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San Jose Redevelopment Agency

San Jose Redevelopment Agency Proposes to Prohibit Use of Eminent Domain in San José Neighborhoods

San José --- The staff of the San Jose Redevelopment Agency has recommended that the San José City Council/Agency Board reconfirm its practice to not use eminent domain authority for any single-family, owner-occupied properties in the Strong Neighborhoods Initiative (SNI) Project Area.

The recommendation is outlined in the SNI Implementation Plan progress report, which is scheduled to be discussed at the SNI Project Advisory Committee meeting on April 26, 2006, and to be heard by the Redevelopment Agency Board on May 2.

Last year's United States Supreme Court decision in *Kelo v. New London* triggered a nationwide debate on the use of eminent domain by local redevelopment agencies. Under California law, which already contains clear restrictions that protect homeowners, a situation like the *Kelo* case would not occur.

"We understand that people may fear that their homes will somehow be taken through eminent domain for commercial purposes. Although this has not been the case in San José SNI areas, we want to reassure our residents that it won't happen," said Harry Mavrogenes, San Jose Redevelopment Agency executive director.

"With the clear prohibition for taking of single family, owner-occupied homes, we can send a strong signal to our community that we will not use this tool in our Strong Neighborhoods area."

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The SNI progress report reviews the many accomplishments and successes in improving neighborhood conditions, enhancing community safety, expanding community services, and dramatically reducing blight in many SNI neighborhoods with the use of Redevelopment Agency resources.

Since the City Council adopted the first SNI Implementation Plan in June 2002, nearly \$45 million from the Redevelopment Agency has been invested for 95 capital projects in 19 San José neighborhoods to fund priorities determined by the residents in each neighborhood.

Examples of the projects include Plata Arroyo and Great Oaks skate parks, conversion of 3rd and 4th streets from one way to two-way traffic, and enhanced street lighting in eight different SNI neighborhoods, with three more to be completed by the end of this year.

“Although the original SNI Plan approved by the City Council and Agency Board in 2002 retained the Agency’s authority for using eminent domain with the approval of neighborhood representatives, it has never been used or even suggested for any SNI project,” said Mavrogenes.

Eminent domain allows public agencies to acquire property at fair market value for a public purpose whether or not the property is for sale. In the rare cases that San José has used eminent domain proceedings, it has been only used as a last resort after all other attempts to acquire the property through negotiations have failed.

The San Jose Redevelopment Agency is dedicated to improving the quality of life for all who live and work in San José. Governed by the City Council, the Agency facilitates and oversees comprehensive programs for development to revitalize the City’s Downtown, neighborhoods, and industrial areas.

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