

House Bill 1091

By: Representatives Walker of the 107th, Sheldon of the 105th, Lewis of the 15th, and May of the 111th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to eminent domain, so as to provide that the state, any political
3 subdivision of the state, and any public authority shall not give, loan, swap, rent, lease, or
4 transfer an interest in real property acquired through exercise of the right of eminent domain
5 to a private entity before granting the condemnee a right of first refusal; to provide for a
6 penalty; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to general
10 provisions relative to eminent domain, is amended by inserting at the end thereof the
11 following:

12 "22-1-9.

13 (a) The provisions of this Code section shall apply to condemnations in which the
14 condemnee has contested the value of the condemned property and has not received the
15 amount he or she contended to be the full value of such property.

16 (b) The state, a subdivision of the state, a public authority, or any other entity having the
17 power of eminent domain shall not give, loan, lease, rent, or transfer any interest in
18 property acquired through the exercise of the right of eminent domain to a private person,
19 corporation, firm, partnership, or any other private entity within seven years of such taking
20 without first offering such property, together with any improvements thereon, to the
21 condemnee or his or her heirs or assigns at the price paid for such property at the
22 condemnation. Any such offer to the condemnee or his or her heirs or assigns shall be made
23 in writing and shall provide a period of not less than six months to complete the purchase.
24 Any transfer of property in violation of this Code section shall be without legal effect."

1

SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.