



## Reining in Eminent Domain Abuse

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### *Senate Passes Bill Putting the Rights of Homeowners First*

The Missouri Senate has passed legislation to help protect homeowners, farmers and small businesses from municipalities that abuse their power of eminent domain.



This legislation was needed because of a 2005 U.S. Supreme Court decision that ruled that governments can legally seize the homes of private citizens and give their land to private developers for the purpose of building new businesses.

The bill passed by the Senate, House Bill 1944, helps restore eminent domain to its proper place and protects the private property rights of homeowners by tightening requirements for when eminent domain can be used. The legislation also dramatically increases the ability of property owners whose property is taken by eminent domain to be paid fairly for what their property is worth.

### *Abuse of Eminent Domain in Missouri*

This new precedent holds potential for disaster, and Missouri has already witnessed one instance of a botched attempt to seize private property for private use. In Sunset Hills, outside of St. Louis, residents of one neighborhood have had their homes seized for a \$184 million shopping center, a deal that has fallen through. The debacle is still unresolved, with houses boarded up and many residents financially devastated.



*Sen. Scott addresses his colleagues on the floor of the Senate Chamber.*

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## Eminent Domain Legislation

As soon as the Supreme Court's Kelo v. City of New London decision was handed down in 2005, Missouri officials made it a top priority to draft and implement legislation offering Missourians protections against eminent domain abuse.

The bill we passed (HB 1944) does the following:

- states that no condemning authority can acquire private property through the use of the power of eminent domain for solely economic development purposes
- gives those whose land is taken an extra 25 percent over the fair market value of their property
- gives those whose land is taken an extra 50 percent over fair market value if a family is required to give up property they have owned for more than 50 years
- establishes the Office of Ombudsman to assist citizens seeking information regarding the eminent domain process

**“Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.”**

**Justice Sandra Day O'Connor**, dissenting  
from Kelo decision



### Contact Senator Delbert Scott

If you have questions or comments on any issue involving Missouri government, feel free to contact my office. My office is Room 221 of the State Capitol, and the phone number is (573) 751-8793. Visit me online at [www.senate.mo.gov/scott](http://www.senate.mo.gov/scott) or e-mail [delbertscott@senate.mo.gov](mailto:delbertscott@senate.mo.gov)

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