

By: Representatives Bennett, Barnett,
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To: Local and Private
Legislation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1582

1 AN ACT TO AMEND CHAPTER 939, LOCAL AND PRIVATE LAWS OF 2015,
2 TO REVISE THE DEFINITION OF BLIGHTED PROPERTY FOR PURPOSES OF
3 GRANTING THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI,
4 THE AUTHORITY TO CLEAN BLIGHTED PROPERTY; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Chapter 939, Local and Private Laws of 2015, is
8 amended as follows:

9 Section 1. (1) The Board of Supervisors of Harrison County,
10 Mississippi, may, in its discretion, conduct hearings to determine
11 whether certain property located within the county is blighted
12 property, in addition to the authority granted to the board for
13 property that is a menace to the public health as provided by
14 Section 19-5-105, Mississippi Code of 1972. All findings shall be
15 recorded in the minutes of the board of supervisors. For purposes
16 of this act, "blighted property" means private property on which
17 commercial buildings or single-family or multifamily
18 residential * * * building structures, abandoned personal
19 property, rubbish or other debris on the land are or were



20 located, * * * and are no longer in a state of repair suitable for
21 use and occupancy, are neglected to the extent the structures or
22 debris and remnants from structures are a menace to public health
23 and safety, or are subject to entry by uninvited persons,
24 including homeless persons, juveniles and vandals, or are subject
25 to infestation of rodents or other varmints with potential to
26 spread disease, or the structures are dilapidated to an extent to
27 be a danger or a blight to the community and such property cannot
28 be remedied under the provisions of Section 19-5-105, Mississippi
29 Code of 1972.

30 Notice shall be provided to the property owner by:

31 (a) United States mail two (2) weeks before the date of
32 the hearing mailed to the address of the subject property and to
33 the address where the ad valorem tax notice for such property is
34 sent by the office charged with collecting ad valorem tax; and

35 (b) Posting notice for at least two (2) weeks before
36 the date of a hearing on the property or parcel of land alleged to
37 be in need of cleaning and at the county courthouse or another
38 place in the county where such notices are posted.

39 The required notice shall include language that informs the
40 property owner that any adjudication at such hearing that the
41 property or parcel of land is "blighted property" will authorize
42 the board of supervisors to reenter the property or parcel of land
43 for a period of one (1) year after the hearing * * *, if notice is
44 posted on the property or parcel of land and at the county



45 courthouse or another place in the county where such notices are
46 generally posted at least seven (7) days before the property or
47 parcel of land is reentered for cleaning. A copy of the required
48 notice mailed and posted as required by this act shall be recorded
49 in the minutes of the board of supervisors in conjunction with the
50 hearing required by this section.

51 (2) If at such hearing the board of supervisors shall in its
52 resolution adjudicate such parcel of land in its then condition to
53 be "blighted property," the board of supervisors may, if the owner
54 fails to do so himself, proceed to have the land cleaned in a
55 manner that is necessary to correct its "blighted" condition.
56 Thereafter, the board of supervisors may at its next regular
57 meeting by resolution adjudicate the actual cost of cleaning the
58 land and may also impose a penalty. The cost and any penalty
59 shall become an assessment against the property. The "cost
60 assessed against the property" means either the cost to the county
61 of using its own employees to do the work or the cost to the
62 county of any contract executed by the county to have the work
63 done, and administrative costs and legal costs of the county.

64 (3) A county may reenter the property or parcel of land to
65 maintain cleanliness without further notice of hearing no more
66 than six (6) times in any twelve-month period with respect to
67 removing dilapidated buildings, dilapidated fences and outside
68 toilets, and no more than twelve (12) times in any
69 twenty-four-month period with respect to cutting grass and weeds



70 and removing rubbish, personal property and other debris on the
71 land. The expense of cleaning the property shall be the actual
72 cost of cleaning the property. The board of supervisors may
73 assess the same penalty each time the property or land is cleaned
74 as otherwise provided in this section.

75 (4) The penalty provided herein shall not be assessed
76 against the State of Mississippi upon request for reimbursement
77 under Section 29-1-145, Mississippi Code of 1972, nor shall a
78 county clean a parcel owned by the State of Mississippi without
79 first giving notice.

80 (5) The assessment authorized by this section shall be a
81 lien against the property and may be enrolled in the office of the
82 circuit clerk of the county as other judgments are enrolled, and
83 the tax collector of the county shall, upon order of the board of
84 supervisors, proceed to sell the land to satisfy the lien as now
85 provided by law for the sale of lands for delinquent taxes.
86 Furthermore, the property owner whose land has been sold pursuant
87 to this section shall have the same right of redemption as now
88 provided by law for the sale of lands for delinquent taxes. All
89 decisions rendered under the provisions of this section may be
90 appealed in the same manner as other appeals from county boards.

91 **SECTION 2.** This act shall take effect and be in force from
92 and after its passage.

