



Eminent Domain

The recent Supreme Court Case, Kelo v. New London, has brought new attention to eminent domain law across the country and in Maryland. Eminent Domain is the authority that local governments use to take private property for public use. The United States Constitution and most State Constitutions protect an individual's right to hold private property, unless the property is taken for "public use" and the property owner is justly compensated. Though the meaning of the term "public use" has evolved since the drafting of the United States Constitution, the Supreme Court recently ruled that property taken for economic revitalization constitutes "public use" even if the new owner of the property is not the government itself but another private owner.

Maryland eminent domain authority, as interpreted by the Maryland Court of Appeals, has also long recognized economic revitalization as a legitimate "public use." The following material describes the state of eminent domain authority in other states across the country, as well as ways to limit eminent domain authority.