



## State of Connecticut

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### TESTIMONY

Judiciary Committee Public Hearing  
March 17, 2006

Senate Chairman McDonald  
House Chairman Lawlor  
Senate Ranking Member Kissel  
House Ranking Member Farr

### **H.B. No. 5810 (RAISED) AN ACT LIMITING THE USE OF EMINENT DOMAIN BY MUNICIPALITIES AND MUNICIPAL DEVELOPMENT AGENCIES AND ESTABLISHING AN OFFICE OF PROPERTY RIGHTS OMBUDSMAN.**

Good afternoon. I am here to testify on **H.B. 5810**. I believe the General Assembly should have called a special session this summer, as soon as possible following the U.S. Supreme Court decision. As I said following that decision, I strongly believe that eminent domain is a tool to be used in only the most extraordinary circumstances. Like the many, many constituents who have contacted me regarding this issue, I do not believe that taking property by eminent domain for economic development is something that our state laws should permit. To that end, I believe that we need to have a state law that acknowledges our respect for private property rights and clearly spells out exactly under what circumstances eminent domain could be used. We don't want to have another Kelo vs. New London case coming before the courts. I also suggest that a board of assessors independent of any state agency who will be able to determine a realistic value of the property when eminent domain is an issue.

I believe that eminent domain is to be used by government only to promote the greater good of the public, and only then as a last resort, such as a much-needed school, a much-needed highway, or a much-needed hospital these are needs that we can all understand. But, even then, government should be reluctant to use eminent domain when the possibility of a feasible alternative exists.

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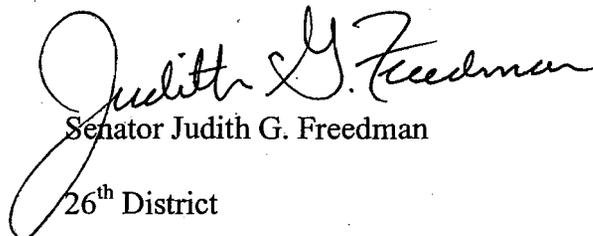
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Taking someone's home so that private developers can build something that government officials hope will result in higher tax revenues is a misuse of power that all of us should abhor. When the U.S. Supreme Court hands that kind of power to government, then every single one of us - every single law-abiding, taxpaying, home-loving American - should be afraid. Despite all the reassurances that New London is a special case, despite all the reasons and excuses offered by government leaders to justify the need for the broad use of eminent domain, this U.S. Supreme Court decision is really a warning. It is a warning that our homes are ours only as long as our government doesn't see the need to take them away and give them to someone who might be able to generate more tax revenues. In other words, despite the fact that you pay a mortgage, pay taxes, obey the law, invest your whole heart and soul into your home - your home really isn't yours at all. You are just the caretaker for now until government decides that someone else has a better use for it.

My constituents in Fairfield County are just as worried as the good people of southeastern Connecticut. I am here today to continue to fight for the rights of my constituents and all of the residents of the State of Connecticut. As I have reassured my constituents, and want to reassure you, I look forward to working with my colleagues to change state law to restrict state government's power to use eminent domain except under the most extraordinary of circumstances and only then when the public good is truly at stake and when no other feasible alternative exists.

Thank you for taking the time to listen to my testimony on **H.B. No. 5810**

Sincerely,

  
Senator Judith G. Freedman  
26<sup>th</sup> District