

1 SB123  
2 115464-1  
3 By Senators Orr, Sanford, Butler and Mitchem  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10

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 delete the power of eminent  
12 domain and authorize a municipal public housing  
13 authority to purchase property only for public  
14 housing purposes and after notice to certain  
15 surrounding property owners and approval of the  
16 city council.

17 Under existing law, a public housing  
18 authority must file annually with the mayor of the  
19 city where the authority is located a report of its  
20 activities for the preceding year and make  
21 recommendations pertaining to any needed  
22 legislation or activity for the upcoming year.

23 This bill would require that a public  
24 housing authority also file annually a copy of its  
25 five-year plan and would require the city council  
26 to hold a public hearing on the annual  
27 recommendations and the five-year plan. This bill

1 would require the five-year plan to include  
2 proposed purchases of property when possible. If  
3 the authority serves any area outside the corporate  
4 limits of the authorizing municipality, this bill  
5 would require the authority to submit to the county  
6 commission of the county served by the authority  
7 any recommendation and any part of the plan that  
8 pertains to the area in the jurisdiction of the  
9 county. This bill would require approval by the  
10 city council and by the county commission, as the  
11 case may be, before a recommendation or plan could  
12 be implemented.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To amend Sections 24-1-28 and 24-1-43, Code of  
19 Alabama 1975, relating to municipal public housing  
20 authorities; to authorize a municipal public housing authority  
21 to purchase property only for public housing purposes and  
22 after notice to certain property owners and approval of the  
23 city council; to provide further for recommendations made by a  
24 public housing authority to the city council; to require an  
25 authority to submit annually to the city council a copy of the  
26 five-year plan of the authority; to require the authority to  
27 include in the five-year plan when possible all proposed

1 purchases of property by the authority; to require the city  
2 council and the county commission, if the authority serves an  
3 area outside the corporate limits of the authorizing  
4 municipality, to hold a public hearing; and to require  
5 approval by the city council and from the county commission,  
6 if the authority serves an area outside the corporate limits  
7 of the authorizing municipality, before implementation of  
8 certain plans and recommendations.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 24-1-28 and 24-1-43, Code of  
11 Alabama 1975, are amended to read as follows:

12 "§24-1-28.

13 "The authority ~~shall have the right to acquire by~~  
14 ~~eminent domain~~ may purchase any property, real or personal,  
15 which it may deem necessary to carry out the purposes of this  
16 article, after the adoption by it of a resolution declaring  
17 that the acquisition of the property described therein is in  
18 the public interest and necessary for public use. The  
19 authority may ~~exercise the power of eminent domain pursuant to~~  
20 ~~the provisions of Title 18~~ purchase the property only after  
21 approval of the city council of the municipality where the  
22 property is located. When possible, all proposed purchases  
23 shall be included in the five-year plan. Notice shall be given  
24 to each property owner owning property within 500 yards of the  
25 property proposed to be purchased not less than 30 days prior  
26 to the city council meeting at which the five-year plan,  
27 including any proposed purchases, will be considered or if a

1 proposed purchase is not in the five-year plan, the city  
2 council meeting at which the approval of the purchase will be  
3 on the agenda. Property already devoted to a public use may be  
4 acquired; provided, that no property belonging to any city  
5 within the boundaries of the authority, or to any government,  
6 may be acquired without its consent, and that no property  
7 belonging to a public utility corporation may be acquired  
8 without the approval of the Public Service Commission or other  
9 body having regulatory power over such corporation.

10 "§24-1-43.

11 "The authority, ~~shall~~ at least once a year, shall  
12 file with the mayor of the city a report of its activities for  
13 the preceding year, ~~and~~ shall make any recommendations with  
14 reference to any additional legislation or other action for  
15 the upcoming year that may be necessary in order to carry out  
16 the purposes of this article, and shall submit for approval a  
17 five-year plan. If possible, the five-year plan shall include  
18 any proposed purchases of property by the authority. If the  
19 authority serves an area outside the corporate limits of the  
20 authorizing municipality, the authority shall submit to the  
21 county commission of the county served by the authority any  
22 recommendation and any part of the five-year plan that  
23 pertains to the area outside the corporate limits of the  
24 authorizing municipality. The authority may not implement  
25 either the annual recommendations or the five-year plan until  
26 the authority receives approval after a public hearing from  
27 the city council and, if the authority serves an area outside

1 the corporate limits of the municipality, from the county  
2 commission as to the recommendations or the parts of the plan  
3 that pertain to the area outside the corporate limits of the  
4 municipality."

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