

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/15/01

A Bill

HOUSE BILL 1293

5 By: Representatives Lendall, J. Elliott, Dees, *Ledbetter*
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 14-54-904 TO
10 AUTHORIZE MUNICIPALITIES TO RECOVER ATTORNEYS'
11 FEES AND COSTS INCURRED IN ENFORCING LIENS
12 ACQUIRED BY THE MUNICIPALITY FOR WORK DONE ON
13 UNSAFE OR UNSIGHTLY PROPERTY; AND FOR OTHER
14 PURPOSES.

Subtitle

15
16 AMEND ARKANSAS CODE 14-54-904 TO
17 AUTHORIZE MUNICIPALITIES TO RECOVER
18 ATTORNEYS' FEES AND COSTS INCURRED IN
19 ENFORCING LIENS ACQUIRED BY THE
20 MUNICIPALITY FOR WORK DONE ON UNSAFE OR
21 UNSIGHTLY PROPERTY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code 14-54-904 is amended to read as follows:
28 14-54-904. Enforcement of lien for clearance by municipality.

29 (a) The lien provided for in § 14-54-903 may be enforced and collected
30 in either one (1) of the following manners:

31 (1) At any time within eighteen (18) months after work has been
32 done, by an action in the chancery court; or

33 (2) The amount of the lien provided in § 14-54-903 may be
34 determined at a hearing before the governing body of the municipality held
35 after thirty (30) days' written notice by certified mail to the owner of the
36 property if the name and whereabouts of the owner are known. If the name of

1 the owner cannot be determined, then the amount will be determined only after
2 publication of notice of the hearing in a newspaper having a bona fide
3 circulation in the county where the property is located for one (1) insertion
4 per week for four (4) consecutive weeks. The determination of the governing
5 body is subject to appeal by the property owner in the chancery court. The
6 amount so determined at the hearing, plus ten percent (10%) penalty for
7 collection, shall be certified by the governing body of the municipality to
8 the tax collector of the county where the municipality is located, and placed
9 by him on the tax books as delinquent taxes, and collected accordingly. The
10 amount, less three percent (3%) thereof, when so collected shall be paid to
11 the municipality by the county tax collector.

12 (b)(1)(A) In any situation in which a city of the first or second class
13 issues an order for the removal, repair to return the structure to compliance
14 with minimum building code standards, or razing of a building or house under
15 the provisions of § 14-56-203, and such order is not complied with by the
16 owner of the building or house and the city then removes, repairs or razes the
17 building or house, a lien is granted and given against the real property for
18 *the cost of the removal, repair, or razing.*

19 (B) If the city determines to repair the building or house to
20 meet the minimum building code standards, the city shall comply with all
21 necessary requirements under §14-58-303 for competitive bidding for purchases
22 of supplies and materials or for contracts for work or labor needed to
23 complete the repairs on the building or house.

24 (2) The lien granted by this subsection shall also be enforced
25 pursuant to the lien enforcement procedures set forth in subsection (a) of
26 this section.

27 (c) In all suits brought to enforce the liens described in this section,
28 the reimbursement of costs, including title search fees and *reasonable*
29 attorneys' fees, shall be awarded to the municipality.

30 /s/ Lendall, et al.
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