

House Bill 960

By: Representatives Davis of the 109<sup>th</sup>, Loudermilk of the 14<sup>th</sup>, Lunsford of the 110<sup>th</sup>, May of the 111<sup>th</sup>, Watson of the 91<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban  
2 Redevelopment Law," so as to provide for a moratorium upon the exercise of the power of  
3 eminent domain for purposes of urban development; to provide for exceptions; to provide  
4 a statement of legislative findings and a statement of intent; to provide for conflicts; to  
5 provide for severability; to provide for an effective date; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly makes the following findings:

- 10 (1) The protection of homes, small businesses, and other private property rights against  
11 government seizures and other unreasonable government interference is a fundamental  
12 principle and core commitment of our nation's founders;
- 13 (2) It is the desire of the General Assembly and the Governor of this state to prevent  
14 municipalities, local governments, and all other entities with the power of eminent  
15 domain from infringing on the private property rights of landowners; and
- 16 (3) It is the intention of the General Assembly and the Governor of the State of Georgia  
17 to enact legislation during the 2006 legislative session to restrict the application of the  
18 United States Supreme Court's decision in *Kelo v. City of New London, Connecticut* to  
19 private property owners in Georgia.

20 **SECTION 2.**

21 Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban  
22 Redevelopment Law," is amended by inserting at the end thereof a new Code section to read  
23 as follows:

1 "36-61-20.

2 (a) There is imposed a moratorium upon all boards, commissions, departments, divisions,  
3 offices, bodies, and other units of a municipality or county, agencies or urban  
4 redevelopment agencies, downtown development authorities, and local government bodies  
5 from exercising the power of eminent domain provided for in this chapter; provided,  
6 however, that the provisions of this Code section shall not apply to projects involving the  
7 erection of government buildings or structures or the creation of public roads when the  
8 buildings, structures, or roads are not being built in conjunction with an urban  
9 redevelopment plan or project as defined in this title.

10 (b) No entity having the power of eminent domain may exercise any authority found in  
11 Title 22 to condemn property in conjunction with an urban redevelopment plan or project  
12 as defined in this title.

13 (c) The provisions of subsections (a) and (b) of this Code section shall apply to all  
14 proposed, pending, and future condemnations and shall remain in effect for a period of 120  
15 days from the date this Code section becomes effective or until such time as the General  
16 Assembly repeals this Code section, whichever occurs first."

17 **SECTION 3.**

18 In the event of a conflict between this Act and an existing statute or provision, this Act shall  
19 control. This Act shall be strictly construed to protect the private property rights of residents  
20 and businesses over the interests of local governments.

21 **SECTION 4.**

22 If any part of this Act is determined to be unconstitutional, all other parts shall remain in  
23 effect.

24 **SECTION 5.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law  
26 without such approval.

27 **SECTION 6.**

28 All laws and parts of laws in conflict with this Act are repealed.