



## Legislation Text

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**File #:** Res 1580-2008, **Version:** \*

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Res. No. 1580

Resolution in support of New York State Assembly Bill 4022 an act to amend the public authorities law, the not-for-profit corporation law, the general municipal law and the public authorities law, in relation to eminent domain reform; and creating the “home and property protection act” providing for the creation of a temporary state commission to examine eminent domain laws and make recommendations for further reforms; and making an appropriation therefore; and providing for the expiration of certain provisions.

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, Eminent domain has long been used by government for public purposes of infrastructure and other facilities that further governmental purposes, but, in more recent times, eminent domain has been used for economic development as a public purpose; 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, 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 the process should be open and fair to the home owner whose property is to be condemned; and;

Whereas, To promote this goal, legislation has been introduced in the State Assembly, Bill A 4022, that 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 adequate compensation and create a temporary commission to further review the eminent domain law; 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 4022 an act to amend the public authorities law, the not-for-profit corporation law, the general municipal law and the public authorities law, in relation to eminent domain reform; and creating the “home and property protection act” providing for the creation of a temporary state commission to examine eminent domain laws and make recommendations for further reforms; and making an appropriation therefore; and providing for the expiration of certain provisions.

LS#5738  
08/04/08  
CJS