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HOUSE STATE AND LOCAL GOVERNMENT COMMITTEE  
PROPONENT TESTIMONY – HOUSE BILL 476 (written only)

May 27, 2020

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Senior Policy Analyst

Good afternoon Chair Wiggam, Vice Chair Stephens, Ranking Member Kelly, and Members of the House State and Local Government Committee:

I am writing to express the support of the County Commissioners Association of Ohio for House Bill 476, which will provide another layer of protection for property owners who have been notified that a park district intends to use eminent domain to take their property. Eminent domain is one of the most formidable powers of government, which is why federal and state constitutions safeguard the rights of property owners to due process and fair compensation. In the case of a park district or any other entity with an unelected board, it is appropriate for the General Assembly to establish extra safeguards to ensure that eminent domain is properly utilized.

Current law allows a property owner to appeal the park district's decision to the appointing authority of park district, which in this case is the probate judge. Under the bill, a property owner may also appeal the decision to the board of township trustees or the legislative authority of the municipality in which the property is located. These political subdivisions are responsible for land use planning and transportation, and are in a good position to balance the needs of the community with the fundamental rights of individual property owners.

In the case of large projects involving the use of eminent domain in multiple jurisdictions within the unincorporated areas of the county, we recommend that landowners be given the right to file a single consolidated appeal to the board of county commissioners in lieu of individual appeals to multiple townships.

House Bill 476 maintains the authority of a park district to use eminent domain, but establishes an additional safeguard that will encourage the park district board to communicate with the public and local governments early in the project planning phase to minimize the need for eminent domain. We urge the committee to favorably report House Bill 476.



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