

HB 228 -- PROCEDURAL REQUIREMENTS FOR CONDEMNATION PROCEEDINGS

SPONSOR: Swan

Currently, a condemning authority must, at the time of an offer, provide the property owner with an appraisal or an explanation with supporting financial data for its determination of value for purposes of the offer.

This bill clarifies that the condemning authority is required to provide an explanation with supporting financial data for its determination of value for purposes of the offer only when the offer is not based on an appraisal.

The offer must provide the property owner with a concise and understandable disclosure statement describing the effects of the project on the property, which must include certain information as set out in the bill.

If a condemning authority's offer fails to comply with the procedural requirements or is presented prior to notice of intended acquisition, it will be deemed a nonconforming offer. What is considered an offer and a nonconforming offer are described in the bill.

The lack of a nonconforming offer for up to two years prior to the filing of the condemnation petition is a factor in determining whether a condemning authority engaged in good faith negotiations.

This bill is the same as HB 2661 (2018).