

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 400

By: Coleman of the Senate

and

Luttrell of the House

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7
8 **[powers of municipalities - abandoned buildings -**
9 **notice - hearing - action - duties - codification -**
10 **effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 11 O.S. 2021, Section 22-112.4, is
14 amended to read as follows:

15 Section 22-112.4. A. An abandoned building shall constitute a
16 public nuisance because it:

17 1. Is detrimental to the public health, safety or welfare of
18 the inhabitants of and visitors to the municipality;

19 2. Causes increased municipal regulatory costs and increased
20 municipal police and fire protection costs; and

21 3. Devalues abutting and nearby real properties.

22 B. A municipal governing body may abate the public nuisance
23 caused by an abandoned building within the municipal limits in
24 accordance with the following procedures:

1 1. At least ten (10) days' notice that an abandoned building is
2 to be abated pursuant to the procedures for abatement set forth in
3 this section shall be given to the owner of the property before the
4 governing body holds a hearing. A copy of the notice shall be sent
5 by mail to the property owner at the address shown by the current
6 year's tax rolls in the office of the county treasurer. Written
7 notice shall also be sent by mail to any mortgage holder as shown by
8 the records in the office of the county clerk to the last-known
9 address of the mortgage holder. At the time of mailing of notice to
10 any property owner or mortgage holder, the municipality shall obtain
11 a receipt of mailing from the postal service, the receipt of which
12 shall indicate the date of mailing and the name and address of the
13 mailee. However, if neither the property owner nor mortgage holder
14 can be located, notice may be given by posting a copy of the notice
15 on the property and by publication as defined in Section 1-102 of
16 ~~Title 11 of the Oklahoma Statutes~~ this title. Such notice shall be
17 published once not less than ten (10) days prior to any hearing or
18 action by the municipality pursuant to the provisions of this
19 section;

20 2. A hearing shall be held by the governing body to determine
21 if the property is an abandoned building as defined by this section;

22 3. Pursuant to a determination that the building is an
23 abandoned building, the governing body may order the agents of the
24 municipality to pursue abatement of the public nuisance caused by

1 the building and shall order the municipal clerk to place the
2 building on an abandoned building list to be maintained by the
3 clerk. At any time after such determination and order, the agents
4 of the municipality may cause the public nuisance to be abated as
5 authorized in this section, and such abatement may continue until
6 such time as the building is removed from the abandoned building
7 list in accordance with the procedures set forth in subsection C of
8 this section;

9 4. Abatement of an abandoned building by the municipality may
10 include any or all of the following:

11 a. any lawful municipal regulatory or municipal police
12 and fire protection action in relation to the
13 abandoned building or the owner of such building
14 necessary or appropriate for the protection of
15 inhabitants in and visitors to the municipality. Upon
16 receipt of any necessary warrant to authorize such
17 action, the agents of the municipality are granted the
18 right of entry onto the property for the performance
19 of any such action as a governmental function of the
20 municipality,

21 b. the quarterly assessment against the property on which
22 the abandoned building is located and against the
23 owner of the abandoned building of the actual costs of
24 any municipal regulatory action taken in relation to

1 the abandoned building or the owner of such building
2 as authorized above,

3 c. the assessment against the property on which the
4 abandoned building is located and against the owner of
5 the abandoned building of the actual costs of any
6 municipal police or fire protection action taken in
7 relation to the abandoned building or the owner of
8 such building as authorized above, and

9 d. an assessment for any other actual expenses incurred
10 by the municipality in relation to the abandoned
11 building, including, but not limited to, the costs of
12 notices, mailings and publications;

13 5. After the determination that a building is an abandoned
14 building, and before commencement of any of the abatement actions
15 authorized by paragraphs 3 and 4 of this subsection, the municipal
16 clerk shall file a notice of lien with the county clerk describing
17 the property, the findings of the governing body at the hearing, and
18 stating that the municipality claims a lien on the property for all
19 abatement costs and that such costs shall also constitute the
20 personal obligation of the property owner from and after the date of
21 filing of the notice;

22 6. From and after the determination that a building is an
23 abandoned building, and continuing until such time as the building
24 is removed from the abandoned building list in accordance with the

1 procedures set forth in subsection C of this section, the municipal
2 clerk shall determine the actual quarterly abatement costs for the
3 abatement procedures authorized by this section. After such
4 determination, the municipal clerk shall mail a statement of the
5 actual quarterly abatement costs for the abatement procedures
6 authorized by this section to the property owner and demand the
7 payment of such costs by the owner. In addition, a copy of the
8 statement shall be mailed to any mortgage holder at the address
9 provided for in paragraph 1 of this subsection. At the time of
10 mailing of the statement of costs to any property owner or mortgage
11 holder, the municipal clerk shall obtain a receipt of mailing from
12 the postal service, the receipt of which shall indicate the date of
13 mailing and the name and address of the mailee; and

14 7. When full payment is made to the municipal clerk for actual
15 abatement costs incurred and billed in accordance with paragraph 6
16 of this subsection, the municipal clerk shall send the property
17 owner and any mortgage holder by mail a receipt for such payment;
18 but if payment attributable to the actual quarterly costs of such
19 abatement is not made within six (6) months from the date of the
20 mailing of the statement to the owner of such property, a lien in
21 the actual amount of the abatement shall be filed against the
22 abandoned building. Until finally paid, the costs and the interest
23 thereon shall be the personal obligation of the property owner from
24 and after the date the notice of lien was filed with the county

1 clerk. In addition, the costs and the interest thereon shall be a
2 lien against the property from the date the notice of lien was filed
3 with the county clerk. The lien shall be coequal with the lien of
4 ad valorem taxes and all other taxes and special assessments and
5 shall be prior and superior to all other titles and liens against
6 the property. The lien shall continue until the cost is fully paid.
7 A mineral interest, if severed from the surface interest and not
8 owned by the surface owner, shall not be subject to any lien created
9 pursuant to this section. Upon receiving full payment, the
10 municipal clerk shall forward to the county clerk a notice of
11 discharge of the lien.

12 C. Any owner or mortgage holder of any building determined by
13 the governing body of the municipality to be an abandoned building
14 pursuant to this section may petition the governing body in writing
15 at any time after such determination for removal of such building
16 from the abandoned building list maintained by the municipal clerk.
17 Any such petition shall be filed with the municipal clerk. Within
18 thirty (30) days after such petition is filed with the municipal
19 clerk, the governing body shall hold a hearing to determine if the
20 building is no longer an abandoned building. Upon such a
21 determination, the governing body shall order the building removed
22 from the abandoned building list. The municipal clerk shall comply
23 with such order by removing the building from the abandoned building
24 list; provided, the real property on which the abandoned building is

1 located and the owner of such building shall remain liable for
2 payment of any and all abatement costs incurred by the municipality
3 prior to the determination and order by the governing body that the
4 building should be removed from the abandoned building list. Upon
5 full payment of any costs certified against the property, the
6 municipal clerk shall file a release of the notice of the lien in
7 the county clerk's office within ten (10) days after receiving such
8 payment.

9 D. The governing body may designate, by ordinance, an
10 administrative officer or administrative body of the municipality to
11 carry out any or all of the duties of the governing body specified
12 in this section. The property owner shall have the right of appeal
13 to the governing body from any order of the administrative officer
14 or administrative body. Such appeal shall be taken by filing a
15 written notice of appeal with the municipal clerk within ten (10)
16 days after the administrative order is delivered or mailed to the
17 owner at the address shown in the county treasurer records.

18 E. For purposes of this section:

19 1. "Abandoned building" means any building that is located
20 within the municipality that is not currently occupied and has been
21 declared unsecured, ~~or~~ dilapidated, or unoccupied pursuant to
22 Section 22-112 or 22-112.1 of ~~Title 11 of the Oklahoma Statutes~~ this
23 title or Section 2 of this act and remains in such condition; and
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1 2. "Owner" means the owner of record as shown by the most
2 current tax ~~roles~~ rolls of the county treasurer.

3 F. The provisions of this section shall not apply to any
4 property zoned and used for agricultural purposes.

5 G. The officers, employees or agents of the municipality shall
6 not be liable for any damages or loss of property due to the
7 abatement of the public nuisance caused by an abandoned building
8 performed pursuant to the provisions of this section or as otherwise
9 provided by law.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 22-112.6 of Title 11, unless
12 there is created a duplication in numbering, reads as follows:

13 A. A municipal governing body may declare buildings within its
14 municipal limits to be unoccupied and subject to abatement, as
15 provided in Section 22-112.4 of Title 11 of the Oklahoma Statutes,
16 if such buildings:

17 1. Have remained unoccupied for a continuous period of three
18 hundred sixty-five (365) days or more and remain in such condition;

19 2. Cause increased municipal regulatory costs and increased
20 municipal police and fire protection costs; and

21 3. Devalue abutting and nearby real properties.

22 B. At least ten (10) days' notice that a building is to be
23 declared unoccupied shall be given to the owner of the property
24 before the governing body holds a hearing. A copy of the notice

1 shall be posted on the property to be affected. In addition, a copy
2 of the notice shall be sent by mail to the property owner at the
3 address shown by the current year's tax rolls in the office of the
4 county treasurer. Written notice shall also be mailed to any
5 mortgage holder as shown by the records in the office of the county
6 clerk to the last-known address of the mortgagee. At the time of
7 mailing of notice to any property owner or mortgage holder, the
8 municipality shall obtain a receipt of mailing from the postal
9 service, which receipt shall indicate the date of mailing and the
10 name and address of the mailee. However, if neither the property
11 owner nor mortgage holder can be located, notice may be given by
12 posting a copy of the notice on the property, or by publication as
13 defined in Section 1-102 of Title 11 of the Oklahoma Statutes. The
14 notice may be published once not less than ten (10) days prior to
15 any hearing or action by the municipality pursuant to the provisions
16 of this section.

17 C. A hearing shall be held by the governing body to determine
18 if the property meets the criteria provided in subsection A of this
19 section. The property owner or mortgage holder may present evidence
20 at such hearing that he or she is actively working to remediate any
21 concerns with the status of the property. If the governing body
22 determines that the condition of the property meets such criteria,
23 the governing body may begin abatement of the property pursuant to
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1 the provisions of Section 22-112.4 of Title 11 of the Oklahoma
2 Statutes.

3 D. The municipality may designate, by ordinance, an
4 administrative officer or administrative body to carry out the
5 duties of the governing body specified in this section. The
6 property owner shall have the right of appeal to the municipal
7 governing body from any order of the administrative officer or
8 administrative body. Such appeal shall be taken by filing written
9 notice of appeal with the municipal clerk within ten (10) days after
10 the administrative order is rendered.

11 E. For the purposes of this section:

12 1. "Owner" means the owner of record as shown by the most
13 current tax rolls of the county treasurer; and

14 2. "Unoccupied" means a building located within the
15 municipality that:

16 a. is not being utilized as a place of residence or
17 business, or

18 b. has no current tenant or occupant.

19 SECTION 3. This act shall become effective November 1, 2025.

20 COMMITTEE REPORT BY: COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
21 March 4, 2025 - DO PASS AS AMENDED
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