



Chairman Hambley, Vice-Chair Patton, Ranking Member Brown and Members of the House Civil Justice Committee, on behalf of the City of Cincinnati, City Administration, we are writing to oppose House Bill 288, which prohibits the use of eminent domain for recreational trails in Ohio.

House Bill 288 is purportedly an emergency bill to protect real property and property rights. Eminent domain is an infrequently used tool, but one that is essential to a well-functioning local government. It is used only when necessary to promote the public good. Moreover, citizens from whom land is taken are provided just compensation, either as agreed or by a jury. The City of Cincinnati always seeks to purchase property by agreement before utilizing its eminent domain power, and when eminent domain is used, the due process rights provided to property owners are numerous. Real property and property rights are thoroughly protected, and there is no emergency in this state that justifies this bill's stripping of the constitutional powers of local governments.

As our state founders stated, "Private property shall ever be held inviolate, but subservient to the public welfare." Article 1, Section 19 of the Ohio Constitution.

Finally, and most troubling, House Bill 288 infringes upon the Home Rule authority of municipalities in Ohio. If citizens of a community wish to create recreational trails, that decision should be reserved to the elected representatives of that local community. Local representatives are in a better position to hear the concerns of constituents and, if representatives abuse the eminent domain power, can be removed from office upon the next election. Local governments are closer to the needs of citizens than state or federal government and are valued as the laboratories of democracy. But these laboratories only function properly when given the opportunity to deliberate on local issues and concerns. House Bill 288 is an unwieldy and overbroad effort to curtail what is, fundamentally, a local decision. Moreover, by proposing passage of House Bill 288 as emergency legislation, the General Assembly would deny the voters of Ohio the ability to engage in the referendum process and deprive the public of its constitutional right to challenge this policy decision. For these reasons, House Bill 288 should be rejected. Thank you for your time and attention to this issue.