



THE UNITED STATES CONFERENCE OF MAYORS

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June 6, 2006

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The Honorable Arlen Specter
Chairman
Judiciary Committee
U.S. Senate
Washington, DC 20510

The Honorable Patrick Leahy
Ranking Member
Judiciary Committee
U.S. Senate
Washington, DC 20510

Dear Chairman Specter and Ranking Member Leahy:

Representing cities across the nation, we would urge you to preserve the use of eminent domain as a necessary and fundamental power of local governments. Eminent domain allows governments to undertake projects that benefit the whole community, while compensating property owners for the value of their property. It can be a critical tool for promoting sensible land use, revitalizing distressed communities, cleaning up polluted land, building new infrastructure, and alleviating the problems of unemployment and economic distress.

Governments do not lightly use eminent domain. State and local laws provide protections to individuals regarding the use of eminent domain, including fiscal, political and legal checks that prevent governments from arbitrarily exercising their eminent powers. Municipalities are already regulated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act where Federal funds are involved, to provide relocation services and benefits which include: assistance in finding a comparable dwelling unit; replacement housing payments (the difference between comparable unit costs and just compensation for the property being acquired through eminent domain); all closing costs associated with the purchase of the comparable unit; all utility reconnecting costs; and actual moving costs.

The U.S. Supreme Court's decision in *City of New London v. Kelo* upheld the constitutional authority of State and local governments to use eminent domain but the Kelo case has resulted in the examination of the use of eminent domain at local, State and Federal levels. Congress has mandated a study by the Government Accountability Office on the use of eminent domain.

We urge that, if Congress adopts any additional federal legislation on eminent domain that it allow local government to continue to use eminent domain to construct: affordable housing; public infrastructure, including roads, bridges, streets, highways, pedestrian walkways and streetscapes; water supply facilities, wastewater treatment facilities, recycling facilities and brownfields rehabilitation and development; common-carrier functions that serve the general public and are subject to regulation and oversight by the government; arenas or stadiums that serve the general public; public utility functions, including use for the generation, transmission, or distribution of electric energy

for sale; educational institutions, including schools, universities, libraries, museums and cultural institutions; and hospitals.

Some have argued that eminent domain should be limited to construction of roads and parks but cities need eminent domain, as a last resort, in order to address the issues of dilapidated and dangerous housing, overcrowding, crime, and neighborhood renewal. It is a fundamental purpose of local governments to promote economic in order to provide jobs, hope and opportunity to communities. One of the biggest obstacles to the revitalization of our metropolitan areas, which include center cities and older inner-ring suburbs where more than 80 percent of the nation's population resides, is the difficulty of assembling parcels of land of sufficient size to allow for new economic development. Frequently, absent appropriate sites, economic development will not happen in the places that desperately need it.

Therefore we would urge that any Federal legislation allow the use of eminent domain for economic development to create or retain jobs and revitalize communities in redevelopment areas identified as blighted areas or similar statutorily created redevelopment project areas, which include areas that are unsafe, inadequate, unsanitary, deteriorated, dilapidated, vacant, and/or violent to the point where a threat to human health and safety may be present. We urge you to allow the use of eminent domain in support of neighborhood revitalization projects that are sponsored by community-based development organizations or faith-based institutions that provide goods, services or employment.

Finally, as Mayors we urge rejection of any Federal legislation preempting State and local judicial and political processes for resolving legal disputes arising from community zoning and land use regulation. We would support the longstanding requirement that claimants under the Takings Clause of the U.S. Constitution pursue available State compensation procedures before filing a federal Takings claim in Federal court.

Mayor's Name	City
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<u>Edward Garcia</u>	<u>Tombay City</u>
<u>Thomas R. Kulle</u>	<u>Franklin, TN</u>
<u>Jeff Achinstein</u>	<u>Green Bay, WI</u>
<u>Joe Marine</u>	<u>MaKiteo, WA.</u>

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City

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Chicago, Ill.

Michael R. Klontz

W.B.R.

Columbus, Ohio.

John J. Russo

*City of Fallbrook, Calif.
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Kes. Haggins

Minerva CA

*Jennifer Hasteman
Pleasanton, CA*

Kathy Keolker

Renton, WA.

Bernard Kincaid

Birmingham, AL

Sam Bakone

Roswell, N.M.

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Gerald [Signature]

LAUDERHILL, FL

ALAMEDA, CA

Albany, NY.

Mayor's Name

City

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Dublin, Ca.

Myra Kragner

Brooklyn Center, Minn

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Chester, Pa.

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Everett, Massachusetts

Wayne Dill Sr.

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Riviera Beach, Fl.

Karen C. Latta

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Michael Wagoner

Granville, ND

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Tom L. Anderson

Richmond, Ca

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Cynthia J. Staley

Burkville, MD

Frank R. Frederick

Detroit, MI

James H. Woodley III

PORTSMOUTH, VA

Chris Ballinger

Elizabeth, NJ

1. E. J. J. J.

NORTHBRIDGE, CT

Walter H. ...

Tallahassee, FL

Clayton Mayans

Wichita, Ks.

James E. "Jim" Mayo

Monroe, LA.

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William M. ...	PIKEVILLE PARK, FL
Eugene T. Meyer	WEST DES MOINES, IOWA
THOMAS O'GRADY	NORTH OLMSTED, OH
Kitty Pieren	Eugene, Oregon
Don ...	CAROL STREAM, IL. 601.
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Don ...	W.P.B., FL
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Mary Lin ...	FULLERTON, Texas
Reynolds ...	Deer Park, Texas
Styl ...	Bloomington, Illinois
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W.L.M.	Sugar Land, TX
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Roy D. Buel	Dubuque, IA.

Mayor's Name	City
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Patrick Morgan	San Bernardino, CA
Shirley P. Durre	Hattiesburg, MS
Janet Lockhart	Dublin, Ca.
Heather Fugo	Sacramento CA
Chip Dwyer	Waco, Texas
Lydia Reid	Manassas, Va
Edith White	DAVENPORT, IOWA
Jim Dear	CARSON, CALIFORNIA
Thine McIn	Dartmouth, Ohio
Brenda Lawrence	Southfield MI
Tom Potter / ngt	Portland, OR
Paul J. Potter	WEST COLUMBIA, SC
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James J. Longo	Georgetown, Ohio
Ken M. Jones	Rio Rancho, New Mexico

Mayor's Name
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City of Virginia Beach, VA