



Greater Harrisburg Association of REALTORS[®]

POLICY STATEMENT ON EMINENT DOMAIN

Background

On June 23, 2005, the United States Supreme Court decided *Kelo v. City of New London* in which it upheld a state or local government's right to exercise its eminent domain authority to take private property for a "public use." Specifically, the Supreme Court's decision suggests that economic redevelopment plans may now satisfy the "public use" requirement of the Takings Clause contained in the Fifth Amendment of the United States Constitution. Under this decision, therefore, counties and municipality could seize private property (with just compensation) and transfer it to a different private owner who intends to improve the way it is used.

GHAR Position

GHAR adamantly opposes counties and municipalities using their powers of eminent domain to transfer property based on economic redevelopment plans. GHAR acknowledges that there are instances when local governments need to seize private property for public use. However, GHAR will work actively to protect the rights of all private property owners and to ensure that local governments are using their powers appropriately.

Approved by the Government Affairs Committee (11/15/06)

Approved by the GHAR Executive Committee (12/6/06)

Approved by the GHAR Board of Directors (12/21/06)