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NEW YORK STATE'S 'LEGAL' LAND GRABS

By **DANA BERLINER**

DON'T New York bureaucrats take an oath to uphold the Constitution? That's the question I keep asking myself every time I hear about yet another attempt by local governments in the Empire State to take privately owned homes and businesses in order to transfer them to another, more politically connected private developer.

The City of New Rochelle plans to level an entire neighborhood for a new IKEA store. Twenty-nine homes, 34 businesses, 2 churches, and more than 500 residents and employees will be displaced. The neighborhood is, well, neighborly.

People call to each other on the streets. The businesses lend equipment freely. It is in many ways a model neighborhood, with thriving businesses living in harmony with long-term residents. Nevertheless, the city has decided to raze it to the ground to make way for a more-favored business.

Simply having a furniture store apparently isn't enough to curry favor with New York bureaucrats, however. In Manhattan, a state agency is condemning the Minic Woodworking Company, a family-owned handmade-furniture business, for a Home Depot and a Costco. The more than 50-year-old business employs skilled local workers and has spent years creating a beautiful, unique business interior.

Again, the intent of the condemnation is clearly to provide a direct benefit for a larger private business.

Just down the road from New Rochelle, the Village of Port Chester has already begun notices of taking. On a main street that could be Anytown, USA, the Village plans to raze low-cost apartment buildings, a community micro-lender, the Salvation Army, a boat-rental company, a bait and tackle shop, and numerous small retail stores and industrial businesses. I lost count at 30.

The Village is transferring all of this property, on amazingly favorable terms, to one developer with some serious connections. Hundreds of business employees and residents will be displaced for - probably, as the plans keep changing - a Target, a Costco, and a grocery store.

What is particularly disturbing is that many of the displaced residents are Spanish-speaking and have not been able to organize to fight the project.

Several owners of apartment buildings and businesses have sold their properties under threat of condemnation and on the condition that they evict the tenants with little or no assistance in relocation.

Finally, the city of North Hempstead is condemning a church and surrounding property for development and sale to private parties. The church purchased the property for the express purpose of expanding its ministry and developing property to add a day care center and other additions. The city would rather have someone else do the development apparently. One zoning-board official commented, "We already have enough churches."

There are so many things wrong with these condemnations that it's hard to know where to begin. In every situation, the areas being destroyed are close-knit, family communities. In every case, the cities have actively thwarted local construction and renovation efforts - presumably so they could later claim the area needed assistance. In each, government officials demonstrate shocking hubris in deciding that local businesses aren't good enough and should be replaced.

Both the U.S. and New York Constitutions limit "eminent domain" - the power to take private property - to "public uses." The framers of the Constitution included this restriction because they realized that the power to throw someone out of house and home or ruin a business was one of the most despotic and drastic powers of government. That's why they limited the power to public uses.

The framers and everyone else understood what that means. Property can be condemned for roads, public works, and public buildings. Swedish furniture stores and multiplex movie theatres were definitely not what our founders had in mind.

In all four cities, the redevelopment projects are unwise. They are unconstitutional. But most important, they are morally wrong.

These condemnations should not be happening in New York and they should not be happening in America.

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