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HOUSE BILL NO. 2453

Offered January 20, 1997

A BILL to amend and reenact § 36-27 of the Code of Virginia, relating to eminent domain by housing authorities.

Patrons—Tata, Albo, Callahan, Croshaw, Drake, Dudley, Nixon, Purkey, Ruff, Wagner and Wardrup

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 36-27 of the Code of Virginia is amended and reenacted as follows:

§ 36-27. Eminent domain.

An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which may be necessary for the purposes of such authority under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in Chapter 1.1 (§ 25-46.1 et seq.) of Title 25. *However, the commissioners before which condemnation proceedings are conducted shall hear evidence as to the value of the property including, but not limited to, the owner's appraisal, recent tax assessments, and the effect that any pending application for a zoning change, special use permit application or variance application may have on the value of the property. In any condemnation proceeding the authority shall, in addition to any notice required by Chapter 1.1 (§ 25-46.1 et seq.) of Title 25, provide to the property owner, with the notice, a brief summary and explanation of the owner's legal rights and responsibilities concerning condemnation. The authority shall also provide to the property owner a copy of any appraisal ordered by the authority.*

The court in which condemnation proceedings are pending may hear evidence as to the value of the property and may consider *the value of the property including, but not limited to, the owner's appraisal, recent tax assessments, and the effect that any pending application for a zoning change, special use permit application or variance application may have on the value of the property.* The court may also determine whether there has been unreasonable delay in the institution of the proceedings after public announcement by the condemnor of a project which necessitates acquisition by the condemnor of a designated land area consisting of or including the land sought to be condemned. If the court determines that such unreasonable delay has occurred, it shall instruct the commissioners in such proceedings to allow any damages proved to their satisfaction by the landowner or landowners to have been sustained to his or their land during and because of such delay, in addition to and separately from the fair market value thereof, but such damages shall not exceed the actual diminution if any in fair market value of the land in substantially the same physical condition over the period of the delay. This provision shall not apply to any such public announcement made prior to July 1, 1960.

In all such cases the proceedings shall be according to the provisions of such sections so far as they can be applied to the same, the term "company" as used in such sections, and any officers of a "company" referred to therein, to be construed as meaning the authority and the commissioners thereof, respectively. ~~Also, an~~ An authority may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain *provided that the commissioners hear the evidence described above, and the authority provides proper notice and makes available to the property owner a copy of any appraisal ordered by the authority.*

No real property belonging to the city, the county, the Commonwealth or any other political subdivision thereof may be acquired without its consent.

INTRODUCED

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