The Virgin Islands Consortium

Bill Limiting How Long Government Can Hold Eminent Domain Properties Advances

Bill 36-0070 from Senator Alma Francis Heyliger sets a 25-year cap on unused eminent domain properties. Amendments shorten the grace period for existing holdings to 5 years and require 25% completion, giving families a path to reclaim land.

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Lawmakers have advanced legislation that could significantly change how the government handles eminent domain property seizures, approving a revised bill on Friday after months of debate and compromise.

The measure, introduced by Senator Alma Francis Heyliger, seeks to give families a pathway to reclaim land taken through eminent domain if it remains unused for 25 years — a proposal that drew concern from government agencies and prompted heated discussion among senators.

First heard in June before the Committee on Disaster Recovery, Infrastructure, and Planning, Bill 36-0070 set a strict 25-year cap for government use of properties acquired through eminent domain. The bill drew criticism from the Department of Property and Procurement and the Department of Planning and Natural Resources. DPP Commissioner Lisa Alejandro warned that "a rigid 25-year deadline risks undermining long-term projects and creating unnecessary pressure." DPNR Assistant Commissioner Jozette Walker argued that the timeframe "does not align with the full life cycle of planning, permitting, funding and executing."

Senators were also divided. Committee chair Senator Marise James voiced support, while Senator Kurt Vialet called the measure "far-reaching" and urged a "very, very close look" at its impact.

On Friday, Senator Francis Heyliger presented amendments aimed at addressing concerns. The 25-year cap remains, but it will only apply to properties acquired in the future. For properties already in government hands, an automatic 10-year extension was added. "The government will now have to show that they're actually going to use it for the intended purpose during that 10-year period," she explained. If no notable progress is made, families can petition the courts to seek the return of their land, but must repay the amount originally offered for the property. Taxes would be assessed on the property's current value.

The amendments also require that a "notable amount of work" be underway by the 25-year mark. Francis Heyliger defined initiation as "at least 10% of the project has already been started and completed." She argued that government must be held accountable: "We cannot keep taking people's properties and there's no ramifications to the government… We get to the point now [where] we think that the government is greater than the very people who it was created for."

Lawmakers pressed the bill's sponsor directly. Senator Angel Bolques Jr. questioned the 10% threshold as too low, insisting "if the government is going to do something, then they need to do more than 10%." He also opposed the 10-year grace period, arguing it "doesn't seem fair" to families expecting to reclaim land after 25 years. Senator Clifford Joseph, however, described the extension as a "fair compromise," while Senator Milton Potter called it "more than generous."

Senator Hubert Frederick raised the possibility of delays caused by environmental or technical studies. Francis Heyliger countered that such assessments usually occur before eminent domain purchases. Senator Carla Joseph worried the 10% benchmark could allow projects to stall. Francis Heyliger dismissed the idea: "We would have to be a bunch of ridiculous people to start a project more than likely worth millions of dollars and just leave it abandoned… That shows that we, as a government, probably our leaders, are incompetent."

Senator Vialet pushed back, noting, “25 years is a quarter of a century. Are we debating about the government not doing what they said they were going to do for a quarter of a century? The 10 is unnecessary.” Senator Novelle Francis supported the extension but agreed the 10% benchmark was “a low threshold.”

In the end, additional amendments from Senator Frederick tightened the bill further, reducing the grace period from 10 years to 5 and raising the completion benchmark to 25%. With these changes, all seven members of the committee voted in favor of the legislation.