

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

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SYNOPSIS: Under existing law, a municipal public housing authority may exercise the power of eminent domain.

This bill would also provide that a public housing authority in certain Class 3 municipalities may exercise the power of eminent domain only with the approval of the governing body of the municipality.

This bill would authorize a municipal public housing authority in certain Class 3 municipalities to purchase property for public housing purposes after notice to certain surrounding property owners. This bill would provide that notice would be given by first class mail.

A BILL
TO BE ENTITLED
AN ACT

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

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

13 "§24-1-28.

14 "(a) The authority ~~shall have the right to~~ may
15 acquire by eminent domain any property, real or personal,
16 which it may deem necessary to carry out the purposes of this
17 article, after the adoption by it of a resolution declaring
18 that the acquisition of the property described therein is in
19 the public interest and necessary for public use. The
20 authority may exercise the power of eminent domain pursuant to
21 the provisions of Title 18. Property already devoted to a
22 public use may be acquired; provided, that no property
23 belonging to any city within the boundaries of the authority,
24 or to any government, may be acquired without its consent, and
25 that no property belonging to a public utility corporation may
26 be acquired without the approval of the Public Service

1 Commission or other body having regulatory power over such
2 corporation.

3 "(b) Notwithstanding subsection (a), a public
4 housing authority in a Class 3 municipality, except a Class 3
5 municipality organized under Act 618 of the 1973 Regular
6 Session, shall not exercise the power of eminent domain except
7 with approval of the governing body of the municipality. The
8 authority may purchase real property only after notice of
9 intent to purchase the property is given to surrounding
10 property owners as provided herein. Notice of the proposed
11 purchase in the Class 3 municipalities shall be sent via first
12 class mail to each residential and business address within 300
13 yards of the property proposed to be purchased not less than
14 30 days prior to execution of any binding agreement to
15 purchase the property."

16 Section 2. The provisions of this act are severable.
17 If any part of this act is declared invalid or
18 unconstitutional, that declaration shall not affect the part
19 which remains.

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