

Wilmington, Delaware
June 16, 2022

#0198 **WHEREAS**, Title 29, Chapter 95 of the Delaware Code sets forth the regulations regarding real property acquisition and makes provisions to ensure that eminent domain proceedings are used for “a limited, defined public use”; and

Sponsor:

Council Member Darby **WHEREAS**, research, including a briefing report published by the U.S. Commission on Civil Rights, has found that the “public use” requirement is overly broad and often subject to misuse that further facilitates racial and ethnic inequities;

Co-Sponsors:

Council President Congo

Council Member Gray **WHEREAS**, those with the highest probability of being targeted by eminent domain are often the least able to appeal such decisions, particularly when their properties are at risk of being transferred to large development interests. In a study where researchers examined a sample of 184 areas where there were attempts to use eminent domain to transfer real estate assets for private development projects. Over half the populations included minority communities, one-quarter of the areas targeted had significantly more individuals living at or below the poverty line and residents had significantly lower levels of educational attainment; and

WHEREAS, the City of Wilmington continues to suffer from the effects of eminent domain policies. The consequences of land-use policies, such as those that were adopted to facilitate the creation of the I-95 highway infrastructure, have contributed to hyper segregation in housing and education, racial wealth and opportunity gaps, gentrification, damage to the small business economy, lost socio-cultural networks and substantial population losses. It is unlikely that further use of this mechanism, with fewer legal checks on such authority, will bring the City closer to repairing these deep scars; and

WHEREAS, for property owners who have the capacity to do so, broad uses of eminent domain powers have been the subject of numerous litigations, resulting in valuable public trust and resources spent defending contentious decisions. Although the “public use” restriction in Title 49 of the Delaware Code is instrumental in combatting legal excesses with regard to the use of eminent domain policies, this resolution expresses strong opposition to legislation intended to weaken protections against unnecessary property seizures in already marginalized communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Legislative body is strongly opposed to any additional amendments to the Delaware Code or City of Wilmington Charter that have the potential to weaken legal provisions regarding the responsible use of eminent domain.

BE IT FURTHER RESOLVED that this City Council urges the Delaware General Assembly to oppose any legislative proposals that have the potential to further exacerbate the historical harms of eminent domain on the residents of Wilmington.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: Although the “public use” restriction in Title 49 of the Delaware Code is instrumental in combatting legal excesses with regard to the use of eminent domain policies, this Resolution expresses strong opposition to any additional amendments to the Delaware Code or City of Wilmington Charter that have the potential to weaken protections against unnecessary property seizures in already marginalized communities.