

HB 1048 -- NUISANCE ACTIONS IN CERTAIN CITIES

SPONSOR: Merideth

This bill modifies how actions against another property owner whose property is a nuisance are brought in certain cities and counties. Currently, a property owner has 60 days after receiving notice to eliminate the nuisance before an action can be brought against them. This bill changes that to 45 days.

The definitions of the terms "nuisance" and "neighborhood associations," as they are used in the bill, are modified. Property owners and neighborhood associations seeking injunctive relief under this bill will no longer have to show they are suffering actual damages as a result of the nuisance in order to bring such an action. Additionally, this bill permits attorney's fees being awarded in certain circumstances to the party who brought the action.

Finally, this bill repeals a defense available to property owners who are acting in good faith to comply with an order issued by the Department of Natural Resources, the U.S. Environmental Protection Agency, or the Office of the Attorney General.

This bill is the same as SB 203 (2019).