Eminent Domain Property Rights Abuse (Economic Development and Blight)

The 2005 Supreme Court Kelo vs. City of New London, CT ruling served as a property right abuse clarion call to wide sections of the population. The backlash led 40 states to pass laws limiting the power of so-called eminent domain for measures like economic development as justification for seizing property. But, the issues of property seizure for supposed public good, just because it is blighted, is still unclear. Blight can be defined so broadly that any property can be condemned and seized, especially for vague notions of “economic or social liability.” Blight should be defined clearly as nuisance properties that pose a direct threat to public health and safety.

A recent NJ beach front case, dating back to the 1990s, is helping restore balance in our state. The city of Long Branch designated some beach cottage neighborhoods “in need of redevelopment.” Residents were told their properties were blighted and were to be given over to real-estate developers for a $100 million condo project. Initially, the City was upheld, but a three-judge Appellate Division panel unanimously ruled the city did not have enough evidence of to declare the area blighted.

Blight needs to be a clear detriment to the health, safety, and welfare of citizens.