

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 400

By: Coleman

AS INTRODUCED

An Act relating to the powers of municipalities; amending 11 O.S. 2021, Section 22-112.4, which relates to the abatement of abandoned buildings; modifying definition; allowing municipalities to declare certain buildings as unoccupied; requiring certain notice; providing for certain hearing; allowing municipalities to take certain action; allowing for delegation of certain duties; defining terms; updating statutory references; updating statutory language; providing for codification; and providing an effective date.

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

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

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

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

3 2. Causes increased municipal regulatory costs and increased
4 municipal police and fire protection costs; and

5 3. Devalues abutting and nearby real properties.

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

9 1. At least ten (10) days' notice that an abandoned building is
10 to be abated pursuant to the procedures for abatement set forth in
11 this section shall be given to the owner of the property before the
12 governing body holds a hearing. A copy of the notice shall be sent
13 by mail to the property owner at the address shown by the current
14 year's tax rolls in the office of the county treasurer. Written
15 notice shall also be sent by mail to any mortgage holder as shown by
16 the records in the office of the county clerk to the last-known
17 address of the mortgage holder. At the time of mailing of notice to
18 any property owner or mortgage holder, the municipality shall obtain
19 a receipt of mailing from the postal service, the receipt of which
20 shall indicate the date of mailing and the name and address of the
21 mailee. However, if neither the property owner nor mortgage holder
22 can be located, notice may be given by posting a copy of the notice
23 on the property and by publication as defined in Section 1-102 of
24 ~~Title 11 of the Oklahoma Statutes~~ this title. Such notice shall be

1 published once not less than ten (10) days prior to any hearing or
2 action by the municipality pursuant to the provisions of this
3 section;

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

6 3. Pursuant to a determination that the building is an
7 abandoned building, the governing body may order the agents of the
8 municipality to pursue abatement of the public nuisance caused by
9 the building and shall order the municipal clerk to place the
10 building on an abandoned building list to be maintained by the
11 clerk. At any time after such determination and order, the agents
12 of the municipality may cause the public nuisance to be abated as
13 authorized in this section, and such abatement may continue until
14 such time as the building is removed from the abandoned building
15 list in accordance with the procedures set forth in subsection C of
16 this section;

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

- 19 a. any lawful municipal regulatory or municipal police
20 and fire protection action in relation to the
21 abandoned building or the owner of such building
22 necessary or appropriate for the protection of
23 inhabitants in and visitors to the municipality. Upon
24 receipt of any necessary warrant to authorize such

1 action, the agents of the municipality are granted the
2 right of entry onto the property for the performance
3 of any such action as a governmental function of the
4 municipality,

5 b. the quarterly assessment against the property on which
6 the abandoned building is located and against the
7 owner of the abandoned building of the actual costs of
8 any municipal regulatory action taken in relation to
9 the abandoned building or the owner of such building
10 as authorized above,

11 c. the assessment against the property on which the
12 abandoned building is located and against the owner of
13 the abandoned building of the actual costs of any
14 municipal police or fire protection action taken in
15 relation to the abandoned building or the owner of
16 such building as authorized above, and

17 d. an assessment for any other actual expenses incurred
18 by the municipality in relation to the abandoned
19 building, including, but not limited to, the costs of
20 notices, mailings and publications;

21 5. After the determination that a building is an abandoned
22 building, and before commencement of any of the abatement actions
23 authorized by paragraphs 3 and 4 of this subsection, the municipal
24 clerk shall file a notice of lien with the county clerk describing

1 the property, the findings of the governing body at the hearing, and
2 stating that the municipality claims a lien on the property for all
3 abatement costs and that such costs shall also constitute the
4 personal obligation of the property owner from and after the date of
5 filing of the notice;

6 6. From and after the determination that a building is an
7 abandoned building, and continuing until such time as the building
8 is removed from the abandoned building list in accordance with the
9 procedures set forth in subsection C of this section, the municipal
10 clerk shall determine the actual quarterly abatement costs for the
11 abatement procedures authorized by this section. After such
12 determination, the municipal clerk shall mail a statement of the
13 actual quarterly abatement costs for the abatement procedures
14 authorized by this section to the property owner and demand the
15 payment of such costs by the owner. In addition, a copy of the
16 statement shall be mailed to any mortgage holder at the address
17 provided for in paragraph 1 of this subsection. At the time of
18 mailing of the statement of costs to any property owner or mortgage
19 holder, the municipal clerk shall obtain a receipt of mailing from
20 the postal service, the receipt of which shall indicate the date of
21 mailing and the name and address of the mailee; and

22 7. When full payment is made to the municipal clerk for actual
23 abatement costs incurred and billed in accordance with paragraph 6
24 of this subsection, the municipal clerk shall send the property

1 owner and any mortgage holder by mail a receipt for such payment;
2 but if payment attributable to the actual quarterly costs of such
3 abatement is not made within six (6) months from the date of the
4 mailing of the statement to the owner of such property, a lien in
5 the actual amount of the abatement shall be filed against the
6 abandoned building. Until finally paid, the costs and the interest
7 thereon shall be the personal obligation of the property owner from
8 and after the date the notice of lien was filed with the county
9 clerk. In addition, the costs and the interest thereon shall be a
10 lien against the property from the date the notice of lien was filed
11 with the county clerk. The lien shall be coequal with the lien of
12 ad valorem taxes and all other taxes and special assessments and
13 shall be prior and superior to all other titles and liens against
14 the property. The lien shall continue until the cost is fully paid.
15 A mineral interest, if severed from the surface interest and not
16 owned by the surface owner, shall not be subject to any lien created
17 pursuant to this section. Upon receiving full payment, the
18 municipal clerk shall forward to the county clerk a notice of
19 discharge of the lien.

20 C. Any owner or mortgage holder of any building determined by
21 the governing body of the municipality to be an abandoned building
22 pursuant to this section may petition the governing body in writing
23 at any time after such determination for removal of such building
24 from the abandoned building list maintained by the municipal clerk.

1 Any such petition shall be filed with the municipal clerk. Within
2 thirty (30) days after such petition is filed with the municipal
3 clerk, the governing body shall hold a hearing to determine if the
4 building is no longer an abandoned building. Upon such a
5 determination, the governing body shall order the building removed
6 from the abandoned building list. The municipal clerk shall comply
7 with such order by removing the building from the abandoned building
8 list; provided, the real property on which the abandoned building is
9 located and the owner of such building shall remain liable for
10 payment of any and all abatement costs incurred by the municipality
11 prior to the determination and order by the governing body that the
12 building should be removed from the abandoned building list. Upon
13 full payment of any costs certified against the property, the
14 municipal clerk shall file a release of the notice of the lien in
15 the county clerk's office within ten (10) days after receiving such
16 payment.

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

3 E. For purposes of this section:

4 1. "Abandoned building" means any building that is located
5 within the municipality that is not currently occupied and has been
6 declared unsecured, ~~or~~ dilapidated, or unoccupied pursuant to
7 Section 22-112 or 22-112.1 of ~~Title 11 of the Oklahoma Statutes~~ this
8 title or Section 2 of this act and remains in such condition; and

9 2. "Owner" means the owner of record as shown by the most
10 current tax ~~roles~~ rolls of the county treasurer.

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

13 G. The officers, employees or agents of the municipality shall
14 not be liable for any damages or loss of property due to the
15 abatement of the public nuisance caused by an abandoned building
16 performed pursuant to the provisions of this section or as otherwise
17 provided by law.

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

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

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

3 2. Cause increased municipal regulatory costs and increased
4 municipal police and fire protection costs; and

5 3. Devalue abutting and nearby real properties.

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

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

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

18 E. For the purposes of this section:

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

21 2. "Unoccupied" means a building located within the
22 municipality that:

23 a. is not being utilized as a place of residence or
24 business, or
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1 b. has no current tenant or occupant.

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

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