



PACIFIC LEGAL FOUNDATION

April 24, 2025

Statement of Pacific Legal Foundation before the Rhode Island House Committee on State Government and Elections in support of H.6112—Eminent Domain Reform

Chair Shanley and members of the Committee:

My name is Jaimie Cavanaugh, and I am Legal Policy Counsel at Pacific Legal Foundation (PLF). PLF is a nonprofit, public-interest law firm dedicated to defending Americans' civil liberties when threatened by government overreach and abuse. Since its founding more than 50 years ago, PLF has been helping Americans fight for their constitutional rights in courthouses and legislatures across the country. PLF has won 18 cases at the United States Supreme Court, and 17 of those cases deal with protecting private property rights.

Eminent Domain Abuse in Johnston, Rhode Island

PLF is currently representing property owners in Johnston who are suffering from abusive eminent domain practices. Childhood friends Salvatore Compagnone, Jr. and Ralph Santoro, and their families, own rental properties in Johnston. Ralph and his wife have owned rental properties in Johnston for more than a decade and pride themselves on offering below market rental rates because of their belief that everyone is entitled to safe and affordable housing.

Ralph and Sal also own some undeveloped property in Johnston. In 2024, the State of Rhode Island announced it would streamline the building approval process for the development of new affordable housing statewide. Ralph and Sal seized this opportunity to submit plans to build a 252-unit affordable housing complex.

Although the Town's comprehensive plans have identified this parcel as a prime spot for affordable housing units since at least 2004, Mayor Joseph Polisena Jr. had other ideas. Instead of welcoming the sorely needed housing units, Polisena publicly vowed to "use the power of government" to stop Ralph and Sal's project because he didn't like that the units would be modestly priced. Instead, he encouraged Ralph and Sal to build suburban style residences, but Ralph and Sal had a vision for their property and felt a moral obligation to help ensure ample housing options exist in their community, not just housing for those who are already well off.

The Town then abruptly announced plans for a new municipal complex on Ralph and Sal's property, while ignoring statutorily required procedures, such as publicly describing the project, notifying the property owners, and giving them an opportunity to negotiate a sale. Johnston failed to even properly budget for this project. Instead, it proposed reallocating funds from an approved project to build a new high school elsewhere. Clearly, the claim that the Town needed

Ralph and Sal's property for a municipal complex was pretense for its actual motive of preventing them from building affordable housing.

The government cannot take property through eminent domain simply because it doesn't like an owner's lawful use. The Constitution specifically protects against this. Although Rhode Island law has some protections for private property, House Bill 6112 would place further guardrails on the use of eminent domain. Namely, it would ensure that all government entities get explicit authority to use eminent domain before doing so.

PLF supports this bill and all efforts to limit the use of eminent domain and provide transparency during the eminent domain process. PLF also stands ready to represent property owners if municipalities continue to disregard state statutes and the Constitution when carrying out takings. PLF is encouraged that the Legislature has recognized that no one should have to go through what Ralph and Sal are going through.

Thank you for considering this testimony. I am happy to answer any questions; my contact information is listed below.

Respectfully,



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