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Taxpayers group has eminent domain in sight - again

Proposed act is similar to rejected Prop. 90.

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SACRAMENTO - Just weeks after voters rejected a controversial measure to reform eminent-domain laws in California, taxpayer advocates have returned with a similar measure they say will protect property owners from some government seizures.

The measure sponsored by the Howard Jarvis Taxpayers Association would still allow governments to seize private property for public purposes, but would prohibit seizures for private development.

The measure is similar to Proposition 90, which voters rejected earlier this month, but differs in a few key aspects.

For one, Prop. 90 had a provision - not included in the Jarvis measure - that critics said would allow developers to sue if their projects were blocked or properties were devalued by government decisions such as zoning restrictions.

California voters rejected Prop. 90 by about 360,000 votes, with 47.6 percent in favor and 52.4 percent opposed.

"Clearly the closeness of the vote on Proposition 90 made it clear this issue is not going to go away for California," said Jon Coupal, president of the Howard Jarvis Taxpayers Association.

The proposed California Property Owners Protection Act is being reviewed by the state Attorney General's Office. If it meets the basic legal requirements, the Attorney General will issue an official title and summary.

Supporters can then begin collecting the signatures needed to qualify it for the 2008 ballot.

Both Prop. 90 and the new Jarvis measure are in response to a U.S. Supreme Court ruling in 2005 that found a Connecticut city had the right to use eminent domain to seize private property and turn it over to a private developer to further the community's economic development plan.

But Prop. 90 was opposed by a broad coalition of groups and elected officials - from Gov. Arnold Schwarzenegger and Treasurer Phil Angelides to organized labor and the California Chamber of Commerce.

Megan Taylor, a spokeswoman for the League of California Cities, a leading opponent of Prop. 90, said local governments recognize the need to reform eminent domain in California.

They opposed Prop. 90 primarily because of the lawsuit provision, but they also believe the solution should be worked out through the legislative process, not at the ballot as Jarvis is now attempting.

Taylor also said California already has stronger protections for property owners than Connecticut.

"The legislative process lends itself to the broad-ranging, open discussion we all need to have about what the concern is and how we can address it, while still making sure we preserve our ability to meet our responsibilities as local governments to build affordable housing and address the infrastructure needs of the community," Taylor said.

"We understand the voters are concerned and reform is a priority for us over the next year."

Coupal said his organization is also willing to work through the Legislature, but introduced the ballot measure in case that option does not work.

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