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Property rights advocates collect 1 million signatures

Amendment sought on eminent domain

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COPLEY NEWS SERVICE

November 21, 2007

SACRAMENTO – Armed with scattered reports of controversial take-aways and simmering resentment over a narrow U.S. Supreme Court ruling, advocates for private property rights announced yesterday that they have collected more than 1 million signatures to qualify a state constitutional amendment to rein in local governments' vast powers to seize homes and businesses.

“This is about people trying to achieve the American dream and not having local or state government come along and take it from you in the dark of night,” said Doug Ose, a leader of the campaign and a former Republican congressman from Sacramento.

If the required 694,354 signatures are verified by the Secretary of State's Office, the measure could enliven a relatively quiet June ballot.

Cities and their supporters are preparing a dueling measure. The cities-backed proposal would erect more hurdles before homeowners could be forced to sell. It doesn't go nearly as far as the proposal touted by the coalition of businesses and agriculture and conservative taxpayer-rights groups.

Private-property rights advocates say they are undeterred by the loss two years ago of a similar measure, 52.4 percent to 47.6 percent.

Supporters of the crackdown on eminent domain said the amendment would prevent government from taking private property from unwilling sellers and turning it over to another private party. The constitutional amendment also includes provisions to require better compensation, owner-friendly procedures and tighter protections for churches.

The rules for using eminent domain for public purposes, such as building roads, schools, hospitals and police stations, would be unchanged.

Opponents of the more sweeping measure contend that it is a disguised bid to gut environmental regulations and could weaken cities' ability to replace blighted, crime-ridden neighborhoods with new development.

Opponents also plan to rally senior citizens – a potent voting bloc in most elections – by sounding alarms that the initiative could toss out rent-control laws governing some apartments and mobile home parks.

“It's Deception 101,” said San Diego City Councilman Jim Madaffer, who is president of the League of California Cities. “This is being pushed by landlords who want people to think they're trying to protect folks. What they're trying to do is change the rules on rent control.”

Supporters say the measure won't overturn local rent-control ordinances. It would permit landlords to charge market rates once an apartment or mobile home space becomes vacant.

Eminent domain drew national attention in June 2005 when the U.S. Supreme Court, in *Kelo v. City of New London*, upheld the Connecticut city's right to evict the Kelo family to make way for a commercial development. The vote was 5-4.

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