

1 SB135  
2 125938-1  
3 By Senators Scofield, Orr, Sanford, Holtzclaw and McGill  
4 RFD: Judiciary  
5 First Read: 01-MAR-11

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

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

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18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

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22 To amend Section 24-1-28, Code of Alabama 1975,  
23 relating to municipal public housing authorities; to authorize  
24 a municipal public housing authority in certain Class 3  
25 municipalities to purchase property only for public housing  
26 purposes and after notice to certain property owners; and to  
27 provide for the manner in which notice shall be given.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§24-1-28.

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

19 "(b) In Class 3 municipalities, except a Class 3  
20 municipality organized under Act 618 of the 1973 Regular  
21 Session, the authority may purchase real property only after  
22 notice of intent to purchase the property is given to  
23 surrounding property owners. Notice of the proposed purchase  
24 in such Class 3 municipalities shall be sent via first class  
25 mail to each residential and business address within 500 yards  
26 of the property proposed to be purchased not less than 30 days

1     prior to execution of any binding agreement to purchase the  
2     property."

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