



POLICY STATEMENT

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." Of concern is that portion of the Supreme Court's decision that suggests economic redevelopment plans may now satisfy the "public use" requirement of the 5th Amendment of the United States Constitution, from which state and local governments derive authority to take private property in exchange for just compensation. Under Kelo, state or local governments may now be permitted to lawfully take private property and transfer it to a different private owner, provided the second owner is going to upgrade or improve the way the property is used.

R-BAR Position:

The Reading-Berks Association of REALTORS® (R-BAR) recognizes that there are times when government may need to take private property for public use. Building hospitals, municipal buildings or public utilities exemplify these needs. R-BAR believes that government's use of the eminent domain power should be limited and closely monitored. As the vanguard for the real estate industry in Berks County, R-BAR will work diligently to protect an individual's right to own and maintain property, and to appropriately limit the government's reach and ability to take that property.

ADOPTED
October 11, 2007