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N.C. House Again Attempts Eminent Domain Constitutional Amendment.

The NC House is considering a bill that would result in an eminent domain amendment to the NC Constitution. House Bill 3 would place the amendment on the November 2018 ballot. The bill would not allow private property to be taken by eminent domain, or to be condemned, except for public use. The bill does not define public use. The US Constitution and many states have similar requirement.

Another bill adds communications and natural gas facilities and pipelines to those projects for which eminent domain is allowed for infrastructure projects. In cases where public use is permitted, HB 3 would require “just compensation” be paid and the amount determined by a jury if requested.

The NC House has submitted similar bills at least five previous times since a the 2005 U.S. Supreme Court Kelo decision. However, none were enacted by both houses.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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Article by David B. Snyder

Fox Rothschild LLP

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