

Office of the Vermont Secretary of State
Vermont State Archives

1987: Proposal 6

Subject: Private Property Subject to Public Use

Proposal 6

Sec. 1. PURPOSE

This proposal would amend the Constitution of the state to provide additional protection to owners of private property when the value of their property is reduced significantly by government regulation.

Sec. 2. Article 2, Chapter I of the Constitution is amended to read:

ARTICLE 2ND. [PRIVATE PROPERTY SUBJECT TO PUBLIC USE;
OWNER TO BE PAID]

That private property ought to be subservient to public uses when necessity requires it, nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

That whenever implementation by the state or any of its political subdivisions of a land use planning, zoning or other regulatory program restricts the use or exchange value of land so as to reduce its fair market value to less than 50 percent of its unrestricted fair market value, the owner of such land shall have the right to receive fair compensation from the government imposing the restriction, and to have compensation determined by a jury.