

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1808

By: Representative Womack
By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL
REGULATION OF UNSANITARY CONDITIONS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MUNICIPAL
REGULATION OF UNSANITARY CONDITIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-54-901 is amended to read as follows:
14-54-901. Municipal authority.

(a) Incorporated towns ~~and~~, cities of the first class, and cities of
the second class ~~are empowered to~~ may order the owner of lots and other real
property within their towns or cities by ordinance to ~~cut~~:

(1) Cut weeds; ~~to remove~~

(2) Remove garbage, rubbish, and other unsightly and unsanitary
articles and things upon the property; and ~~to eliminate~~

(3) Eliminate, fill up, or remove stagnant pools of water or any
other unsanitary thing, place, or condition which might become a breeding
place for mosquitoes, flies, and germs harmful to the health of the
community, ~~after the town or city has provided therefor by an ordinance to~~
~~that effect.~~

(b)(1) An action shall not be taken under this subchapter against an
owner of property unless the reason for which action is taken can be proven
beyond a reasonable doubt to be a serious threat to the health or safety of



the public outside the boundary of the property at issue.

(2) An owner of property at issue under subdivision (b)(1) of this section that does not comply with an ordinance under this section may be prevented from receiving improvement subsidies or subsidized flood insurance.

SECTION 2. Arkansas Code § 14-54-903(a)(3), concerning the definition of “priority clean-up lien”, is amended to read as follows:

(3) “Priority clean-up lien” means a clean-up lien for work undertaken by a city or town on an unsafe and vacant structure or weed lot that is given priority status over other lienholders following notice and public hearing in circuit court;

SECTION 3. Arkansas Code § 14-54-903(e)-(j), concerning the refusal of an owner to comply, are amended to read as follows:

(e)(1)(A) After the work has been completed, the city or town shall provide second notice to the owner of the total amount of the clean-up lien, including administrative and filing costs.

(B) If the city or town wishes to secure a priority clean-up lien after the work has been completed, it shall provide second notice to the lienholders of record of the total amount of the clean-up lien.

(2) Cities and towns are not required to give notice of court liens to prior lienholders.

(3) Notice of the amount of a clean-up lien or a court lien may be combined with the notice of the hearing before the ~~governing body~~ circuit court to create and impose the clean-up lien or court lien.

(f) The amount of any clean-up lien or court lien provided in this section may be determined at a public hearing before the ~~governing body of the city or town~~ circuit court held after thirty (30) days’ written notice by mail, return receipt requested, to the owner of the property if the name and address of the owner are known and to the lienholders of record.

(g) If the name of the owner cannot be determined, then the amount of the clean-up lien or court lien shall be determined at a public hearing ~~before the governing body of the city or town~~ in circuit court only after publication of notice of the hearing in a newspaper having a bona fide circulation in the county where the property is located for one (1) insertion per week for four (4) consecutive weeks.

(h)(1) ~~The determination of the governing body confirming the amount of any clean up lien or court lien and creating and imposing any clean up lien or court lien under this section is subject to appeal by the property owner or by any lienholder of record in the circuit court, filed within forty five (45) days after the determination is made~~ A property owner is not responsible for a violation under this section that occurs during a time period in which the property in question is rented or leased to a third party.

(2) ~~If the owner or lienholder fails to appeal in this time, the lien amount is fully perfected and not subject to further contest or appeal~~ During a time period in which the property in question is rented or leased to a third party, a violation under this section is the responsibility of the person or corporation renting or leasing the property if the person or corporation renting or leasing the property is found to have caused the violation under this section.

(i) The city or town shall file its lien with the circuit clerk no later than sixty (60) days after the ~~governing body of the city or town~~ circuit court confirms the lien amount, or if the lien is appealed, within sixty (60) days after the city or town wins on appeal.

(j)(1) If the city or town wishes to secure a first-priority status for any priority clean-up lien created and imposed under this section, it shall file an action with the circuit court within which the property is located seeking a declaration that the clean-up lien is entitled to priority over previously recorded liens and naming the holders of the recorded liens as defendants.

(2) Priority status shall be awarded to the priority clean-up lien with respect to any previously recorded lien if the court determines that such lienholder has failed to exercise its rights to foreclose its lien when the obligation it secures becomes in default or has failed to pay the costs of work undertaken by a city or town that composes the clean-up lien. However, the amount as to which the clean-up lien shall have priority shall be the amount the court finds reasonable and is limited to:

(A) No more than ~~one thousand dollars (\$1,000)~~ one hundred dollars (\$100) per year for grass ~~or~~ cutting, weed cutting, trash pickup, or trash disposal;

(B) No more than five thousand dollars (\$5,000) to board

and secure the property;

(C) No more than seven thousand five hundred dollars (\$7,500) to demolish any structures on the property; or

(D) No more than fifteen thousand dollars (\$15,000) for hazardous waste environmental remediation.