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EDITORIAL

More Comfort for the Comfortable

Congress, which has done so little this session to address the nation's real problems, is expected to vote today on a deeply misguided giveaway for big real estate developers. The bill would create new property rights that could in many cases make it difficult, if not impossible, for local governments to stop property owners from using their land in socially destructive ways. It should be defeated.

The Private Property Rights Implementation Act would make it easier for developers challenging zoning decisions to bypass state courts and go to federal court, even if there was not a legitimate federal constitutional question. Zoning regulations are quintessentially local decisions. This bill would cast this tradition aside, and involve the federal government in issues like building density and lot sizes.

The bill would also make it easier for developers to sue when zoning decisions diminished the value of their property. Most zoning does that. Developers would make more money if they could cram more houses on small lots, build skyscrapers 200 stories tall, or develop on endangered wetlands. The bill would help developers claim monetary compensation for run-of-the-mill zoning decisions on matters like these. It would also make it easier for them to intimidate local zoning authorities by threatening to run to federal court.

Zoning is not an attack on property rights. It is an important government function, and most Americans appreciate that it helps keep their own neighborhoods from becoming more crowded, polluted and dangerous. If more people knew the details of this bill, there would be wide opposition. As it is, attorneys general from more than 30 states, of both parties, have joined the U.S. Conference of Mayors, the National Conference of State Legislatures and leading environmental groups in opposing it.

The bill does a lot of things its supporters claim to abhor. House Republicans were elected on a commitment to states' rights and local autonomy, and opposition to excessive litigation and meddling federal judges. It is remarkable how quickly they have pushed these principles aside to come to the aid of big developers.

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