

SENATE BILL 2369

By Watson

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 13; Title 29; Title 42, Chapter 6
and Title 44, relative to regulatory takings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-16-123, is amended by adding the following new subsection:

(c)

(1) The owner of land subject to a regulatory taking may file a petition for a jury of inquest or sue for damages in the ordinary way, as provided in subsection (a). "Regulatory taking" means the following effects when caused by city, county, or state regulations:

(A) Deprivation of all economically beneficial use of the land;

(B) Permanent physical invasion of the land; or

(C) Diminishment of property values, including, but not limited to, interference with distinct investment-backed expectations.

(2) If a plaintiff prevails in an action brought under this subsection (c), the plaintiff shall be entitled to reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding, in addition to any damages awarded.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.