

The Potential Forcible Taking of Your Apartment Building! **by James Hickman**

Did you know that your home, your business, and any other real property you own can be forcibly seized by the government and be given to private property developers? For generations, Americans have considered the proper role of the government to be to *protect* the rights of private property owners. After all, the old saying goes that “a man’s home is his castle” and, in the view of many, the government was there to protect that castle. Nevertheless, many property owners are unaware that the government has the right to forcibly take your property from you, though a process called “eminent domain.”

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Eminent domain allows the government to take your property for *public use* so long as they provide you with “just compensation.” Many property owners are unaware (but should be) that this governmental right to take your property was significantly expanded on June 23, 2005 by the U.S. Supreme Court in a case named “*Kelo v. City of New London*.” As a result of this decision, municipalities now have a broad right to bulldoze residences and buildings for projects such as shopping malls and hotel complexes.

Before the *Kelo* case, the government’s right to forcibly take your property from you was generally restricted to limited instances where either the property was to be put to public use or where otherwise urgent public needs were demonstrated that justified the taking. With the *Kelo* decision, the Court substantially expanded the risk of bulldozers razing your home, business or other real property you own. Under the Court’s ruling, property may now be taken by the government to benefit *private developers* with only a modest showing of public benefit or need.

Critics of this decision fear that it will lead to abuses. As dissenting Justice Sandra Day O’Connor wrote, the decision hands “disproportionate influence and power” to well-connected developers. She added that “today nearly all real property is susceptible to condemnation on the Court’s theory.” Property owners beware!

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