

## House rejects bill on property rights



By MARY DALRYMPLE, Associated Press Writer

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The House on Tuesday rejected a bill that would have given landowners easier access to federal courts when claiming violations of their constitutional rights in land disputes.

The bill's sponsor, Republican Rep. Steve Chabot ([news](#), [bio](#), [voting record](#)) of Ohio, said property owners now must go through lengthy state court battles with little opportunity to have their constitutional arguments heard in federal court.

"Those with federal property rights claims are effectively shut out of federal court on their federal takings claims," Chabot said.

Opponents said the bill would allow real estate developers to take state and local authorities through lengthy federal court battles to fight zoning and environmental rules.

"If you vote for this bill, you will spend the rest of your career explaining to your constituents why you robbed them of the ability to control the character of their own neighborhoods," Rep. Sherwood Boehlert ([news](#), [bio](#), [voting record](#)), R-N.Y., said in a letter to lawmakers, urging them to vote against it.

The 234-172 vote was not enough to pass the House under a special procedure that required a two-thirds vote for passage.

The Fifth Amendment to the Constitution includes a clause that bars the taking of private property for public use without just compensation. In some cases, courts have granted compensation when regulations limit landowners' use of their property.

The bill faced opposition from organizations representing cities, mayors, counties, state legislatures and state governments. The National Association of Attorneys General called it "a significant federal intrusion into state and local administration of real property and land use laws."

Rep. Jerrold Nadler ([news](#), [bio](#), [voting record](#)), D-N.Y., said it called for taxpayers to pay large sums to landowners even if they cannot develop a very small portion of their land.

"This bill goes so far (as) to destroy the ability of communities to control the spread of huge landfills or sprawling subdivisions, factory farms or adult bookstores," he said.

Chabot said it only calls for fair compensation to landowners under constitutional protections afforded to private property.

"There are limits to what the government can do, even for public health and safety, and that limit is called the Bill of Rights," he said.