

## Private Property Rights and the Kelo Decision – Two Years Later

It has been just over two years since that staggering 5-4 Supreme Court decision to uphold the “taking” of individuals’ land to give to developers in the case of *Kelo v. New London, Connecticut*. The nation was in a state of disbelief that this could happen—that government could essentially “take your property and give it to someone else if doing so will rake in greater taxes for your town.” (All quotes are taken from an editorial by Carla T. Main, “The Wall Street Journal,” June 23, 2007.) In the aftermath, the US Congress introduced bills to curb “what so many perceived as eminent domain run amok.” Politicians were on the band wagon in a bipartisan effort to protect private property rights. States immediately passed moratoriums to prevent such action.

The question is, where are we two years later? The furor has died down and all-too-soon other issues have taken hold of the public energy and attention. According to Ms. Main, the US Congress never did pass any of the bills, and reform was left to the states. After only one year, many of the states who initiated moratoriums on such action simply lifted those moratoriums. Other states (particularly Oregon, California, New York and New Jersey) continue to be very active in this type of “taking.” While some states were successful in passing eminent domain reform and many prohibit private-to-public transfers for the purpose of economic development, there remains a loophole, and that loophole is “blight.”

**We need to stop right here and give kudos to the State of Florida**—the only state in the nation currently—for passing legislation that eliminated “the blight loophole—stating plainly, no economic development takings, *ever*.”

Let’s keep it that way.

As Ms. Main states, “With each Kelo anniversary, the politics will become more partisan as we forget our initial outrage...We need to take care...The importance of this problem must not be underestimated if we are to understand why takings for economic development have been so hard to stop. Except in Florida, even when common sense would dictate that a project is economic in purpose, it can still be pursued under an urban renewal plan...”

Each and every private property holder needs to maintain ongoing interest, and we all need to keep our individual and collective eyes and ears open to ensure that Florida continues this current course. You can bet that special interest groups have been circling the wagons since the laws took effect.

Let’s continue to sit down together—at the local level—to ensure that rights are protected and real needs are met. We have challenges ahead, and I continue to hold the belief that we can be our own best allies—right here, right now and sitting at the same table.