



Building Industry Association of Washington

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NEWS RELEASE

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Another Day, Another Court Decision Gutting Property Rights

OLYMPIA—Yesterday’s decision by the Washington Supreme Court allowing local governments to take private property with little or no notice to a property owner is yet another example of the poor-decision making plaguing Washington State’s highest court.

A majority of Justices on the Court have, in recent years, demonstrated a disturbing tendency to toss private property rights out the window for the benefit of government. This is the third major decision by the court in recent years eroding private property rights and expanding government eminent domain rights.

The Supreme Court’s latest unfortunate decision comes at a time when even the Legislature is tackling the issue of eminent domain gone awry. Legislators from both sides of the aisle are supporting a bill requiring government to notify property owners of a proposed taking via certified letter.

“Apparently the Justices who voted in the majority in this case are the only ones who think government should have to do less, not more, to inform property owners that their land might be seized by government,” said BIAW Executive Vice President Tom McCabe. “Property owners have no recourse but to check government agency websites and meeting agendas on a daily basis to see if government is thinking about taking their land,” said McCabe.

“There is no question that we now live in a state governed by the *Kelo* decision,” he said. “Our state constitution ostensibly provides greater property rights protection than the federal constitution, but our Supreme Court has turned its back on those protections.”