

1 ENGROSSED HOUSE  
2 BILL NO. 4013

By: Kannady of the House

3 and

4 Rosino of the Senate

5  
6 An Act relating to cities and towns; amending 11 O.S.  
7 2011, Section 22-112, which relates to condemnation  
8 procedures; modifying certain definition; and  
9 providing an effective date.

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

12 SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-112, is  
13 amended to read as follows:

14 Section 22-112. A. A municipal governing body may cause  
15 dilapidated buildings within the municipal limits to be torn down  
16 and removed in accordance with the following procedures:

17 1. At least ten (10) days' notice that a building is to be torn  
18 down or removed shall be given to the owner of the property before  
19 the governing body holds a hearing. A copy of the notice shall be  
20 posted on the property to be affected. In addition, a copy of the  
21 notice shall be sent by mail to the property owner at the address  
22 shown by the current year's tax rolls in the office of the county  
23 treasurer. Written notice shall also be mailed to any mortgage  
24 holder as shown by the records in the office of the county clerk to

1 the last-known address of the mortgagee. At the time of mailing of  
2 notice to any property owner or mortgage holder, the municipality  
3 shall obtain a receipt of mailing from the postal service, which  
4 receipt shall indicate the date of mailing and the name and address  
5 of the mailee. However, if neither the property owner nor mortgage  
6 holder can be located, notice may be given by posting a copy of the  
7 notice on the property, or by publication as defined in Section 1-  
8 102 of this title. The notice may be published once not less than  
9 ten (10) days prior to any hearing or action by the municipality  
10 pursuant to the provisions of this section;

11 2. A hearing shall be held by the governing body to determine  
12 if the property is dilapidated and has become detrimental to the  
13 health, safety, or welfare of the general public and the community,  
14 or if the property creates a fire hazard which is dangerous to other  
15 property;

16 3. Pursuant to a finding that the condition of the property  
17 constitutes a detriment or a hazard and that the property would be  
18 benefited by the removal of such conditions, the governing body may  
19 cause the dilapidated building to be torn down and removed. The  
20 governing body shall fix reasonable dates for the commencement and  
21 completion of the work. The municipal clerk shall immediately file  
22 a notice of dilapidation and lien with the county clerk describing  
23 the property, the findings of the municipality at the hearing, and  
24 stating that the municipality claims a lien on the property for the

1 destruction and removal costs and that such costs are the personal  
2 obligation of the property owner from and after the date of filing  
3 of the notice. The agents of the municipality are granted the right  
4 of entry on the property for the performance of the necessary duties  
5 as a governmental function of the municipality if the work is not  
6 performed by the property owner within dates fixed by the governing  
7 body. Any action to challenge the order of the municipal governing  
8 body shall be filed within thirty (30) business days from the date  
9 of the order;

10 4. The governing body shall determine the actual cost of the  
11 dismantling and removal of dilapidated buildings and any other  
12 expenses that may be necessary in conjunction with the dismantling  
13 and removal of the buildings, including the cost of notice and  
14 mailing. The municipal clerk shall forward a statement of the  
15 actual cost attributable to the dismantling and removal of the  
16 buildings and a demand for payment of such costs, by mail to the  
17 property owner. In addition, a copy of the statement shall be  
18 mailed to any mortgage holder at the address provided for in  
19 paragraph 1 of this subsection. At the time of mailing of the  
20 statement of costs to any property owner or mortgage holder, the  
21 municipality shall obtain a receipt of mailing from the postal  
22 service, which receipt shall indicate the date of mailing and the  
23 name and address of the mailee. If a municipality dismantles or  
24 removes any dilapidated buildings, the cost to the property owner

1 shall not exceed the actual cost of the labor, maintenance, and  
2 equipment required for the dismantling and removal of the  
3 dilapidated buildings. If dismantling and removal of the  
4 dilapidated buildings is done on a private contract basis, the  
5 contract shall be awarded to the lowest and best bidder; and

6 5. When payment is made to the municipality for costs incurred,  
7 the municipal clerk shall file a release of lien, but if payment  
8 attributable to the actual cost of the dismantling and removal of  
9 the buildings is not made within six (6) months from the date of the  
10 mailing of the statement to the owner of such property, the  
11 municipal clerk shall forward a certified statement of the amount of  
12 the cost to the county treasurer of the county in which the property  
13 is located. Once certified to the county treasurer, payment may  
14 only be made to the county treasurer except as otherwise provided  
15 for in this section. The costs shall be levied on the property and  
16 collected by the county treasurer as are other taxes authorized by  
17 law. Until finally paid, the costs and the interest thereon shall  
18 be the personal obligation of the property owner from and after the  
19 date of the notice of dilapidation and lien is filed with the county  
20 clerk. In addition the cost and the interest thereon shall be a  
21 lien against the property from the date the notice of the lien is  
22 filed with the county clerk. The lien shall be coequal with the  
23 lien of ad valorem taxes and all other taxes and special assessments  
24 and shall be prior and superior to all other titles and liens

1 against the property. The lien shall continue until the cost is  
2 fully paid. At the time of collection, the county treasurer shall  
3 collect a fee of Five Dollars (\$5.00) for each parcel of property.  
4 The fee shall be deposited to the credit of the general fund of the  
5 county. If the county treasurer and the municipality agree that the  
6 county treasurer is unable to collect the assessment, the  
7 municipality may pursue a civil remedy for collection of the amount  
8 owing and interest thereon including an action in personam against  
9 the property owner and an action in rem to foreclose its lien  
10 against the property. A mineral interest, if severed from the  
11 surface interest and not owned by the surface owner, shall not be  
12 subject to any tax or judgment lien created pursuant to this  
13 section. Upon receiving payment, the municipal clerk shall forward  
14 to the county treasurer a notice of such payment and shall direct  
15 discharge of the lien.

16 B. The municipality may designate, by ordinance, an  
17 administrative officer or administrative body to carry out the  
18 duties of the governing body specified in this section. The  
19 property owner shall have the right of appeal to the municipal  
20 governing body from any order of the administrative officer or  
21 administrative body. Such appeal shall be taken by filing written  
22 notice of appeal with the municipal clerk within ten (10) days after  
23 the administrative order is rendered.

24 C. For the purposes of this section:

1 1. "Dilapidated building" means:

2 a. a structure which through neglect or injury lacks  
3 necessary repairs or otherwise is in a state of decay  
4 or partial ruin to such an extent that the structure  
5 is a hazard to the health, safety, or welfare of the  
6 general public,

7 b. a structure which is unfit for human occupancy due to  
8 the lack of necessary repairs and is considered  
9 uninhabitable or is a hazard to the health, safety,  
10 and welfare of the general public,

11 c. a structure which is determined by the municipal  
12 governing body or administrative officer of the  
13 municipal governing body to be an unsecured building,  
14 as defined by Section 22-112.1 of this title, more  
15 than three times within any twelve-month period,

16 d. a structure which has been boarded and secured, as  
17 defined by Section 22-112.1 of this title, for more  
18 than ~~eighteen (18)~~ six (6) consecutive months, or

19 e. a structure declared by the municipal governing body  
20 to constitute a public nuisance; and

21 2. "Owner" means the owner of record as shown by the most  
22 current tax rolls of the county treasurer.

23 D. Nothing in the provisions of this section shall prevent the  
24 municipality from abating a dilapidated building as a nuisance or

1 otherwise exercising its police power to protect the health, safety,  
2 or welfare of the general public.

3 E. The officers, employees or agents of the municipality shall  
4 not be liable for any damages or loss of property due to the removal  
5 of dilapidated buildings performed pursuant to the provisions of  
6 this section or as otherwise prescribed by law.

7 F. The provisions of this section shall not apply to any  
8 property zoned and used for agricultural purposes.

9 SECTION 2. This act shall become effective November 1, 2020.

10 Passed the House of Representatives the 9th day of March, 2020.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2020.

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Presiding Officer of the Senate

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