

**BILL SUMMARY**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2038</b>
<b>Version:</b>	<b>Introduced</b>
<b>Request Number:</b>	<b>6818</b>
<b>Author:</b>	<b>Rep. Nichols</b>
<b>Date:</b>	<b>3/23/2023</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

HB 2038 as introduced, creates the Municipal Code Lien Enforcement Act and allows any fees, penalties, enforcement costs, and abatement costs imposed against a property for violations of a municipality's housing and building codes to be enforced as a lien. The measure provides that a municipal code lien is superior to all other liens except those for taxes. Owner-occupied property is exempt from this measure.

Municipalities are required to enact an ordinance or resolution approving the use of the provisions of this act before proceeding with a judicial foreclosure on a property with a municipal lien. Such ordinances or resolutions must include certain information as outlined in the measure. After a municipal code lien is filed with the county clerk, the code enforcement director is to identify the properties on which to begin a foreclosure. The code enforcement director is to wait six months from the date the municipal lien is recorded before filing a petition for foreclosure. The petition is to include certain information and to be mailed to all interested parties.

Prepared By: Keana Swadley

**Fiscal Analysis**

HB 2038 in its current form creates the Municipal Code Lien Enforcement Act, regulating municipal liens at the municipal and county level. The measure is not anticipated to have a direct impact on the state budget or appropriations.

Prepared By: John McPhetridge, House Fiscal Staff

**Other Considerations**

None.