

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1448

By: Representative Puryear

By: Senator J. Petty

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL PLANNING AREAS; TO REQUIRE NOTICE AND COMPENSATION TO PROPERTY OWNERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MUNICIPAL PLANNING AREAS; AND TO REQUIRE NOTICE AND COMPENSATION TO PROPERTY OWNERS.

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

SECTION 1. Arkansas Code § 14-56-412(g), concerning powers and duties of a municipal planning commission, is amended to read as follows:

(g)(1) Referral to Bodies Responsible for Land Acquisition. After adoption and filing as provided of a community facilities plan or a master street plan, no parcel of land indicated by the plan which lies within the bounds of a proposed public use facility or mapped street shall be privately developed until the public board, commission, or body having jurisdiction or financial responsibility for the reserved area shall have refused in writing to execute a written option negotiated in good faith by the public board, commission, or body and the property owner or to file suit for condemnation to acquire the area.

(2)(A) This refusal Except as provided in subdivision (g)(2)(E) of this section, a written refusal to execute a written option or to file suit for condemnation to acquire the area under subdivision (g)(1) of this section shall be given by the public board, commission, or body within one (1) year of from the date the action is requested by the property owner.



(B) This The restriction on private development under subdivision (g)(1) of this section may be enforced for the specified ~~one (1)~~ year period by the refusal to issue building permits or by other methods.

(C) However, it The restriction on private development under subdivision (g)(1) of this section may be enforced only in cases where in which regulations governing the development and subdivision of land do not apply.

(D) If the public board, commission, or body does not execute a written refusal, execute a written option, or file a suit for condemnation within the time period prescribed in subdivision (g)(2)(A) of this section:

(i) The parcel of land shall be released from reservation; and

(ii)(a) The public board, commission, or body shall pay the owner of the parcel of land reasonable compensation for the diminished value of the parcel of land during the period prescribed in subdivision (g)(2)(A) of this section.

(b) Reasonable compensation under subdivision (g)(2)(D)(ii)(a) of this section shall be determined by the amount that the value of the parcel of land diminished as a result of the delay in the development of the parcel of land required by the reservation of the parcel of land by the public board, commission, or body having jurisdiction.

(E) For a community facilities plan or a master street plan approved on or before the effective date of this act, written refusal to execute a written option or to file suit for condemnation to acquire the area under this subsection shall be given by the public board, commission, or body within six (6) months from the effective date of this act.

SECTION 2. Arkansas Code § 14-56-422(1), concerning the procedure for the adoption of plans, ordinances, and regulations by a municipal planning commission, is amended to read as follows:

(1)(A) The planning commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing.

(C) Notice by first class mail to the boards of directors of all school districts affected by a proposed plan, ordinance, or regulation shall be provided sufficiently in advance to allow representatives of all affected school districts a reasonable opportunity to submit comments on any proposed plan, ordinance, or regulation.

(D) Notice by first class mail to the owner of a parcel of land affected by a proposed plan, ordinance, or regulation shall be provided sufficiently in advance to allow any owner of an affected parcel of land a reasonable opportunity to submit comments on the proposed plan, ordinance, or regulation;