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# City of Chattanooga

## Office of the City Attorney

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January 6, 2023

Dear Prospective Purchaser:

In an effort to promote and maintain the health, safety, and overall welfare of the public, Tennessee law gives municipalities the authority to abate (i.e. remove) blighted, unsafe, unsanitary and/or detrimental conditions that exist on private property located within the municipality's jurisdiction. (See T.C.A. § 13-21-102 attached hereto as **Exhibit A**.)

Furthermore, Tennessee law requires that the costs of such abatement work be assessed against the owner of the property and placed as a lien on the property in favor of the municipality. These costs shall be collected at the same time and in the same manner as property taxes are collected. (See T.C.A. § 13-21-103 attached hereto as **Exhibit B**.)

Most<sup>1</sup> of the properties in the current Hamilton County Property Sale have previously gone through delinquent tax sales at some point in the past. In compliance with Tennessee law, the City of Chattanooga (the "City") makes every attempt to identify and collect any and all City municipal lien amounts that are recorded against properties that go through the delinquent tax sale process. As such, City municipal liens recorded against properties that are sold in the Hamilton County Property Sale have likely already been collected or paid through a delinquent tax sale.

Nevertheless, in the event that you purchase a property in the Hamilton County Property Sale, and you discover that the property has a City municipal lien recorded against it, please contact the City's Property Maintenance Code Enforcement Division to check the status of the lien. You may contact the Code Enforcement Division by telephone at (423) 643-7300 or by email at [communitydevelopment@chattanooga.gov](mailto:communitydevelopment@chattanooga.gov). If the City confirms that the municipal lien can be released, the City will prepare and record a release document with the Hamilton County Register of Deeds.

Sincerely,

Harolda Bryson  
*Assistant City Attorney*

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<sup>1</sup> Please note that although most properties in the Hamilton County Property Sale have gone through past delinquent tax sales, there is the possibility that some of the properties being sold have not previously gone through a delinquent tax sale. In the case of a property that has not previously gone through a delinquent tax sale, any municipal lien recorded against the property is likely still owed to the City.

**Document:** Tenn. Code Ann. § 13-21-102

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## Exhibit A

### Tenn. Code Ann. § 13-21-102

**Copy Citation**

Current through the 2022 Regular Session.

**TN - Tennessee Code Annotated    Title 13 Public Planning And Housing    Chapter 21 Slum Clearance and Redevelopment    Part 1 Structures Unfit for Occupation or Use**

13-21-102. Structures unfit for human occupation or use — Power of municipalities to demolish — Program to remedy the unsafe conditions caused by the unfinished structure and the suspended construction.

**(a)** Whenever any municipality of this state finds that there exists in such municipality structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to exercise its police powers to repair, close or demolish the aforementioned structure in the manner herein provided.

**(b)**

**(1)** As used in this subsection (b):

**(A)** "Abandoned construction" means that construction of an unfinished structure has ceased and that no good faith effort has been made to complete the construction for a period of one hundred eighty (180) days; and

**(B)** "Suspended construction" means that construction of an unfinished structure has ceased and that no good faith effort has been made to complete the construction for a period of sixty (60) days.

**(2)** This subsection (b) applies to any municipality located in any county having a population of not less than one hundred twenty-six thousand six hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700) or located in any county having a population of not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500), according to the 2000 federal census or any subsequent federal census:

**(A)** When any municipality to which this subsection (b) applies finds that there are structures in the municipality unfit for human occupation or use because of suspended construction, the municipality may use the procedures in this part to remedy the unsafe conditions caused by the unfinished structure and the suspended construction. All the applicable procedures set out in § 13-21-103 apply, but upon the public officer's finding that construction has been suspended and that the unfinished structure and the suspended construction create conditions that are dangerous or injurious to the health or safety of neighboring residents or the general public or the safety of neighboring structures, the public officer is limited to ordering that construction resume or that the owner make the unfinished structure safe by boarding up the structure, removing construction debris and other safety hazards from the construction area, and otherwise removing or neutralizing health or safety hazards. If the owner fails to take the actions within ten (10) days after being ordered to do so, the municipality may cause the unfinished structure to be boarded up and the debris and other health and safety hazards removed or neutralized. The costs of doing so shall be assessed against the owner and may be collected as provided in § 13-21-103(6).

**(B)** When the municipality finds that there are structures in the municipality unfit for human occupation or use because of abandoned construction, the municipality may use all the procedures, remedies and rights in this part to deal with the unfinished structure and the abandoned construction. When an unfinished structure meets both the definition of suspended construction and abandoned construction, it may be dealt with as abandoned construction.

**(C)** An ordinance adopted by a municipality pursuant to this subsection (b) shall provide that the public officer may determine that a structure is unfit for human occupation or use if the public officer finds that conditions exist in the structure that are dangerous or injurious to the health, safety or morals of the occupants of the structure, the occupants of neighboring structures or other residents of the municipality or to the safety of neighboring structures. These conditions may include, but are not limited to:

- (i)** Defects increasing the hazards of fire, accident or other calamities;
- (ii)** Lack of ventilation, light or sanitary facilities;
- (iii)** Dilapidation;
- (iv)** Disrepair;
- (v)** Structural defects;
- (vi)** Uncleanliness; or
- (vii)** Suspended construction or abandoned construction.

## History

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Acts 1939, ch. 152, § 1; C. Supp. 1950, § 3647.31 (Williams, § 3647.42); T.C.A. (orig. ed.), § 13-1202; Acts 1985, ch. 286, § 5; 2009, ch. 114, § 1; 2012, ch. 663, § 1.

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## Document: Tenn. Code Ann. § 13-21-103

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### Exhibit B

#### Tenn. Code Ann. § 13-21-103

**Copy Citation**

Current through the 2022 Regular Session.

**TN - Tennessee Code Annotated    Title 13 Public Planning And Housing    Chapter 21 Slum Clearance and Redevelopment    Part 1 Structures Unfit for Occupation or Use**

#### 13-21-103. Adoption of ordinances — Required provisions.

Upon the adoption of an ordinance finding that conditions of the character described in § 13-21-102 exist within a municipality, the governing body of the municipality is hereby authorized to adopt ordinances relating to the structures within the municipality which are unfit for human occupation or use. Such ordinances shall include the following provisions, that:

- (1)** A public officer be designated or appointed to exercise the powers prescribed by the ordinances;
- (2)** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer, on the public officer's own motion, that any structure is unfit for occupation or use, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or the public officer's designated agent, at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint, that:
  - (A)** The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
  - (B)** The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;
- (3)** If, after such notice and hearing, the public officer determines that the structure under consideration is unfit for human occupation or use, the public officer shall state in writing the public officer's findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

**(A)** If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or

**(B)** If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such structure;

**(4)** If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful";

**(5)** If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished; and

**(6)** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom the costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

## History

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Acts 1939, ch. 152, § 3; C. Supp. 1950, § 3647.32 (Williams, § 3647.44); T.C.A. (orig. ed.), § 13-1203; Acts 1985, ch. 286, §§ 2, 3, 5; 1989, ch. 298, § 1; 1991, ch. 515, § 2; 1993, ch. 210, § 2; 2005, ch. 3, § 1.

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