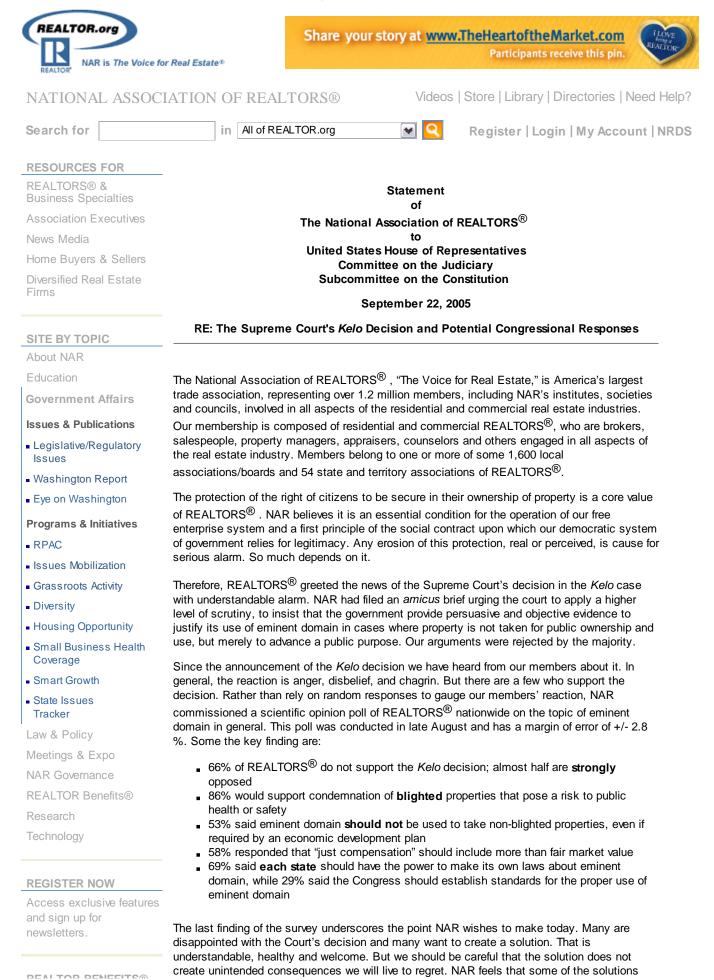
NAR Congressional Statement on Emin...



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being discussed in the Congress could unintentionally harm important principles of federalism, such as the constitutional division of power between the federal and state governments.

In our view, matters concerning land use, economic development, blight and the like are essentially local issues better handled at the local and state level. These levels of government are closer to the issues and to the people affected. The federal government should preempt state rules rarely and only when a significant federal interest is at stake. Our research indicates that in the area of eminent domain, the states have not been lax. In fully half the states a taking such as occurred in New London would not have been legal due to restrictions in the state constitution, statutes or case law. In the wake of *Kelo* three states, Delaware, Alabama, and Texas, have already amended their laws to further restrict the use of eminent domain. Many other state legislatures, including Connecticut's, are preparing to act in their next session to toughen their eminent domain laws. NAR applauds this effort and encourages our state

REALTOR[®] Associations to work with legislatures to craft reasonable reforms.

Realtors believe it is preferable that states be given the chance to devise their individual solutions appropriate to conditions in the respective states rather than have the federal government impose a "one-size-fits-all" solution from above. An appropriate federal role might be to provide technical assistance grants to the states to help them get the job done. For its part, NAR, is doing just that through our state affiliates. For example, NAR has provided analysis and suggested improvements for eminent domain reform bills in Pennsylvania and New York.

While the *Kelo* decision is troubling and the impulse to act is strong, NAR urges the Congress to exercise restraint. The states are moving rapidly to correct this problem. At the very least, Congress should take a wait and see attitude while the process works itself out at the state level.

NAR is grateful for the opportunity to make its views known to the Subcommittee. We would welcome the opportunity to work with the Subcommittee on this issue.

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