



NEW YORK STATE SENATOR

Bill Perkins

## Unconstitutional: What the Appellate Division's Eminent Domain Ruling Means for the Columbia Expansion

BILL PERKINS December 21, 2009

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| COMMITTEE: **CORPORATIONS, AUTHORITIES AND COMMISSIONS**

### PUBLIC HEARING NOTICE

### NEW YORK STATE SENATE

### Notice of Public Hearing

#### Unconstitutional: What the Appellate Division's Eminent Domain Ruling Means for the Columbia Expansion

**Subject and Purpose:** The Appellate Division recently rejected the use of eminent domain to take private property for the expansion of Columbia University. The court found that the Empire State Development Corporation violated both state and federal due process clauses in an effort to prevent affected property owners from obtaining necessary information. ESDC's finding of blight was "bereft of facts" to establish true blight. The ESDC's determination that the project even has a public use, benefit or civic purpose was also called

into question. Most troubling of all was the pattern of collusion between the state and Columbia, a private developer trying to utilize the state's power of eminent domain to take private property. This was clearly evidenced by the ESDC and Columbia each hiring the exact same consultant to conduct the blight study that served as the rationale for triggering condemnation proceedings.

The abuse of eminent domain is always troubling. As the Appellate Division noted, “few policies have done more to destroy community and opportunity for minorities than eminent domain.” In fact, the decision indicated that the ESDC's actions in the Columbia expansion is, “clear evidence of that reality. The unbridled use of eminent domain not only disproportionately affects minority communities, but threatens basic principles of property contained in the Fifth Amendment.”

During this hearing the Committee will inquire into the facts revealed by the ruling and the current status of the Columbia University expansion project. What does the ruling tell us about the eminent domain process? How should the process be reformed? What are the benefits of a moratorium on eminent domain takings pending legislative action? What are the consequences for all stakeholders in this case, not just the litigants, but also the community, displaced tenants and property owners? How will this ruling affect the Community Benefits Agreement? These are just some of the questions that will be considered.

**Senate Standing Committee  
Corporations, Authorities and Commissions  
Senator Bill Perkins, Chair**

**Unconstitutional: What the Appellate Division's  
Eminent Domain Ruling Means for the Columbia Expansion  
Location – Adam Clayton Powell State Office Building  
163 W. 125th Street, 2nd Floor Art Gallery  
New York, New York 10027  
Tuesday, January 5, 2010 – 4P.M. to 7P.M.**