



Legislation Text

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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 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 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