

House passes bill to restrict property takings

By David Lawder

Reuters

Friday, September 29, 2006; 8:38 PM

WASHINGTON (Reuters) - In a vote aimed at limiting the power of local officials to take or restrict the use of private land, the U.S. House of Representatives on Friday passed a bill to expedite property rights claims in federal courts.

Approved by a 231-181 vote, the measure allows homeowners and developers to bypass state and local courts to make federal constitutional rights claims to fight takings by eminent domain or to wage disputes over property use restrictions.

The bill is one of several property rights measures proposed in the wake of a U.S. Supreme Court decision last year that upheld local governments' ability to take property for use by private developers to promote economic development.

The Constitution's Fifth Amendment guarantees that property cannot be taken without due process of law, but Supreme Court interpretations require claimants to exhaust all avenues in state and local courts before a constitutional claim can be lodged at the federal level.

[Rep. Steve Chabot](#), the bill's Ohio Republican sponsor, argued that by allowing federal constitutional takings claims right away, homeowners could avoid lengthy legal battles that would exhaust their

financial resources.

"This legislation would hold the government accountable when its actions violate our constitutionally guaranteed property rights," said Jerry Howard, chief executive officer of the National Association of Home Builders. "It places Fifth Amendment takings claims on par with the rest of the Bill of Rights."

However, Democrats and some Republicans argued that the bill does not alter the standards governing the use of eminent domain to take property, but would make it more difficult for local governments to defend their zoning and land-use restrictions against big developers.

They would be forced straight into federal courts by developers who want to circumvent zoning restrictions.

"This bill is a hammer to the heads of local officials who are trying to guide and manage development. It is a very dangerous bill," said [Rep. Sherwood Boehlert](#), a New York Republican.

There is no companion bill currently under consideration in the U.S. Senate.

However, an aide to Chabot said the measure's provisions could be included in the Senate version of a House bill passed in November that would withhold federal funds from communities who use eminent domain powers to take private property for private uses. That bill has been referred to the Senate Judiciary Committee.

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