



Testimony on House Bill 5123

Good afternoon distinguished members of the Planning and Development Committee. My name is Isabel Blank. I am Manager, External Affairs at the Yankee Institute for Public Policy, and I am writing to testify in support of House Bill 5123, An Act Prohibiting the Use of Eminent Domain for Commercial Purposes. For questions or follow up, please contact me at isabel@yankeeinstitute.org.

It has been 14 years since the US Supreme Court decided in *Kelo v New London* that the government can seize people's homes and businesses through eminent domain in the name of economic advancement. The 5th Amendment to the U.S. Constitution states that private property shall not be "taken for public use, without just compensation." Unfortunately, the court has deemed in several cases that "public use" means any "public purpose", and local and state governments can take homes and businesses whenever they think it would benefit the public.

In the case of Susette Kelo's little pink house—thirteen years after the decision nothing has been built on the land that was taken. An entire neighborhood was erased in vain.

The *Kelo* decision created an expansion of eminent domain abuse across the country and consequently, backlash from state courts that chose to tighten eminent domain usage under state constitutions. 43 states reformed their laws after the *Kelo* decision, including Connecticut. Sadly, loopholes still exist. This legislation before you should work to close them, and I would like to recommend language.

Firstly, "public use" should be defined as intended in the US Constitution; owned by or open to the public, like roads, public buildings, and public utilities. This definition will narrow the presently broad wording to better ensure eminent domain is used for necessary projects that benefit the public.

Next, the definition of blighted property should also be tightened. If a municipal development authority declares a property blighted, it opens the door for the use of eminent domain for private economic development. We recognize that blight is a serious concern in the state, but it is important that we have sensible and cohesive definitions for blight in order to protect the private property of our residents.

In some of our municipalities a property may be considered blighted due to overgrown grass or weeds, unpaved driveways, or accumulation of trash. The definition of blighted properties should certainly not extend to homes that are perfectly livable, rather, it should apply to buildings that violate codes affecting safety and public health.

If the state wants to improve bad neighborhoods or develop key areas, it must do so in ways other than eminent domain — by lowering taxes, removing regulations to make starting a business easier, or by fairly buying the land. Major developments routinely succeed without eminent domain, and there is no reason for the state to commandeer citizens' private property to do so.

Susette Kelo lost her little pink house. Let's make sure no one else loses theirs. I urge you to pass House Bill 5123.