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House Rejects Bait & Switch “Property Rights” Bill

HR 4772 is defeated

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Washington, DC – Today the House of Representatives rejected H.R. 4772, the "Private Property Rights Implementation Act of 2005." The bill was considered under suspension of the rules, requiring a two-thirds majority of members present and voting. With a 234-174 vote, the bill fell almost 40 votes short of victory.

Despite the spin used by its proponents, H.R. 4772 did not address the issues of eminent domain raised by the Supreme Court's ruling in *Kelo v. New London, CT*. "It's terrific that so many Representatives saw this bill for what it was -- a legislative scam," said John Echeverria, director of the Georgetown Environmental Law & Policy Institute. "It was advertised as addressing the questions regarding eminent domain that arose out of the Supreme Court's *Kelo* decision, but in no way did. In fact, instead of protecting private homes, it did the opposite by undermining zoning that protects property values."

Don Chen, executive director of Smart Growth America, added that the legislation would have posed enormous new financial liabilities for taxpayers. "We heartily defend the right own and enjoy property. We opposed this bill because it gives developers special rights that could actually harm ordinary homeowners, and drive their tax bill up, as well. This fiscally irresponsible bill would have imposed unfunded federal mandates on local governments with no mechanism for Congress to reimburse cities and towns for the resulting costs."

A diverse group of organizations opposed the bill, including: National Association of Attorney Generals, The National Trust for Historic Preservation, American Planning Association, National League of Cities, National Audubon Society, Community Rights Counsel, Defenders of Wildlife, Earthday Network, Earthjustice, The League of Conversation Voters, National Center for Bicycling & Walking, Natural Resources Defense Council, Progressive States Network, Sightline Institute, Smart Growth America, Clean Water Action, and many more.

Visit www.smartgrowthamerica.org/newsroom.html to get a copy of **Smart**

Growth America's Signon Letter and an H.R. 4772 Fact Sheet.

Smart Growth America is the only national organization dedicated to researching, advocating for and leading coalitions to bring smart growth practices to more communities nationwide. From providing more sidewalks to ensuring more homes are built near public transit or that productive farms remain a part of our communities, smart growth helps make sure people across the nation can live in great neighborhoods. For additional information, please visit www.smartgrowthamerica.org.

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