

**NATIONAL LEAGUE OF CITIES  
NATIONAL ASSOCIATION OF COUNTIES  
UNITED STATES CONFERENCE OF MAYORS  
COUNCIL OF STATE GOVERNMENTS  
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION**

To All Senators and Representatives:

On behalf of the nation's state and local elected officials, we are writing to express our strong opposition to H.R. 2372, the "Private Property Rights Implementation Act of 1999," and to S. 1028, the "Citizens' Access to Justice Act of 1999." We believe the proposed legislation would fundamentally interfere with and preempt the traditional and historic rights and responsibilities of state and local governments and would mandate significant new, unfunded costs for all state and local taxpayers.

State and local elected officials are as deeply committed to protecting private property rights as are members of Congress. A review of the most recent proposed revisions to the legislation makes clear that those changes do not address our fundamental problems with the bill. We continue to believe that H.R. 2372 and S. 1028 go far beyond their stated objectives.

Long established principles of property law leave most decisions on property governance to the state in which the property is located. This bill appears to undermine this authority. If passed, the bills would undermine state and local government authority over land use and regulatory decisions by allowing developers and property owners to take their grievances directly to federal court, circumventing legal remedies at the state and local level. Such an "end run" around the processes established by our state laws runs counter to the foundations of federalism that this Congress purports to endorse. The bills preempt the traditional system for resolving local zoning, land use, and regulatory disputes; they create a disincentive for developers to negotiate with localities in order to reach mutually agreeable solutions; and they put federal judges in the position of micromanaging purely local affairs. We believe that large-scale developers will use the expedited access to federal courts under H.R. 2372 and S. 1028 as a "club" to intimidate local officials who are charged with acting in the best interests of the community as a whole.

The framers of the Constitution never intended federal courts to be the first resort in resolving community disputes between local governments and private parties. In our view,

these issues should be settled locally, as close to the affected community as possible. H.R. 2372 and S. 1028 violate our cherished principles of federalism and state and local sovereignty. We urge you to oppose any further action on either bill.

Sincerely,



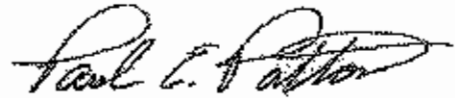
Bob Knight  
President National League of Cities  
Mayor, Wichita, Kansas



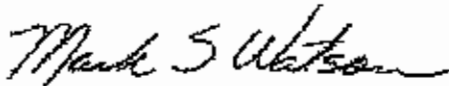
Wellington E. Webb  
Mayor of Denver, Colorado  
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National Association of Counties



Council of State Governments  
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Mark S. Watson, City Manager  
City of Temple, Texas  
Vice-President, International City/County  
Management Association



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