

1 HB618
2 118356-1
3 By Representatives Ball, Sanderford, McCutcheon and Wood
4 RFD: County and Municipal Government
5 First Read: 23-FEB-10

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8 SYNOPSIS: Under existing law, a municipal or county
9 housing authority may exercise the power of eminent
10 domain.

11 This bill would delete that authority and
12 authorize a municipal or county housing authority
13 to purchase property for public housing only and
14 would require a municipal or county housing
15 authority to have the approval of the city council
16 or, where appropriate, the county commission after
17 notice to certain property owners prior to the
18 purchase.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 To amend Sections 24-1-28 and 24-1-67 of the Code of
25 Alabama 1975, relating to municipal and county housing
26 authorities; to authorize a municipal and a county housing
27 authority to purchase property for public housing only and to

1 require approval of the city council or, where appropriate,
2 the county commission after notice to certain property owners
3 prior to the purchase.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 24-1-28 and 24-1-67 of the Code
6 of Alabama 1975, are amended to read as follows:

7 "§24-1-28.

8 "The authority ~~shall have the right to acquire by~~
9 ~~eminent domain~~ may purchase any property, real or personal,
10 which it may deem necessary to carry out the purposes of this
11 article, after the adoption by it of a resolution declaring
12 that the acquisition of the property described therein is in
13 the public interest and necessary for public use. The
14 authority may ~~exercise the power of eminent domain pursuant to~~
15 ~~the provisions of Title 18~~ purchase the property only after
16 approval of the city council of the municipality where the
17 property is located. Notice shall be given to each property
18 owner owning property within 500 yards of the property
19 proposed to be purchased not less than 30 days prior to the
20 city council meeting at which the approval of the purchase
21 will be on the agenda. Property already devoted to a public
22 use may be acquired; provided, that no property belonging to
23 any city within the boundaries of the authority, or to any
24 government, may be acquired without its consent, and that no
25 property belonging to a public utility corporation may be
26 acquired without the approval of the Public Service Commission
27 or other body having regulatory power over such corporation.

1 "§24-1-67.

2 "The authority ~~shall have the right to acquire by~~
3 ~~eminent domain~~ may purchase any property, real or personal,
4 which is necessary to carry out the purposes of this article,
5 after the adoption by it of a resolution declaring that the
6 acquisition of the property described therein is in the public
7 interest and necessary for public use. The authority may
8 ~~exercise the power of eminent domain pursuant to the~~
9 ~~provisions of Title 18, and any amendments thereto, or~~
10 ~~pursuant to the provisions of any other applicable eminent~~
11 ~~domain laws of the state~~ purchase the property only after
12 approval of the county commission where the property is
13 located. Notice shall be given to each property owner owning
14 property within 500 yards of the property proposed to be
15 purchased not less than 30 days prior to the county commission
16 meeting at which the approval of the purchase will be on the
17 agenda. Property already devoted to a public use may be
18 acquired; provided, that no property belonging to the county
19 or to any government may be acquired without its consent and
20 that no property belonging to a public utility corporation may
21 be acquired without the approval of the Public Service
22 Commission or other body having regulatory power over such
23 corporation."

24 Section 2. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.