August 8, 2013

Harrison Township Committee
114 Bridgeton Pike
Mullica Hill, NJ 08062
VIA E-MAIL

Re: Vote Against Block 64 Redevelopment Designation

Dear Mayor and Harrison Township Committee,

The Institute for Justice urges you to vote against designating Block 64 as “in need of redevelopment.” A redevelopment designation is the first step down the long and often litigious road of eminent domain abuse. We ask that you reject the redevelopment designation—which in New Jersey is a euphemism for a blighted area and the precursor to eminent domain abuse—and instead work with property owners to make Mullica Hill and the entire township a better place to live.

The Institute for Justice is a public interest, civil liberties law firm dedicated to stopping the abuse of eminent domain nationwide. We represented Susette Kelo and her neighbors before the U.S. Supreme Court in the infamous *Kelo v. City of New London* case, which sparked a nationwide revolt against eminent domain abuse that continues to this day. We have successfully represented property owners in Long Branch and Atlantic City in their challenges to redevelopment plans and eminent domain abuse similar to that contemplated here. We work with property owners across New Jersey and the country who are faced with redevelopment projects that threaten the homes and businesses they have worked so hard to own, and I am now working with the Citizens Action Committee of Mullica Hill.

The Block 64 property owners are right to be concerned about the efforts you are now undertaking. Across New Jersey, over 120 municipalities have pursued redevelopment, and all too often targeted property owners have lost everything they’ve worked so hard to own.

Eminent domain is for public use—things like roads and schools—not for private redevelopment purposes. Courts nationwide—including in New Jersey—are rejecting eminent domain abuse as a tool for private economic development, and municipalities that have continued seizing land for developers have faced monumental bad publicity and years of litigation. See *Gallenthin Realty Development, Inc. v. Borough of Paulsboro*, 191 N.J. 344, 924 A.2d 447 (2007), ruling that property cannot be declared “in need of redevelopment” solely because it is deemed “underutilized.”
Up until recently, New Jersey municipalities have habitually abused the power of eminent domain through the redevelopment process to achieve their development goals. This is no longer the case, as the misuse of redevelopment law and eminent domain abuse are no longer tolerated by the public. Indeed, elected officials who have engaged in this abuse of power have even lost their elections based on these issues.

Across the country, we have seen designations like that proposed for Block 64—that ultimately lead to redevelopment plans predicated on the use of eminent domain—fail miserably, and in the process drive down property values, private investment and constituents’ trust. Just look at Fort Trumbull in New London, Conn., home to the infamous *Kelo* case: after years of litigation, millions in taxpayer dollars and a trip to the Supreme Court, all that is left of the former neighborhood is overgrown weeds and feral cats. The developer left New London, and shortly thereafter, Pfizer followed.

Meanwhile, cities that have pursued development with a respect for property rights have enjoyed an influx of *billions* in private investment—consider the experience of Anaheim, Calif., detailed in *Development Without Eminent Domain: Foundation of Freedom Inspires Urban Growth*, where the mayor disavowed the use of eminent domain for private development.\(^1\) Private negotiation, not government force, has spurred development in this country for centuries. Furthermore, restrictions on the use of eminent domain for private development in no way inhibit strong economic growth, as demonstrated in *Doomsday, No Way: Economic Trends and Post-Kelo Eminent Domain Reform*.\(^2\)

We encourage you to reject the designation of Block 64 as “in need of redevelopment,” disavow the use of eminent domain for private development, and instead work *with* property owners in Mullica Hill and across Harrison Township to improve your communities, instead of kicking those who have been here for decades out in favor of newer, bigger—but not better—development that might never materialize.

If you approve this designation and start the redevelopment process, you are sending a message to property owners across Harrison Township that their investments are not safe. You are also sending the same message to businesses contemplating moving into Harrison Township, who will think twice before buying property there.

We are confident you want what is best for Harrison Township; redevelopment is not it. Please do not hesitate to contact me at (703) 682-9320 or cwalsheji.org.

Best,

Christina Walsh
Director of Activism and Coalitions

---