

LEGISLATION REPORT CARD

(B-)

State: Pennsylvania

- *The definition of blight now includes specific criteria and blight designations have an expiration date.*
- *Unfortunately, the largest cities and worst abusers of eminent domain may continue to condemn under previous blight designations for another seven years.*

In 2006, Pennsylvania responded to the U.S. Supreme Court decision in *Kelo v. City of New London* and the widespread abuse of eminent domain throughout the state by taking a giant step toward providing its citizens with the property rights protection that they deserve. Senate Bill 881, the “Property Rights Protection Act,” which was supported by a broad group of organizations, including the Pennsylvania State Conference of NAACP Branches, the League of United Latin American Citizens, the Mexican American Legal Defense and Education Fund, the Farm Bureau and National Federation of Independent Business, was adopted with near-unanimous support in the General Assembly. It prohibits the use of eminent domain “to take private property in order to use it for private enterprise,” while also significantly tightening the definition of “blight” in the state’s eminent domain laws and placing time limits on blight designations. The bill also provides that agricultural property cannot be “blighted” unless the Agricultural and Condemnation Approval Board determines the designation is necessary to protect the health and safety of the community.

These changes were absolutely imperative for a state that—in an example of the bizarre

extremes to which states had allowed their “blight” definitions to go—had previously allowed the condemnation of property for no better reason than that it was determined by a local government to be “economically or socially undesirable.” Also, the old law never allowed blight designations to expire, meaning that a property in a designated area could still be taken for private use years down the road, regardless of any improvements or other changes in circumstances.

The bill’s primary drawback—and it is a significant one—is that it includes a glaring exception that allows certain municipalities and counties (Philadelphia, Norristown, Pittsburgh, and Delaware County, among others) to condemn property in areas that have already been designated as “blighted” under the state’s urban renewal laws. (Those places cannot impose new blight designations under the old definition of “blight.”) This exception, which exempts the areas of the state most prone to eminent domain abuse, will expire after seven years, but it is still an unfortunate addition to an otherwise good bill.

House Bill 2054
Sponsored by: State Representative Glen Grell
Status: Signed into law on May 4, 2006.

Senate Bill 881
Sponsored by: State Senator Jeffrey Piccola
Status: Signed into law on May 4, 2006.