

EMINENT DOMAIN LEGISLATION MOVES AHEAD

Two Popular Bills Merge

October 28, 2005 - On October 27, the House Judiciary Committee approved legislation responding to the controversial *Kelo v. New London* case, the June 23 Supreme Court ruling that allowed the City of New London to exercise its powers of eminent domain, requiring property owners to vacate their homes to make way for a commercial development. HR 3135, the "Private Property Rights Protection Act of 2005" was approved 27-3, and prohibits the use of federal funds by state and local governments that use eminent domain for the purposes of commercial development. House Judiciary Chairman F. James Sensenbrenner Jr. (R-WI) was the bill's sponsor and introduced the measure on June 30th. John Cornyn (R-TX) has introduced similar legislation in the Senate (S 1313). House Resources Committee Chair Richard Pombo also held a parallel hearing on HR 3405, the 'Strengthening the Ownership of Private Property Act of 2005' or the 'STOPP Act of 2005' yesterday.

The two bills have now merged into HR 4128, "Private Property Rights Protection Act of 2005." Prior to the merge, both bills had strong bipartisan support – HR 3135 with 136 cosponsors and HR 3405 with 112.

The National Conference of Mayors, however opposes legislation aimed at limiting eminent domain. In an August legislative alert, the Conference asked its members to apprise Congress of the need for eminent domain in assembling tracts of land for federally-assisted economic development projects, including downtown development. The Conference was especially interested in a bill restricting funds from the Department of Housing and Urban Development and Transportation Department. The alert notes that if eminent domain legislation denying federal funds to state and local governments is successful, economic development will be impossible for state and local governments.