

Thursday, June 29, 2006

Keep Kelo out of Renton Highlands

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http://seattlepi.nwsourc.com/opinion/275678_kelo29.html

Don't worry, eminent domain abuse can't happen here. ... I promise.

A year ago last Friday, the U.S. Supreme Court issued one of its most reviled decisions. In *Kelo v. City of New London*, the court held that government may use eminent domain to condemn homes and small businesses not only for true "public uses" but also for purely private development.

With the Supreme Court's go-ahead, politicians and their developer cronies went on a nationwide condemning spree. Since *Kelo*, there have been more than 5,750 filed or threatened condemnations for private development.

Like most Americans, Washingtonians were outraged by *Kelo* and its aftermath. They demanded the Legislature act to prevent eminent domain abuse here.

Initially, legislators seemed to take heed. They floated proposals, even held hearings.

Guess who showed up? Lobbyists for municipalities and city planners.

Guess what their line was? "Washington isn't a *Kelo* state. It can't happen here."

The Legislature did nothing, the session ended and here we are -- in Renton, where recent events demonstrate that the legislators were taken.

Renton Mayor Kathy Keolker doesn't like being leader of a city with a working-class image. Instead, she has a "vision" of an upscale "urban village." She planned to make that vision a reality by leveling the homes of her working-class constituents.

For the past several months, Keolker has been preparing to use Washington's Community Renewal Law to clear out the Renton Highlands. Adopted in 1957 during the "urban renewal" fad, the law authorizes cities to condemn homes in supposedly "blighted" neighborhoods and turn the property over to private developers.

It doesn't matter whether the homes are actually blighted. Under the law, the city may use eminent domain because of neighborhood conditions that are exclusively the city's responsibility, such as "inadequate street layout."

The mayor was all set to use the Community Renewal Law when the courageous efforts of Highlands residents, along with increased scrutiny brought about by the *Kelo* anniversary,

caused her to take a step back. On Monday, she explained she would not use the law "at this time."

Keolker's overture is cold comfort to Highlands residents. She insists eminent domain may still "become necessary," adding that she is "happy to revisit" the issue. Worse, she blames Highlands residents for derailing her plans, claiming they "employed mischaracterizations, exaggerations, and scare tactics that distort the intent of some of the city's concepts." Really?

In a timeline made public earlier this year, Keolker detailed her "vision" for redeveloping the Highlands. Dubbed "Outline of Implementation Timing and Steps," it noted that a study "needed to support a declaration of blight" was "nearly complete" and that the declaration, along with "plans for ... housing relocation and replacement" would be submitted to the City Council by July 31. By 2007, the city's "Development Partner" would initiate the "first redevelopment project(s)."

Understandably worried about the fate of their homes, residents voiced concern. The mayor's response? Accuse them of "scare tactics."

Citizens shouldn't have to endure government threats and abuse for simply wanting to keep their homes. They deserve, and the Constitution demands, more.

Keolker owes her constituents an apology. Swearing off eminent domain for private development would be a start.

Until then, though, don't worry. Washington isn't a Kelo state. I promise.

Michael Bindas is a staff attorney with the Washington Chapter of the Institute for Justice, which represented the homeowners in the Kelo case. For more information, visit www.ij.org.