

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 051112)

RESOLUTION

Calling on the Pennsylvania General Assembly to continue to allow Pennsylvania's cities, towns, and boroughs to eliminate blight through eminent domain.

WHEREAS, In Kelo v. City of New London, 545 U.S. ____ (Docket No. 04-108) (*decided June 23, 2005*), the U.S. Supreme Court decided, in a 5-4 opinion, that the City of New London did not violate the U.S. Constitution when it used the city's authority of eminent domain to take a private property for the public benefit of economic development through a private developer; and

WHEREAS, The Kelo case was based on Connecticut law, which allows eminent domain for the simple standard of economic development and is significantly different than the higher blight standard for eminent domain in Pennsylvania law; and

WHEREAS, PA House Bill 2054 and PA Senate Bill 881, were introduced to address the Kelo decision but, in their current form, would severely and negatively impact the ability of Pennsylvania's cities to take blighted property for the public purpose of productive re-use and redevelopment; and

WHEREAS, Through eminent domain, various towns and boroughs have been able to create significant jobs and housing at former vacant or blighted sites and, in Philadelphia, more than 10,000 units of affordable housing were built and developed through this important redevelopment tool and if House Bill 2054 and Senate Bill 881 were law these positive developments would not have happened; and

WHEREAS, Various newspapers from the Beaver County Times to the Philadelphia Daily News have had articles regarding the need to have a detailed and informed debate about this issue and not hasty or reactionary legislation that does more harm than good; now therefore

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RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we call on the Pennsylvania General Assembly to hold statewide public hearings regarding eminent domain and to enact legislation that enables and does not restrict Pennsylvania's cities, towns, or boroughs from using eminent domain as a tool for eliminating blight and creating redevelopment.

FURTHER RESOLVED, That an Engrossed copy of this resolution be sent to the Majority and Minority leadership of the Pennsylvania General Assembly, the Philadelphia Delegation of the Pennsylvania General Assembly, and the Governor as a representation of the true wishes and sincere sentiments of this legislative body.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the seventeenth of November, 2005.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Tasco, DiCicco, Miller, Nutter and Goode

Sponsored by: Councilmembers DiCicco, Miller, Nutter, Goode, Ramos, Kelly, Clarke, O'Neill, Krajewski, Council President Verna, Councilmembers Reynolds Brown, Kenney and Blackwell