



## MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Kumar P. Barve, Chair  
Delegate Dana Stein, Vice Chair  
Environment and Transportation Committee Members

FROM: Maryland Legislative Latino Caucus

DATE: March 20th, 2023

RE: HB1026 Prince George's County - Land Use - Development  
of Neglected Property PG 406-23

### **The MLLC supports HB1026 Prince George's County - Land Use - Development of Neglected Property PG 406-23**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB1026.

Light rails have been known to be unforgiving of communities of color throughout the country.<sup>1</sup> We have seen dramatic displacement of communities of color along H St., DC<sup>2</sup> and San Jose, CA<sup>3</sup>. This bill intends to grant the County with eminent domain powers for blighted and neglected commercial businesses a quarter of a mile from or adjacent to transit-oriented developments (TODs)/Purple Line stations and within Business Improvement Districts (BIDs). Although the Fifth Amendment requires “just compensation” for property taken for public use, the compensation often falls woefully short of just.<sup>4</sup> For example, in establishing the price, the government does not consider the very thing that supposedly justifies the condemnation: the more profitable use to which a private developer will put the property.<sup>5</sup> Instead, local governments typically hire appraisers who establish low property valuations based on the current use of the property and then threaten the use of eminent domain to intimidate property owners to sell at below-market rates.<sup>6</sup>

Local governments also avoid paying relocation costs for businesses and homeowners and ignore the value of “goodwill” and other intangible values implicit in the reputation or location of a business.<sup>7</sup> Moreover, the government’s idea of just compensation does not take into account the subjective

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<sup>1</sup> Tehrani, S. O., Wu, S. J., & Roberts, J. D. (2019). The Color of Health: Residential Segregation, light rail transit developments, and gentrification in the United States. *International Journal of Environmental Research and Public Health*, 16(19). <https://doi.org/10.3390/ijerph16193683>.

<sup>2</sup> Quander, M. (2019, November 11). *D.C. is the most gentrified city in America according to New Study*. wusa9.com. <https://www.wusa9.com/article/features/producers-picks/gentrification-and-displacement-high-in-dc/65-4543c266-350b-456e-91ab-743b6a108c4d>.

<sup>3</sup> Tehrani, Wu, & Roberts, *The Color of Health*. (Internet).

<sup>4</sup> Ernst, M. (2006). *Eminent domain: Private property rights V. economic development*. SGR Law. <https://www.sgrlaw.com/ttl-articles/837/>.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

value of a property owner's business and livelihood in their town, nor in communities of color in which a sense of belonging has been created, especially for new arrivals in the United States.<sup>8</sup>

This bill gives agency to the county to incorporate the voice of the community in any future commercial development that meets the above criteria. This bill will be a tool in the toolbox for nascent BIDs like the Northern Gateway (Langley Park/Lewisdale area) and planned BIDs like Blue Line Corridor that have been within highly neglected communities, both which are within the inner Beltway. BID areas along the Purple Line are majority-minority Latino.<sup>9</sup> The NAACP Washington Bureau argues that too many elected and appointed officials disregard the rights and concerns of racial- and ethnic- minority Americans, and they disproportionately misuse eminent domain against them and the economically disadvantaged because such residents and business owners frequently lack the resources to contest the condemnations politically or in court.<sup>10</sup> As a result, the dispersion of relocated minority families undermines their community support mechanisms, weakens community leaders' existing political power, and hinders efforts to further build community strength.<sup>11</sup> This bill is urgently needed to establish tools to give voice to these communities before the completion of the Purple Line and to exercise several of the County's planned capital projects.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on HB1026.

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<sup>8</sup> Ibid.

<sup>9</sup> *The purple line*. Division of Administration. (n.d.). <https://adminvp.umd.edu/current-projects/purple-line>.

<sup>10</sup> US Commission on Civil Rights, *The Civil Rights Implications of Eminent Domain Abuse* (2014). [https://www.usccr.gov/files/pubs/docs/FINAL\\_FY14\\_Eminent-Domain-Report.pdf](https://www.usccr.gov/files/pubs/docs/FINAL_FY14_Eminent-Domain-Report.pdf).

<sup>11</sup> Ibid.