



## PUBLIC HEARING NOTICE

NEW YORK STATE SENATE



### **Notice of Public Hearing**

## **Unconstitutional: What the Appellate Division's Eminent Domain Ruling Means for the Columbia Expansion**

**Subject and Purpose:** The Appellate Division recently rejected the use of eminent domain to take private property for the expansion of Columbia University. The court found that the Empire State Development Corporation violated both state and federal due process clauses in an effort to prevent affected property owners from obtaining necessary information. ESDC's finding of blight was "bereft of facts" to establish true blight. The ESDC's determination that the project even has a public use, benefit or civic purpose was also called into question. Most troubling of all was the pattern of collusion between the state and Columbia, a private developer trying to utilize the state's power of eminent domain to take private property. This was clearly evidenced by the ESDC and Columbia each hiring the exact same consultant to conduct the blight study that served as the rationale for triggering condemnation proceedings.

The abuse of eminent domain is always troubling. As the Appellate Division noted, "few policies have done more to destroy community and opportunity for minorities than eminent domain." In fact, the decision indicated that the ESDC's actions in the Columbia expansion is, "clear evidence of that reality. The unbridled use of eminent domain not only disproportionately affects minority communities, but threatens basic principles of property contained in the Fifth Amendment."

During this hearing the Committee will inquire into the facts revealed by the ruling and the current status of the Columbia University expansion project. What does the ruling tell us about the eminent domain process? How should the process be reformed? What are the benefits of a moratorium on eminent domain takings pending legislative action? What are the consequences for all stakeholders in this case, not just the litigants, but also the community, displaced tenants and property owners? How will this ruling affect the Community Benefits Agreement? These are just some of the questions that will be considered.

**Senate Standing Committee  
Corporations, Authorities and Commissions  
Senator Bill Perkins, Chair**

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**Location – Adam Clayton Powell State Office Building**

**163 W. 125<sup>th</sup> Street, 2<sup>nd</sup> Floor Art Gallery**

**New York, New York 10027**

**Tuesday, January 5, 2010 – 4P.M. to 7P.M.**

**Reply Form:** This hearing is open to the public. Anyone may testify. Persons who require assistance or wish to be added to the Committee mailing list for the Senate Standing Committee on Corporations, Authorities and Commissions are requested to complete this form, and submit it to:

Tom Briggs / Denise Outram  
Office of Senator Bill Perkins, Chair  
Corporations, Authorities and Commissions Committee  
New York State Senate

Legislative Office Building 817, Albany, NY 12247  
Phone: 518-455-2441, Fax: 518-426-6809

Adam Clayton Powell State Office Building, Suite 912  
New York, NY 10027  
Phone: 212-222-7315, Fax: 212-678-0001

I will require assistance and/or handicapped accessibility information. **Please specify the type of assistance required:** \_\_\_\_\_

\_\_\_\_\_

I am unable to attend, but will be submitting written testimony.

**Oral testimony will be limited to three (3) minutes per witness.** Witnesses are asked to submit electronic copies of their testimony to [tobriggs@senate.state.ny.us](mailto:tobriggs@senate.state.ny.us) or [decouttram@gmail.com](mailto:decouttram@gmail.com) by January 4, 2010 or bring 10 paper copies of testimony to the hearing.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_