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## Editorial: Ballot measure seeks to rein in cities' land grabs

### Eminent-domain reformers have submitted a million signatures for a June '08 ballot initiative.

An Orange County Register editorial

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California is one of the few states that has yet to pass serious property-rights reforms following the U.S. Supreme Court's otherworldly 2005 decision affirming the "right" of cities and other government agencies to use eminent domain to take property from private owners and give it to big developers, who promise cities higher tax returns and "economic development" on the targeted property. Cities have long abused property rights this way, but the court's affirmation shocked Americans and propelled most states to pass additional protections.

It's one thing for a government to use its police powers to take a property to make way for a truly public project, such as a freeway, but quite another for it to bulldoze neighborhoods because a developer is coveting the property. The League of California Cities and the California Redevelopment Association, whose members benefit by the current lax standards for eminent domain, funded a campaign in November 2006 to stop Proposition 90, a statewide initiative that would have banned eminent domain for economic development and forced cities to pay compensation for "regulatory takings."

Fortunately, supporters of a more traditional, constitutional view of private property are back again with the California Property Owners and Farmland Protection Act. Its backers earlier this month turned in more than 1 million signatures to the California Secretary of State, which must certify 694,354 valid signatures to secure it a spot on the June 2008 ballot. The measure is similar to Prop. 90, but it doesn't include any restrictions on regulatory takings. The most controversial provision is one that stops the government from setting "the price at which property owners sell or lease their property." In a free society, that shouldn't be controversial at all. The measure would not end current rent-control statutes, but would simply allow property owners to set their rents at the market rate once a vacancy opens up.

Eminent domain supporters are not just using scare tactics to stop this initiative but are collecting signatures for their own initiative that claims to control eminent domain, but is so loophole-laden that it would do little more than convince the public that their rights have been protected while doing little to protect them. It's looking like another battle is brewing for June. Let's hope the supporters of property rights have enough of a war chest to combat the scare tactics and deceptions that already are trotted out to stop them.

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