

PROPERTY

PROFESSOR KRISTELIA GARCÍA

CLASS 26(B): REGULATORY TAKINGS

Class Outline

- Intro to regulatory takings
- The ad hoc doctrine

Regulatory Takings

- A governmental action affected through regulation that “looks and feels” like a taking, but isn’t, because it doesn’t formally involve a condemnation via an eminent domain proceeding.
- It is often viewed instead as an exercise of police power.
- For this reason, a regulatory taking doesn’t have to meet the requirements of public use and just compensation.

**Pillars of coal in place
holding up Mahon's surface land (and house!)**



An example of a hotel collapsed in the wake of mine subsidence in Hazelton, PA in 1914.



Penn Station, 1964

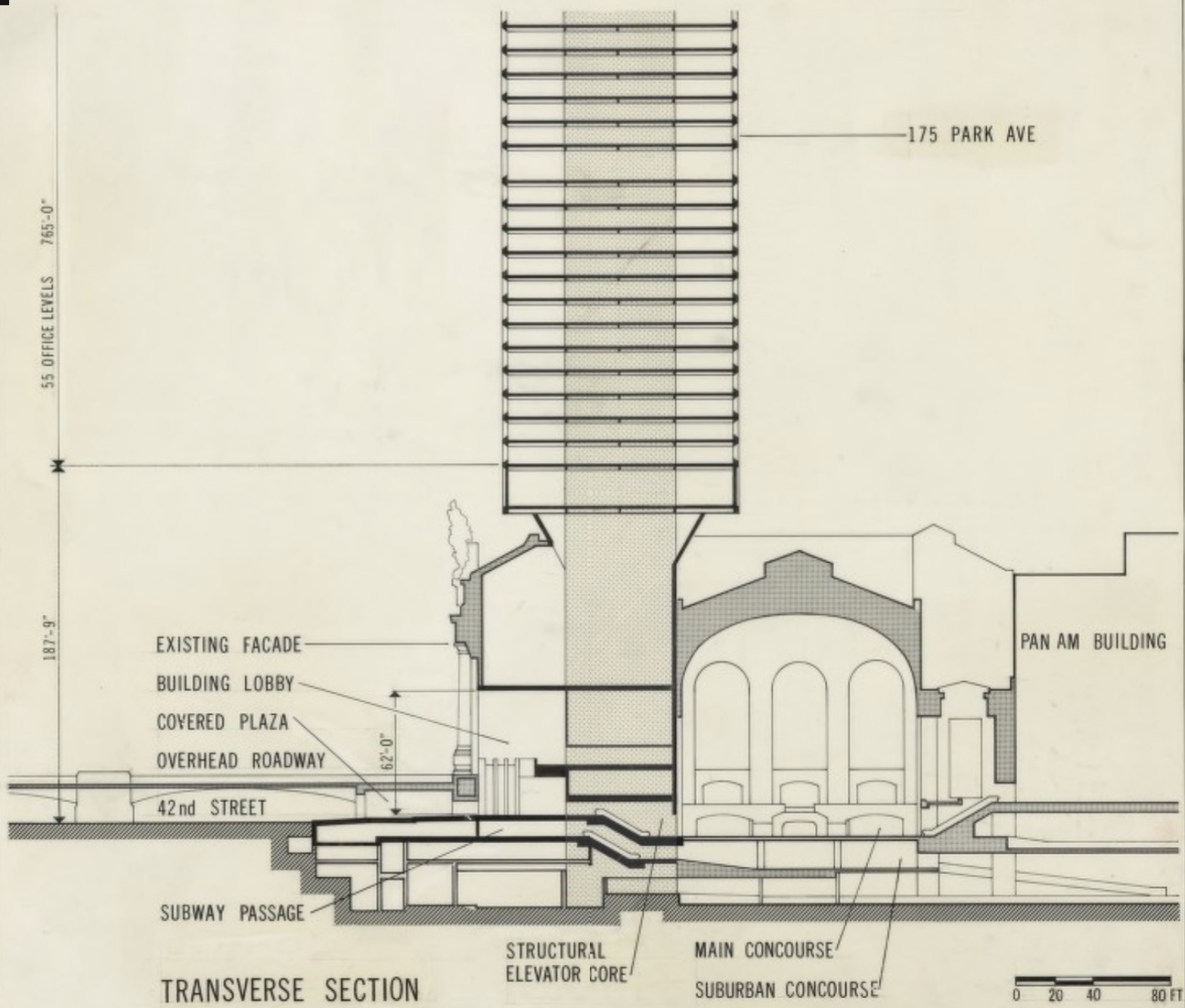


Penn Station, present-day





**Building concept
drawing in the air
space above
Grand Central
Station, Marcel
Breuer, 1969**



TRANSVERSE SECTION

0 20 40 80 FT

Penn Central Transportation Co. v. City of New York

“Factors”:

- *the extent of diminution in value caused by the regulation
- whether the regulation interferes with reasonable investment-backed expectations
- the nature of the government action, in particular whether it causes a physical invasion of the property or merely adjusts “the benefits and burdens of economic life to promote the public good”

Transferable Development Rights (TDRs)

