

By: Representative Hobgood-Wilkes

To: County Affairs

HOUSE BILL NO. 629

1 AN ACT TO AMEND SECTION 19-5-105, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO ASSESS THE
3 COST AND ANY PENALTY AGAINST MENACED PROPERTY AS A CIVIL DEBT
4 AGAINST THE PROPERTY OWNER AND/OR AT THE OPTION OF THE BOARD OF
5 SUPERVISORS, A LIEN AGAINST THE PROPERTY; TO PROVIDE THAT THE LIEN
6 SHALL FOLLOW TITLE OF THE PROPERTY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-5-105, Mississippi Code of 1972, is
9 amended as follows:

10 19-5-105. (1) To determine whether property or a parcel of
11 land located within a county is in such a state of uncleanliness
12 as to be a menace to the public health, safety and welfare of the
13 community, the board of supervisors of any county is authorized
14 and empowered to conduct a hearing on its own motion, or upon the
15 receipt of a petition requesting the board of supervisors to act
16 signed by a majority of the residents eighteen (18) years of age
17 or older, residing upon any street or alley, within reasonable
18 proximity of any property alleged to be in need of cleaning, or
19 within seven hundred fifty (750) feet of the precise location of
20 the alleged menace situated on any parcel of land which is located



21 in a populated area or in a housing subdivision and alleged to be
22 in need of cleaning.

23 Notice shall be provided to the property owner by:

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

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

32 (2) The notice required by this section shall include
33 language that informs the property owner that an adjudication at
34 the hearing that the property or parcel of land is in need of
35 cleaning will authorize the board of supervisors to reenter the
36 property or parcel of land for a period of one (1) year after the
37 hearing without any further hearing, if notice is posted on the
38 property or parcel of land and at the county courthouse or another
39 place in the county where such notices are generally posted at
40 least seven (7) days before the property or parcel of land is
41 reentered for cleaning. A copy of the required notice mailed and
42 posted as required by this section shall be recorded in the
43 minutes of the board of supervisors in conjunction with the
44 hearing required by this section.



45 If at such hearing the board of supervisors shall in its
46 resolution adjudicate such parcel of land in its then condition to
47 be a menace to the public health and safety of the community, the
48 board of supervisors may, if the owner not do so himself, proceed
49 to have the land cleaned by cutting weeds, filling cisterns, and
50 removing rubbish, dilapidated fences, outside toilets, dilapidated
51 buildings and other debris, and draining cesspools and standing
52 water. Thereafter, the board of supervisors may at its next
53 regular meeting by resolution adjudicate the actual cost of
54 cleaning the land and may also impose a penalty not to exceed One
55 Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%)
56 of the actual cost, whichever is more. The cost and any
57 penalty * * * may become a civil debt against the property owner,
58 and/or, at the option of the board of supervisors an assessment
59 against the property. The "cost assessed against the property"
60 means either the cost to the county of using its own employees to
61 do the work or the cost to the county of any contract executed by
62 the county to have the work done, and administrative costs and
63 legal costs of the county.

64 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 not exceed an
72 aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year,
73 or the fair market value of the property subsequent to cleaning,
74 whichever is less. The board of supervisors may assess the same
75 penalty each time the property or land is cleaned as otherwise
76 provided in this section.

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

81 (4) If the board of supervisors declares, by resolution,
82 that the cost and any penalty shall be collected as a civil debt,
83 the board of supervisors may authorize the institution of a suit
84 on open account against the owner of the property in a court of
85 competent jurisdiction in the manner provided by law for the cost
86 and any penalty, plus court costs, reasonable attorney's fees and
87 interest from the date that the property was cleaned.

88 (5) If the board of supervisors declares that the cost and
89 any penalty shall be collected as an assessment against the
90 property, then the assessment * * * shall be a lien against the
91 property and may be enrolled in the office of the circuit clerk of
92 the county as other judgments are enrolled, and the tax collector
93 of the county shall, upon order of the board of supervisors,
94 proceed to sell the land to satisfy the lien as now provided by



95 law for the sale of lands for delinquent taxes. The lien against
96 the property shall be an encumbrance upon the property and shall
97 follow title of the property. Furthermore, the property owner
98 whose land has been sold pursuant to this section shall have the
99 same right of redemption as now provided by law for the sale of
100 lands for delinquent taxes.

101 (6) All decisions rendered under the provisions of this
102 section may be appealed in the same manner as other appeals from
103 county boards.

104 **SECTION 2.** This act shall take effect and be in force from
105 and after July 1, 2021.

