

October 12, 2006

The Honorable George Voinovich  
United States Senate  
524 Hart Senate Office Building  
Washington, D.C. 20510

Re: Opposition to H.R. 4772

Dear Senator Voinovich:

On behalf of the Ohio Township Association (OTA), I urge your opposition to H.R. 4772, which is the Private Property Rights Implementation Act of 2005. The Ohio Township Association strongly opposes H.R. 4772 (and similar legislation) which threatens the historic rights of local governments to control local land use and zoning decisions. The National Association of Towns and Townships (NATA), the National League of Cities, National Conference of State Legislatures, Council of State Governments, US Conference of Mayors, and National Association of Counties, also opposes this bill.

The OTA has opposed similar legislation in the 105<sup>th</sup> and 106<sup>th</sup> Congresses and like those bills, H.R. 4772 alters the procedures for governing regulatory takings litigation. Unlike earlier bills, H.R. 4772 seeks to redefine the types of regulatory actions subject to scrutiny under the law and impose a financial burden on state and local governments in terms of litigation and potential damage awards.

H.R. 4772 would unnecessarily increase the role of federal courts in local government land use disputes. Cases would be taken to federal court well before local governments and land owners have had the opportunity to consider development alternatives that would be acceptable to both parties. Specifically, H.R. 4772 would make takings claims ripe for litigation simply if a locality has denied a property owner's application and if an appeal has been pursued. The result would be more costly litigation against local governments, an increase on the burden of federal courts and an erosion of the ability of states like Ohio to develop a consistent land use policy. The OTA believes that decisions affecting local communities are best made at the local level. H.R. 4772 directly contradicts this principle by allowing the federal courts to intervene prematurely in local land use disputes.

I know you have expressed concerns in the past with similar legislation and I thank you for your continued interest and concern with the takings issue as it relates to townships and local governments. Again, I strongly urge you to oppose H.R. 4772. Please do not hesitate to contact me if you have any questions or if I may be of further assistance.

Sincerely,

Michael H. Cochran  
Executive Director

MHC:hf