

Slum Clearance

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-91

The Slum Clearance and Redevelopment Act, T.C.A. §§ 13-21-101, *et seq.*, provides authority for municipalities to adopt ordinances relating to structures within the city that are unfit for human occupation or use. The statute requires that the ordinance designate a public officer to exercise the ordinance's prescribed powers. Upon his or her own motion, or a petition filed by five citizens, this officer may conduct an initial investigation of the condition of the property. If the preliminary investigation discloses a basis for charges, the officer shall serve the owner with a complaint stating the charges and containing a notice of a public hearing to be held not less than 10 days or more than 30 days from the date the complaint is served. Following the hearing, the officer may order the owner to either repair or demolish the structure, consistent with the provisions of the law located at T.C.A. § 13-21-103.

If the owner fails to comply with the order, and the condition of the structure warrants such action, the officer may post at the main entrance of the building a placard stating: "This building is unfit for human occupancy or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." The officer may undertake the repair or demolition of the structure and assess those costs against the owner. The sum owed, upon being certified to the municipal tax collector, becomes a lien on the property. A notice of lien should also be filed with the register of deeds. The costs, which may include reasonable fees for registration, inspections, and professional evaluations in addition to the costs of repairs, alterations, improvements, vacating and closing, and removal or demolition, shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes. These costs also may be collected in an action for debt filed in a court of competent jurisdiction.

Violation of an order to vacate a building that has been found unfit for human occupation or use is a Class B misdemeanor. Additionally, any owner, manager, or person responsible for a structure declared unfit for human occupation or use who authorizes or facilitates the occupancy of the structure commits a Class B misdemeanor.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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