

HCS HB 3210 -- COMPENSATION FOR PROPERTY OWNERS UNDER CERTAIN CIRCUMSTANCES

SPONSOR: Hinman

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Intergovernmental Affairs by a vote of 9 to 5.

The following is a summary of the House Committee Substitute for HB 3210.

This bill establishes the "Safe Neighborhoods Act". The bill applies to property owners located in a city with more than 100,000 inhabitants.

Once per tax year, such property owners can submit claims for compensation if the city in which the property is located adopts a policy or practice of declining to enforce certain kinds of existing laws or ordinances, as provided in the bill, or maintains a public nuisance, and the property owner either incurs documented expenses to mitigate the effects of the policy, practice, or nuisance, or if the "fair market value", as that term is defined in the bill, of the property is reduced by the policy, practice, or ordinance.

The amount of compensation to which the owner is entitled will be equal to the documented expenses or the reduction in fair market value of the property. The compensation cannot exceed the amount the owner paid for the prior tax year in primary property taxes to the city.

Within 30 days after a property owner submits a claim for compensation, the city must accept the claim and compensate the property owner, or reject the claim. The questions of whether a property owner is entitled to compensation and whether the amount of the claim is reasonable are justiciable questions. A prevailing property owner will be awarded reasonable attorney's fees.

A property owner and city are permitted to enter into a knowing and voluntary settlement for an amount less than the property owner's claim.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that rampant homelessness is taking over once-beautiful cities nationwide as governments fail to act. Biohazard pollution, crime, and property damage are rampant. This is a public health risk, and fires, human waste, and violence plague cities. Currently, private businesses have to pay to address the negative outcomes that should be the responsibility of local governments. This bill provides an avenue for property owners to recoup the costs of addressing issues that are not their responsibility. A lot of provisions in the bill are subjective and could be interpreted differently by different people, but the bill has a good goal and addresses a real problem. It needs to be amended to resolve vagueness and more effectively address the problem. This issue exists in O'Fallon and Columbia at least.

Testifying in person for the bill were Representative Hinman; Cicero Action; and Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.