

Agenda Report

TO: CITY COUNCIL October 7, 1999

THROUGH: Legislative Policy Committee

FROM: City Manager

SUBJECT: Oppose House Resolution 2372 (Canady, R, Florida), the "Private Property Rights Implementation Act of 1999."

RECOMMENDATION

It is recommended that the City Council authorize the Mayor to send a letter to the appropriate officials *opposing* H.R. 2372, "The Private Property Rights Implementation Act of 1999" by Congressman Canady (R-FL).

BACKGROUND

House Resolution 2372 (Canady, R, Florida), the "Private Property Rights Implementation Act of 1999" attempts to simplify and expedite access to the federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of federal agencies, or other government officials or entities acting under the state law.

For example, a developer who proposes to build a 500-unit apartment complex with inadequate parking could be denied by a city council for a variety of reasons, including, size, impacts on traffic, and insufficient parking. Upon denial of an appeal or upon determination that further appeal would be futile, H.R. 2372 would permit the developer to go directly to federal court, rather than require the developer to continue negotiations at the local level to resolve the disagreements administratively or, if necessary, through state court. The reality is that H.R. 2372 will be applied to circumvent local zoning policy.

Staff recommends opposing this bill for the following reasons:

- House Resolution 2372 would shift the authority to decide local issues from the state and local level to federal courts;


- It would allow developers and others to sue cities in federal court without adequately encouraging the resolution of such disputes outside of the courtroom, thereby undercutting local land use control, decision-making and authority; and
- This bill would deem "ripe" for adjudication cases in which there is an insufficient factual record for decision, raising the risk of poorly informed rulings.

House Resolution 2372 could be heard by the House Committee on the Judiciary at any time between now and the end of the session. The League of California Cities as well as a number of national organizations and other important stakeholders oppose H.R. 2372. These include the National League of cities, the U. S. Conference of Mayors, the National Conference of Mayors, the National Conference of State Legislatures, and State Attorneys General.

FISCAL IMPACT

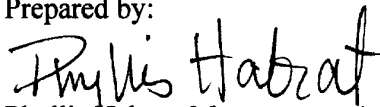
If passed, H.R. 2372, "The Private Property Rights Implementation Act of 1999," could cause Pasadena to spend enormous amounts of money defending itself in federal court.

Respectfully submitted,



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