

1 SB205
2 135476-4
3 By Senators Orr and Scofield
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 07-FEB-12

1 SB205

2
3
4 ENROLLED, An Act,

5 To amend Section 24-1-28, Code of Alabama 1975,
6 relating to municipal public housing authorities; to restrict
7 public housing authorities in certain Class 3 municipalities
8 from exercising the power of eminent domain except with
9 approval of the governing body of the municipality; to
10 authorize a municipal public housing authority in certain
11 Class 3 municipalities to purchase property only for public
12 housing purposes and after notice to certain property owners;
13 and to provide for the manner in which notice shall be given.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 24-1-28, Code of Alabama 1975, is
16 amended to read as follows:

17 "§24-1-28.

18 "(a) The authority may acquire by eminent domain any
19 property, real or personal, which it may deem necessary to
20 carry out the purposes of this article, after the adoption by
21 it of a resolution declaring that the acquisition of the
22 property described therein is in the public interest and
23 necessary for public use. The authority may exercise the power
24 of eminent domain pursuant to the provisions of Title 18.
25 Property already devoted to a public use may be acquired;

1 provided, that no property belonging to any city within the
2 boundaries of the authority, or to any government, may be
3 acquired without its consent, and that no property belonging
4 to a public utility corporation may be acquired without the
5 approval of the Public Service Commission or other body having
6 regulatory power over such corporation.

7 "(b) Notwithstanding subsection (a), a public
8 housing authority in a Class 3 municipality, except a Class 3
9 municipality organized under Act 618 of the 1973 Regular
10 Session, shall not exercise the power of eminent domain except
11 with approval of the governing body of the municipality. The
12 authority may purchase real property only after notice of
13 intent to purchase the property is given to surrounding
14 property owners as provided herein. Notice of the proposed
15 purchase in the Class 3 municipalities, except a Class 3
16 municipality organized under Act 618 of the 1973 Regular
17 Session, shall be published in a newspaper of general
18 circulation in the municipality for a period of three
19 consecutive weeks prior to execution of any binding agreement
20 to purchase the property."

21 Section 2. The provisions of this act are severable.
22 If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB205

Senate 02-MAY-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 09-MAY-2012

By: Senator Orr