

Constitutional amendments on eminent domain move forward

The Constitutional Amendments Subcommittee of the House Privileges and Elections Committee voted (3-2) to recommend approval of [HJ 647 \(Bell\)](#), [HJ 499 \(Loupassi\)](#) and HJ514 (Crockett-Stark) were conformed and incorporated into [HJ 647](#). The measure will be heard by the full committee on Jan. 21.

The resolution proposes to include in the Virginia Constitution the basic provisions of the 2007 statutory revision of the eminent domain laws, but it goes well beyond that current law and expands the definition of damages to include loss of goodwill, loss of access and other economic losses. Local governments and other constituencies voiced opposition to the measure and asserted that an amendment to the constitution is premature and unnecessary.

Without a doubt, the measure will limit the exercise of condemnation authority and increase the costs of acquiring property. It will also make it extremely difficult to condemn property or easements for extending public roads or utilities when the primary user will be a private business—a fairly common occurrence in new economic development projects. Perhaps worst of all, it will enable property owners in the vicinity of, or affected by, an unpopular public facility to sue for damages to their property values, even when none of their land has been taken for the facility.

The Constitutional Amendments Subcommittee of the Senate Privileges and Elections Committee and the full committee will meet on Jan. 18 to consider [SJ 307 \(Obenshain\)](#), which also amends the constitution but tracks the language of the existing statute very closely.

Please contact members of the [Privileges and Elections Committee](#) in both the [House](#) and the [Senate](#) and urge them to reject all constitutional amendments on the issue of eminent domain.

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