

2018 Tenn. Code Ann. § 13-6-102

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- **TENNESSEE CODE ANNOTATED**
- **Title 13 Public Planning And Housing**
- **Chapter 6 Neighborhood Preservation Act**

13-6-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect such a rehabilitation of the building as is consistent with maintaining safe and habitable conditions over its remaining useful life;
- (2) "Acceptable petitioner" means:
 - (A) Any nonprofit corporation;
 - (B) The municipal corporation within which such subject parcel is located;
 - (C) The owner or legal occupant of a parcel of real property that is adversely impacted by the condition of the subject parcel; or
 - (D) Any interested person;
- (3) "Building" means any building or structure that is located on the subject parcel;
- (4) "Certified person" means any person determined by the court pursuant to § 13-6-108 to be qualified as a receiver or a qualified buyer;
- (5) "Dwelling unit" means a building or the part of a building that is intended to be used as a home, residence, or sleeping place;
- (6) "Governmental authority" means any court or governmental, administrative, legislative, regulatory, adjudicatory, or arbitral body, agency, commission, department, board, bureau, tribunal, or instrumentality of the United States or of any state, commonwealth, nation, territory, possession, county, parish, or municipality, whether now or hereafter constituted or existing, having or claiming jurisdiction over the subject parcel;
- (7) "Interested person" means, with respect to a subject parcel, any owner, named trustee, or other person that:
 - (A) Holds, or is the assignee of the holder of, a lien against that subject parcel;
 - (B) Is named as a nominee or agent of the holder of an obligation that is secured by a deed or a deed of trust affecting such subject parcel;
 - (C) Holds the benefit of an easement appurtenant to such subject parcel;
 - (D) Holds the benefit of a restrictive real covenant against such subject parcel; or
 - (E) Possesses an interest of record in or to such subject parcel;
- (8) "Municipal corporation" means any incorporated city or any county, including any county having a metropolitan form of government, and the code enforcement department or agency or other unit responsible for enforcing building and property conditions in the territorial jurisdiction of the city or county;
- (9) "Nonprofit corporation" means any nonprofit corporation that has been duly organized and is in good standing under the laws of this state;
- (10) "Owner" means one (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to, or beneficial ownership of, the subject parcel;
- (11) "Person" means any individual, firm, corporation, association, trust, partnership, joint venture, limited liability company, governmental authority, or other entity;
- (12) "Public nuisance" means any building that is:

- (A)** A menace to the public health, welfare, or safety;
- (B)** Structurally unsafe, unsanitary, or not provided with adequate safe egress;
- (C)** A fire hazard, dangerous to human life, or no longer fit and habitable;
- (D)** A nuisance, as defined in § 29-3-101; or
- (E)** Otherwise determined by the court or a municipal corporation to be a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to any subject parcel;
- (13)** "Qualified buyer" means any person determined by the court to be a certified person as provided in § 13-6-108;
- (14)** "Receiver" means any certified person appointed by the court for the purpose of preserving or improving the subject parcel and all of the powers of a receiver appointed for tax enforcement pursuant to § 67-5-2103 are, as applicable, the powers of a receiver appointed pursuant to this chapter;
- (15)** "Receiver's lien" means a first priority lien in favor of the receiver against the subject parcel that, with regard to the subject parcel, upon approval of the court, secures:
 - (A)** Any and all direct and indirect expenses and costs incurred by the receiver, including reasonable attorney's fees and costs;
 - (B)** Any and all outstanding municipal fines, penalties, expenditures, and assessments;
 - (C)** Any and all amounts attributable to state and local taxes and assessments, including any and all outstanding amounts secured by delinquent property tax liens; and
 - (D)** A fee, payable to the receiver, equal to ten percent (10%) of the total of the amounts provided under subdivision (15)(A), but in no event less than two thousand five hundred dollars (\$2,500);
- (16)** "Residential property" means a subject parcel that includes one (1) or more dwelling units that is owner-occupied and the owner's principal place of residence, or that is otherwise intended for single-family residential use;
- (17)** "Residential rental property" means a building or structure consisting of one (1) or two (2) dwelling units; and
- (18)** "Subject parcel" means a tract or item of real or personal property that becomes subject to the jurisdiction of a court pursuant to this chapter.