

HR 510

Defense of Property Rights Act

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Law

Introduced: Jan 22, 2015

Current Status: Referred to the Subcommittee on the Constitution and Civil Justice.

Latest Action: Referred to the Subcommittee on the Constitution and Civil Justice. (Feb 19, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/510>

Sponsor

Name: Rep. Reed, Tom [R-NY-23]

Party: Republican • **State:** NY • **Chamber:** House

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Emmer, Tom [R-MN-6]	R · MN		Apr 28, 2015
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Jun 3, 2015
Rep. Poliquin, Bruce [R-ME-2]	R · ME		Jun 23, 2015
Rep. Kelly, Mike [R-PA-3]	R · PA		Jul 8, 2015
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jul 14, 2015
Rep. Westerman, Bruce [R-AR-4]	R · AR		Jul 14, 2015
Rep. Schweikert, David [R-AZ-6]	R · AZ		Jul 22, 2015
Rep. Brat, Dave [R-VA-7]	R · VA		Sep 11, 2015

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Feb 19, 2015

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

Defense of Property Rights Act

Prohibits federal or state agencies from taking private property in whole or in part (including by physical invasion, regulation, exaction, or condition) except for public purpose and with just compensation to the property owner.

Requires a property owner to receive just compensation if, as a consequence of an agency's decision, the property has been physically invaded or taken without the owner's consent in an action that:

- does not substantially advance the stated governmental interest;
- exacts the owner's lawful right to use the property, or a portion of the property, as a condition for an agency's action (including the granting of a permit, license, or variance) without a rough proportionality between the stated need for the property and the impact of the proposed use;
- deprives the owner, either temporarily or permanently, of substantially all economically beneficial or productive use of the property, or of a part of the property, without a showing that the deprivation of value inheres in the title;
- diminishes the property's fair market value by at least 20% or \$20,000; or
- constitutes any other taking within the meaning of the Fifth Amendment to the Constitution.

Includes an agency's decision that interferes with an owner's investment-backed expectations to water rights or to rents, issues, or profits of land (including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy) among the categories of actions that may require payment of just compensation.

Defines "just compensation" to include the property's fair market value, business losses, and compounded interest from the date of the taking until the agency's payment.

Allows adversely affected property owners to challenge agency actions in either a U.S. district court or the U.S. Court of Federal Claims (USCFC). Provides persons adversely affected by an agency action with standing to challenge or seek judicial review.

Amends the federal judicial code to allow the USCFC to: (1) render judgment upon a claim against an agency for monetary relief, (2) invalidate federal laws or regulations that violate Fifth Amendment property rights, (3) grant injunctive and declaratory relief, and (4) have concurrent jurisdiction with other courts.

Establishes a six-year statute of limitations for actions to be brought after a taking.

Requires courts to award litigation costs, attorney's fees, and expert witness fees to prevailing plaintiffs.

Allows takings disputes to be resolved through settlement or arbitration.

Actions Timeline

- **Feb 19, 2015:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Jan 22, 2015:** Introduced in House
- **Jan 22, 2015:** Referred to the House Committee on the Judiciary.