

House Passes Protections Against Eminent Domain

By Administrator

Thursday, 25 March 2021 11:35 -

A supermajority of the North Carolina House of Representatives approved a proposed constitutional amendment on Thursday that would strengthen private property rights against eminent domain land takings if approved by voters in 2022. House Bill 271 Eminent Domain is sponsored by Rep. Dennis Riddell (R-Alamance), Rep. Dean Arp (R-Union), Rep. Steve Tyson (R-Craven), and Rep. Mark Brody (R-Union).

The bill proposes the North Carolina Constitution be amended to prohibit condemnation of private property except for a "public use" and to require the payment of just compensation for the property taken in an amount to be determined by jury trial, if requested, by any party. Current law allows condemnation for "public use or benefit";

The bill also makes statutory changes to detail the purpose for which property may be taken by eminent domain as "public use," and clarifies the types of construction projects for which private property may be acquired by eminent domain by public and private condemners. It would permit condemners to acquire property by eminent domain for the connection of utility customers.

Bill sponsor Rep. Dennis Riddell (R-Alamance) noted the state House repeatedly approved similar legislation last decade because it represents vital rights for the people of North Carolina.

"This legislation is necessary to prevent overreach of state government into property takings that are not for a public use, but rather benefit private development," Rep. Riddell said Thursday.

"We are currently the only state in the nation that does not have just compensation guarantees in our state constitution for government takings. That is a big concern for the people."

"Life, liberty, and property rights are fundamental values for North Carolinians and all Americans. Property rights and assets are the product of our labor and investments as Americans, and this proposal would elevate protection for every North Carolinian to higher levels where we believe they should be."

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Bill sponsor Rep. Dean Arp (R-Union) also spoke in favor of the legislation in House debate Thursday.

"There is no liberty when the government can take your property, or your freedom, without just cause and due process of the highest standards," Rep. Arp said.

"We all understand there are some instances where the government may properly, with just compensation, declare eminent domain and take private property. But we do not want that great power of the government to be used to take your property and give it to someone else. That's why this constitutional amendment is needed for North Carolina."