

HB 2443 -- CONDEMNATION PROCEEDINGS

SPONSOR: Griffith

Currently, if a plaintiff or defendant in condemnation proceedings files for an exception to the commissioners' report and a jury trial of exceptions occurs, the circuit judge presiding over the proceedings must apply certain provisions, specified in statute, and must determine whether a homestead taking has occurred and must determine whether heritage value is payable. As specified in this bill, if a jury trial of exceptions occurs and the circuit judge presiding over the condemnation proceeding has determined that a homestead taking has occurred or heritage value is payable, then the judge must apply the provisions specified in statute to increase the jury verdict as appropriate. A circuit judge who determines that heritage value is payable must not increase the commissioners' award or jury verdict to provide for the additional compensation due where heritage value applies if the plaintiff moves for exclusion of the heritage value and shows, after an evidentiary hearing by a preponderance of the evidence, that the property taken has been abandoned, has been declared a nuisance and been ordered to be vacated, has been demolished or repaired after notice and a hearing, or has been shown to have materially and negatively contributed to a blighted area.