



INSTITUTE FOR JUSTICE

February 20, 2019

Leonia Borough Council and Planning Board
312 Broad Avenue
Leonia, NJ 07605
VIA E-MAIL

RE: Condemnation Redevelopment Study

Dear Mayor Zeigler, Borough Council, and Planning Board:

The Institute for Justice urges you to abandon your Fort Lee Road/Grand Avenue Condemnation Redevelopment Study Area and disavow the use of eminent domain for private development in Leonia. Eminent domain is for public use—things like roads and schools—not private development. It is an abuse of power to use the state’s Local Redevelopment and Housing Law to facilitate the condemnation of well-kept homes and small businesses that pose no threat to the public’s health and safety.

The Institute for Justice is a public interest, civil liberties law firm dedicated for 25 years to stopping eminent domain abuse across the nation. We represented Susette Kelo and her neighbors before the U.S. Supreme Court in the infamous *Kelo v. City of New London* case, which sparked a nationwide revolt against eminent domain abuse that continues to this day. In New Jersey, we have successfully represented property owners in Long Branch and twice in Atlantic City in their challenges to redevelopment plans and eminent domain abuse similar to that contemplated here. We are currently working with the newly formed group of homeowners and small businesses in Leonia, Leonia United Against Eminent Domain Abuse.

We recently met with residents and small business owners in Leonia, who are deeply concerned about the notices they received in January and the borough’s efforts to redevelop their neighborhood. And rightfully so: New Jersey municipalities have several tools to revitalize their communities, and the “condemnation redevelopment” designation is the most aggressive. It is the only one that authorizes a city to seize through government force homes and businesses it is unable to obtain through negotiation. Cities do not pursue these designations as opposed to other ones unless they want eminent domain as a tool.

These residents have lived in Leonia for years; they work in town and their children grew up in Leonia schools. Several own long-time businesses in Leonia, such as A&D Auto Body, which has served customers for nearly half a century. It would be both illegal and immoral to force these hard-working individuals out of their homes and their livelihoods, simply to transfer their property to a private developer.

Until recently, New Jersey municipalities have habitually abused the power of eminent domain through the redevelopment process to achieve their development goals. This is no longer the

case as the misuse of redevelopment law and eminent domain abuse are no longer tolerated by the public. National polls show 80 to 90 percent opposition to eminent domain abuse, and 44 states have passed reforms to better protect property owners. In just the past month, a New Jersey appellate court has sided with property owners in two separate challenges to eminent domain abuse, one of which was brought by my organization.

Across the country, we have seen redevelopment plans predicated on the use of eminent domain fail miserably. In the process, this kind of abuse drives down property values, private investment, and constituents' trust. Just look at Fort Trumbull in New London, Connecticut, home to the *Kelo* case: After years of litigation, millions in taxpayer dollars spent, and a trip to the U.S. Supreme Court, all that is left of the former neighborhood is overgrown weeds and feral cats. The developer left New London and, shortly thereafter, Pfizer—which was to have benefited from the development—followed. Meanwhile, cities that have pursued development with a respect for their citizens' property have enjoyed an influx of *billions* in private investment. Private negotiation, not government force, continues to spur development in this country as it has for centuries.

If you continue with this condemnation redevelopment process, you are sending a message to homeowners and small businesses across Leonia that their homes and their livelihoods are not safe. You are also sending the same message to potential residents and future businesses contemplating moving into Leonia, many of whom will think twice before investing their futures there.

We encourage you to abandon your study and publicly disavow the use of eminent domain for private development. We are confident you want what is best for Leonia; eminent domain is not it.

Please do not hesitate to contact me at (703) 682-9320 or cwalsh@ij.org if you have any questions.

Best,



Christina Walsh
Director of Activism and Coalitions