

## Summary of DCA's Responsibility Under House Bill 1313

House Bill 1313 requires the Department of Community Affairs to promulgate different notice forms for each of the types of condemnation proceedings authorized by law. This means that each of section of the Georgia Code, with some specific exemptions<sup>i</sup> that authorizes any the use of eminent domain will have to be carefully reviewed so that the notice of rights for a particular authorization can include appropriate background information regarding the conditions under which a condemnor can exercise their eminent domain powers. Also, it will be necessary to determine if there are specific landowner rights included in the various Code sections that would be in lieu of or in addition to the specific rights provided in Title 22 (as amended by HB1313).

Additionally, the notice of rights must include information about a property owner's right to bring a motion pursuant to Code Section 22-1-11 as well as a sample motion. It is likely that we will use an attorney/consultant to assist with this.

The list below contains the various code sections that have been identified that condemnation authorizations. **To date each of these code sections have been reviewed to various degrees.**

2-6-41. Right of eminent domain for small watershed project; conditions precedent; procedure.

6-3-1. Construction and maintenance of air facilities by Department of Transportation.

8-3-10. Vesting of fee simple title upon a housing authority's exercise of power of eminent domain.

10-9-1. This chapter may be known and cited as the "Geo. L. Smith II Georgia World Congress Center Act."

12-3-32. Powers and duties of department as to parks and recreational areas and facilities.

12-3-294. Powers of authority generally. (*North Georgia Mountains Authority*)

12-3-364. Powers of authority generally. (*Kinchafoonee Lake Authority*)

12-3-445. Powers and duties. (*Sapelo Island Heritage Authority*)

12-8-56. Solid Waste Management

12-10-110 The Alabama-Coosa-Tallapoosa River Basin Compact

22-3-1 When a telegraph or telephone company undertakes to condemn so much of the right of way of a railroad company as may be necessary for the purpose of ...

22-3-161(Specifically exempted by HB1313)

22-3-162(Specifically exempted by HB1313)

20-3-58. Condemnation of private or public property for system. The board of regents is authorized to take or damage, by condemnation ...

31-7-75. Functions and powers. (*Hospital Authorities*  
)  
*Title 32 is exempt*

38-3-51. Sstate of emergency or disaster

42-4-97. Regional Jail Authorities Act

46-3-8. Electric Utilities

46-3-201. Electric Utililitie

46-8-121 Electric Utilities<sup>ii</sup>

46-8-121 is *specifically exempted by HB1313, and it is possible that some of the other sections/authorizations in Title 46 also will be exempt.*

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<sup>i</sup> (e) **This Code section shall not apply to condemnations for the purposes of constructing or expanding one or more electric transmission lines, to condemnations pursuant to Code Section 46-8-121, or to any condemnations under Title 32.**

<sup>ii</sup> **46-8-121 is specifically exempted by HB1313, and it is possible that some of the other sections/authorizations in Title 46 also will be exempt.**