

MARYLAND CONSTITUTIONAL AMENDMENT TO PROHIBIT
“ECONOMIC DEVELOPMENT” TAKINGS

The United States Supreme Court decided the case of *Kelo v. New London*, 545 U.S. 469 (decided June 23, 2005). In this five to four decision, a majority of the Court held that promoting economic development was “a public use” for which a property could be taken by the government. Just compensation would have to be provided to the property owners.

In *Kelo*, the government was taking the private property of one landowner and allowing a developer to use this property for economic development purposes. The County Commissioners do not believe that this is an appropriate use of eminent domain authority. The County Commissioners are therefore proposing an amendment to the Maryland Constitution specifically providing: “the General Assembly shall enact no law authorizing private property to be taken for private use. Private property shall not be taken for the sole purpose of promoting economic development.”

Several bills have been introduced addressing eminent domain issues in the aftermath of the *Kelo* decision. Apparently the General Assembly has not yet reached a consensus on addressing eminent domain as no legislative initiatives have been successful.

**BOCC vote on including in the 2010 Legislative Package: 3-2.
(Commissioners Gardner and Jenkins Opposed.)**