



Contact House Courts of Justice Committee members before 10:00 a.m. tomorrow regarding Eminent Domain bill SB694

[SB694](#) (Obenshain) was dramatically altered by a substitute on Monday in the House Courts Subcommittee. In its present form, the bill makes taking or affecting land for road, water, sewer, and other public projects significantly more expensive for local governments.

Concerns

The House substitute to SB694 does the following things:

1. Creates a new rule on when a landowner can sue for loss of access. Since at least the 1970s, the Virginia Supreme Court has ruled that a landowner is not entitled to payment for a change in access to his property, so long as the landowner retains reasonable access. Line 48 of the substitute throws more than 50 years of court decisions out the window, by allowing a suit for any “change of vehicular access”.
2. Does away with the stipulation in the current law that only protects direct access to a road. (Lines 157-158).
3. Requires a landowner to be paid for loss of access or profits even if the benefits paid to the landowner are greater than those losses. Further, under current law, if the landowner is affected in the same way as all other property owners in the area of a project, there is no compensation. The substitute does away with that limit. (Lines 163-170).
4. Allows a landowner to be paid for damages where no land is taken – such as a street festival, parade, or temporary water line project that closes a street for a few days. This same provision was in SB666, but the patron of that bill agreed to fix it. In its current form, SB694 includes this harmful provision.

Action requested / Talking points

Please **contact the members of the House Courts of Justice Committee** (see below) by **Wednesday at 10:00 a.m.** and ask them to:

- Reject the House Courts Subcommittee substitute; and,
- INCLUDE an amendment to provide that the government must certify the end date of a temporary construction easement IF the government knows that date.

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Current GA Committee:

[House Courts of Justice Committee](#)

Committee Members:

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