

Department of Planning and Budget
2007 Fiscal Impact Statement—Final

1. Bill Number SB781

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron Cuccinelli

3. Committee Passed both Houses.

4. Title Private property; definition of public uses, report

5. Summary/Purpose: This bill defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill incorporates SB 1037 and SB 1096. This bill is identical to SB 1296 and HB 2954.

6. No Fiscal Impact—Final

7. Budget amendment necessary: No

8. Fiscal implications: None

9. Specific agency or political subdivisions affected: None

10. Technical amendment necessary: No

11. Other comments: None

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cc: Secretary of Administration