STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

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NEWS RELEASE
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For Immediate Release

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Eminent Domain: Pre-Condemnation Activities

Request for Public Comment

The California Law Revision Commission seeks public comment on a tentative recommendation to reform certain provisions of the Eminent Domain Law. Those provisions relate to compensation of an owner for loss caused by pre-condemnation activity.

Specifically, the revised tentative recommendation proposes the following improvements:

- Codify the holding of *Property Reserve Inc. v. Superior Court*, 1 Cal. 5th 151 (2016). to make clear that a property owner has a waivable right to a jury trial determination of the amount of compensation owed for losses caused by pre-condemnation activity.
- Provide that a property owner who is entitled to compensation under Code of Civil Procedure Section 1245.060 for losses due to pre-condemnation activity has the option of instead seeking that compensation as a defendant in an eminent domain action related to that property.
- Codify California case law providing that a property owner may seek compensation for "Klopping damages" as a defendant in an eminent domain action.
- Make clear that a property owner who seeks compensation for either kind of pre-condemnation loss as a defendant in an eminent domain action must plead the claim for that compensation in the owner's answer.

The Commission requests public comment on each of the proposed reforms.

The tentative recommendation is available on the Commission's website (www.clrc.ca.gov) in the pull-down "Reports" menu, under "Tentative Recommendations." It can also be requested at bhebert@clrc.ca.gov.

The Commission often substantially revises its recommendations in response to public comment. To receive timely consideration, comments should be submitted to the Commission by **August 13, 2020**.

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