

1 SB98  
2 147763-1  
3 By Senators Sanford and Beason  
4 RFD: Governmental Affairs  
5 First Read: 05-FEB-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a municipal public  
9 housing authority may exercise the power of eminent  
10 domain.

11 This bill would specify that the authority  
12 could exercise the power of eminent domain only  
13 with the approval of the municipal council.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To amend Section 24-1-28, Code of Alabama 1975, as  
20 amended by Act 2012-411 of the 2012 Regular Session, relating  
21 to municipal public housing authorities; to specify that the  
22 authority may only exercise the power of eminent domain with  
23 the approval of the municipal council.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 24-1-28, Code of Alabama 1975, as  
26 amended by Act 2012-411 of the 2012 Regular Session, is  
27 amended to read as follows:

1           "§24-1-28.

2           "(a) The authority, with the approval of the  
3 municipal council, may acquire by eminent domain any property,  
4 real or personal, which it may deem necessary to carry out the  
5 purposes of this article, after the adoption by it of a  
6 resolution declaring that the acquisition of the property  
7 described therein is in the public interest and necessary for  
8 public use. The authority may exercise the power of eminent  
9 domain pursuant to the provisions of Title 18. Property  
10 already devoted to a public use may be acquired; provided,  
11 that no property belonging to any city within the boundaries  
12 of the authority, or to any government, may be acquired  
13 without its consent, and that no property belonging to a  
14 public utility corporation may be acquired without the  
15 approval of the Public Service Commission or other body having  
16 regulatory power over such corporation.

17           "(b) Notwithstanding subsection (a), a public  
18 housing authority in a Class 3 municipality, except a Class 3  
19 municipality organized under Act 618 of the 1973 Regular  
20 Session, shall not exercise the power of eminent domain except  
21 with approval of the governing body of the municipality. The  
22 authority may purchase real property only after notice of  
23 intent to purchase the property is given to surrounding  
24 property owners as provided herein. Notice of the proposed  
25 purchase in the Class 3 municipalities, except a Class 3  
26 municipality organized under Act 618 of the 1973 Regular  
27 Session, shall be published in a newspaper of general

1       circulation in the municipality for a period of three  
2       consecutive weeks prior to execution of any binding agreement  
3       to purchase the property."

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