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## FISCAL IMPACT REPORT

SPONSOR: Griego DATE TYPED: 02/21/01 HB \_\_\_\_\_  
 SHORT TITLE: Removing or Abating a Nuisance SB 603  
 ANALYST: Moran

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
See Narrative					

### SOURCES OF INFORMATION

Administrative Office of the Courts  
 Attorney General's Office  
 LFC Files

No Response  
 Municipal League

### SUMMARY

#### Synopsis of Bill

This bill amends Section 3-18-17, the current statute governing abatement of public nuisances, to allow municipalities to impose a lien on properties for the reasonable cost of removing or abating a nuisance from those properties.

#### Significant Issues

According to the Attorney General's Office, it is possible that the perpetrator of the nuisance is not the property owner, but rather a tenant, guest, business invitee or trespasser, yet the owner is held liable and the abated property subject to a lien. Other statutes authorizing municipalities to impose liens for various charges set out different approaches. In addition to the notice and opportunity to be heard contained in § 31-18-5, statutes governing liens to enforce collection of utility fees allow the owner to give notice to the municipality that the obligation has been assumed by a tenant (§ 3-23-6), and liens for installation of sewer or drinking water lines are filed only after notice to and failure to act by the owner. Inclusion of these types of provisions may protect those residents who are not liable, while allowing municipalities another method to collect expenses from those who are. Additionally, notice and an opportunity to be heard may be required by constitutional due process guarantees.

### FISCAL IMPLICATIONS

SB 603 contains no appropriations, yet the Administrative Office of the Courts (AOC) suggests that new laws, amendments to existing laws and new hearings have the potential to increase workload in the courts, thus requiring additional resources to handle the increase.

**ADMINISTRATIVE IMPLICATIONS**

The AOC claims that there may be an administrative impact on the courts as the result of an increased workload as a result of this bill.

**STATUTORY CONFLICT**

To the extent that a nuisance which results in the lien authorized by this bill was a dangerous building or debris, the provisions of this bill conflict with the provisions of §3-18-5, which spell out specific procedures not required by this bill, including notice and an opportunity to be heard.

RM/njw:pr