HOUSE BILL 1507
By Rogers

SENATE BILL 1481

By Haile

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 17 and Title 29, Chapter 16, relative to the rights of property owners during condemnation proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, Part 10, is amended by adding the following language as a new section:

(a) The office of the attorney general and reporter shall prepare a written statement that includes a bill of rights for any property owner whose real property may be acquired by an entity possessing the power of eminent domain under this title and shall periodically revise the written statement as necessary to reflect any new laws affecting such rights.

(b) The landowner's bill of rights shall notify each property owner of the owner's rights under current law, including, but not limited to, the right to:

(1) Receive notice of the proposed acquisition of the owner's property;

(2) Engage in a bona fide, good faith negotiation with the condemning entity;

(3) Receive an assessment of damages to the owner that will result from the taking of the property;

(4) A hearing under chapters 16 and 17 of this title;

(5) Hire legal representation and the owner's own appraiser;

(6) Challenge the condemning entity's right to condemn and the appraisal value of the property; and

(7) Appeal the decision by the lower tribunal.

(c) The written statement shall include:

(1) The title “Tennessee Landowner’s Bill of Rights”; and

(2) A description of:

(A) The condemnation procedure, as provided in this title;

(B) The condemning entity’s obligations to the property owner;

(C) The property owner’s options during the condemnation proceedings, including the property owner’s right to object to and appeal any amount of damages awarded; and

(D) Any additional relief available to the property owner under current law.

(d) The office of the attorney general and reporter shall:

(1) Write the statement in plain language designed to be easily understood by the average property owner; and

(2) Make the statement available on the office of the attorney general and reporter’s web site no later than January 1, 2017.

SECTION 2. Tennessee Code Annotated, Section 29-17-104(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead:

Notice of the filing of a petition to institute condemnation proceedings, together with information on how to access the landowner’s bill of rights posted on the office of the attorney general and reporter’s web site pursuant to SECTION 1, shall be sent simultaneously to each respondent at least thirty (30) days prior to the taking of any additional steps in the case. Failure to send notice of the landowner’s bill of rights shall not be grounds for dismissal. If the respondent is unknown, is a nonresident of the state, or cannot be found, notice shall be given by publication, which shall be made in the same manner as provided by law for similar situations in chancery court; and

SECTION 3. Tennessee Code Annotated, Section 29-16-105(a), is amended by deleting the subsection in its entirety and by substituting instead:

(a) Notice of this petition, together with information on how to access the landowner's bill of rights posted on the office of the attorney general and reporter's web site pursuant to SECTION 1, shall be sent simultaneously to the owner of the land or rights, or, if a nonresident of the county, to the landowner's agent, at least thirty (30) days before its presentation. Failure to send notice of the landowner's bill of rights shall not be grounds for dismissal.

SECTION 4. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. The remaining sections of this act shall take effect January 1, 2017, the public welfare requiring it.