds
21 title to real property located in whole or in part within one (1)
22 square mile of the nuisance property. Such signatures shall be
23 attached to a petition identifying the property by physical address
24 if possible and any description that may be available if the

1 property is part of a platted area or subdivision or a metes and
2 bounds description, if the property does not have either a physical
3 address or is not part of a platted area or subdivision.

4 C. The petition shall also include, as an attachment, a map
5 showing the subject property at the center of a one-mile square grid
6 in a manner that allows a determination of the identity of real
7 property owners for parcels located partially or wholly within such
8 one-mile grid.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 104 of Title 50, unless there is
11 created a duplication in numbering, reads as follows:

12 A. Upon verification of the number and authenticity of
13 signatures required by Section 3 of this act, the district attorney
14 may institute an action and request that the court appoint a
15 receiver with respect to a property for which a prima facie case of
16 nuisance conditions has been established.

17 B. The receiver shall be a person or business entity with
18 demonstrated experience in the management of single- or multi-family
19 residential dwellings and shall be required to maintain a business
20 office in the county in which the nuisance property is located.

21 C. The court may require the receiver to deliver a performance
22 bond in such amount or with such features as the court, in its
23 discretion, may require.

1 D. The receiver shall have the specific power to collect any
2 rental income or other payment that would otherwise be paid to the
3 owner of the subject property or property manager whether such
4 payment is authorized by the terms of a lease, contract, agreement
5 or any other form of understanding, formal or informal, between the
6 owner of the subject property and a tenant of the property.

7 E. The receiver shall collect and account for all monies
8 described by subsection D of this section and, to the extent
9 practical, use such monies in order to abate and remediate any and
10 all nuisance conditions existing on the subject property.

11 F. If the rental income and other payments are not adequate to
12 abate the nuisance conditions, the receiver shall make a report of
13 those findings to the court, and the court shall have the power to
14 order such further relief as permitted pursuant to powers of the
15 district court exercising equity jurisdiction.

16 SECTION 5. This act shall become effective November 1, 2015.
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18 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
19 dated 02/19/2015 - DO PASS, As Amended.
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