

LEGISLATION REPORT CARD

State: Missouri



- *Prohibiting takings “solely” for economic development and failing to reform grossly abused blight statutes means property rights remain at risk.*
- *Only agricultural land is exempted from “blight” condemnations.*

Particularly after the Supreme Court’s decision in *Kelo*, Missouri is a state sorely in need of eminent domain reform. For years redevelopment agencies throughout the state have used bogus blight designations to acquire private property for private development. The General Assembly had the opportunity to dramatically improve its eminent domain laws, but let its citizens down by failing to adopt real, substantial reforms.

The state government did adopt House Bill 1944 (2006), which changes the law in several ways. The new law does specify that property cannot be condemned “solely” for economic development and it ends the prior practice of letting private developers initiate condemnations on their own behalf, but it continues to allow government agencies to take private property for the use of other private parties for any other justification, no matter how small or irrelevant. Conveniently for tax-hungry local governments and land-hungry developers, the law continues to let cities condemn whole neighborhoods as “blighted” based on vague, subjective factors such as “inadequate street layout,” “unsafe conditions,” and “obsolete platting.” While it is a marginal improvement that such blight designations must now occur on a property-by-property basis—at least until a

preponderance of the properties are blighted—the operational definition is so broad that any community could be at risk, no matter how well maintained. The new law says that blighted areas must be condemned within five years of their designations or else a new designation will be required, and farm land is specifically exempted from being declared blighted. HB 1944 also establishes an Office of Ombudsman in the Office of Public Counsel within the Department of Economic Development, which will ostensibly serve to assist property owners that are under threat of eminent domain.

When all of these minor changes are taken into account, however, the end result is not much different from the starting point. Almost every home, business, and house of worship in Missouri may still be taken by any municipality or government agency with a little patience, ingenuity, and a wealthy developer to provide the financial incentive. Citizens will only have meaningful protection against eminent domain abuse when blight can only be used to describe property that is an actual danger to public health or safety, and that means the state needs to amend the state constitution to remove Art. VI, Sec. 21, which currently allows condemnation of blighted areas.

House Bill 1944

Sponsored by: State Representative Steve Hobbs

Status: Signed into law on July 13, 2006.