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Chairman McDonald, Chairman Lawlor, Senator Kissel, Representative O'Neill, and members of the Judiciary Committee, thank you for the opportunity to appear before you today to discuss ***SB 1446 – AN ACT CONCERNING EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES.***

Before I get into the inadequacy of the this bill, I'd like to

- It has been more than 2 years since Bob Ward sat where I sit today, for the first time, proposing to end the practice of taking people's homes for private economic development.
- It's been 640 days since the Kelo decision.
- Our Office of Legislative Research has written hundreds of pages contained in 24 separate research reports on eminent domain.
- 89% of people polled by Quinnipiac University believe that it is wrong to use eminent domain for private economic development.
- Since the Kelo decision, 34 other states have passed new laws aimed at curbing the abuse of eminent domain for private use.
- Including this one, I believe there have been 9 public hearings or informational forums on eminent domain over the past two years.
- To date, Connecticut has enacted zero new laws to protect people's homes from being taken and transferred to private developers.

Even if this bill were to pass, it would be a stretch to say that the state did anything to protect people's homes. What SB 1446 effectively says is that if the smallest fraction of a project is used for a public purpose, it's ok to take everyone's property within the entire project area. If the proposed use of the project includes a road or a sidewalk, or if a sliver of the land is donated as open space or a community garden, towns can grant developers the right to take and do as they please with those properties.

In short, this bill gives homeowners a lot of false hope.

A better solution would be to change the language so that if any part or all of a development is to be owned and controlled by a private enterprise, then eminent domain could not be used on owner-occupied residences of four units or fewer.

In her dissenting opinion in the Kelo Case, Justice Sandra Day O'Connor wrote:

“The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.”

These two sentences have been restated and rewritten many times. I think that's because they capture the essence of eminent domain: the power of the state over any single person or business. Imagine if your home was about to be taken over by the government. The law is not on your side, and even it were, you would need to use everything you had to fight against the essentially unlimited resources of government. This is the battle that Mrs. Kelo and others in New London fought for over five years.

It's embarrassing that as the freest country in the world, we still allow our government to use such heavy-handed, bullying tactics against our own people.

I hope that no member of House Republicans will have to testify again on eminent domain a year from now - for the fourth straight year.

Thank you for the opportunity to speak on this important issue.