



Legislation Details (With Text)

**File #:** Res 1576-2008      **Version:** \*      **Name:** Amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain (A.1264/S.688).

**Type:** Resolution      **Status:** Filed

**In control:** Committee on Land Use

**On agenda:** 8/14/2008

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**Title:** Resolution in support of New York State Assembly Bill A 1264 and New York State Senate companion Bill S 688 which would amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain.

**Sponsors:** Letitia James, John C. Liu, Melissa Mark-Viverito, Annabel Palma, Diana Reyna

**Indexes:**

**Attachments:** 1. Letter to the Commissioner, 2. Press Conference Notice

Date	Ver.	Action By	Action	Result
8/14/2008	*	City Council	Introduced by Council	
8/14/2008	*	City Council	Referred to Comm by Council	
12/31/2009	*	City Council	Filed (End of Session)	

Res. No. 1576

Resolution in support of New York State Assembly Bill A 1264 and New York State Senate companion Bill S 688 which would amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain.

By Council Members James, Liu, Mark-Viverito, Palma and Reyna

Whereas, Eminent domain is an important tool for government to use for public projects; and

Whereas, Public projects that are primarily economic development projects generate questions respecting the meaning of public use under the 5<sup>th</sup> Amendment of the United States Constitution and Article I, section 7, of the New York State Constitution; and

Whereas, The power of eminent domain can be used by quasi-public development agencies or public authorities; and

Whereas, These agencies and authorities may not be subject to the same public scrutiny as a state agency; and

Whereas, There is the need for government to be extremely cautious when eminent domain is used to condemn private property for economic development and the property is transferred to a private entity; and

Whereas, To promote this goal, legislation has been introduced in the State Assembly and Senate, A 1264 and companion bill S 688, which would increase judicial review, provide more local control over eminent domain decisions, require a comprehensive economic development plan and require a home owner impact statement; and

Whereas; There is the need to balance the needs of society and individual liberties; now, therefore be it

Resolved, That the Council of the City of New York supports New York State Assembly Bill A 1264 and New York State Senate companion Bill S 688 which would amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain.

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08/04/08

CJS