



Legislation Text

File #: Res 1581-2008, **Version:** *

Res. No. 1581

Resolution in support of New York State Assembly Bill A 1265 and New York State Senate companion Bill S 683 which would provide for the creation of a temporary state commission to examine eminent domain laws and to make recommendations for reforms.

By Council Members James, Liu, Mark-Viverito, Palma, Barron 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 5th 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 to examine the current law respecting eminent domain and to propose reform where necessary; and
Whereas, There is the need to determine the appropriate standard for condemnation proceedings used for economic development when private home owners are affected; and
Whereas, There is the need to examine the procedural fairness of the eminent domain laws; 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 1265 and New York State Senate companion Bill S 683 which would provide for the creation of a temporary state commission to examine eminent domain laws and to make recommendations for reforms.

LS#5735

LS#5741

08/04/08

CJS