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## Eminent domain plan aired

### Legislator seeks to limit governmental powers to seize homes; foes call it window dressing.

**By John Hill - Bee Capitol Bureau**

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California state and local governments would no longer be able to seize a home to make way for private development under an assemblyman's proposal Monday to change the state's eminent domain law.

Assembly Constitutional Amendment 8 by Assemblyman Hector De La Torre, D-South Gate, would also prevent a government from taking a small business, unless it was part of a plan to get rid of blight and the business was given a chance to participate.

"These measures would be the first of their kind in California," De La Torre said at a press conference.

Critics immediately denounced the proposal as little more than window dressing, an attempt to trick voters into believing that abuses of the state's eminent domain laws are being fixed.

"I don't think they really want reform," said Assemblywoman Mimi Walters, R-Laguna Niguel. "I will be totally against it, as will my colleagues."

The constitutional amendment would need a two-thirds vote in both houses to be put on the ballot next year, requiring support from both parties.

The two sides of the eminent domain debate are maneuvering for position in the aftermath of the narrow defeat last year of Proposition 90.

De La Torre's proposal joined a field that already included two competing initiatives in circulation, one by the League of California Cities and the other by the Howard Jarvis Taxpayers Association and others.

Proposition 90, which fell short with 48 percent of the vote in November, would have barred governments from using eminent domain to take property for use by a private developer.

But it contained a more controversial provision requiring governments to compensate property owners when regulations and laws resulted in "substantial" economic losses.

Now some of the opponents of Proposition 90 are lining up behind the De La Torre proposal as a sensible approach to refining eminent domain law. They say it protects homeowners without driving up government costs or blocking the passage of environmental laws and other regulations that benefit the public.

Backers of Proposition 90 "claimed it was all about trying to protect private homes," said Tom Adams, board chair of the California League of Conservation Voters. "We're now standing up and trying to address that directly."

ACA 8 also protects businesses with fewer than 25 workers, which might not have the resources to stand up for themselves in eminent domain proceedings, backers said.

An accompanying bill, Assembly Bill 887, changes how small businesses are compensated if they have to relocate or fold. Businesses that could not relocate would get 125 percent of fair market value.

But Marko Mlikotin, president of the California Alliance to Protect Private Property Rights, said the changes would make little difference.

"The way it's drafted will give Californians the impression that eminent domain reform has come to California, when in fact the status quo is protected," he said.

Critics said the proposal would do nothing to protect churches, farmland or investment property. Many small business with more than 25 workers would not be covered, they said. And even those that met the definition could still easily be included in an area designated as "blighted," subjecting them to condemnation to make way for shopping centers or condominiums.

Supporters of the De La Torre package counter that the initiative proposed by the Howard Jarvis Taxpayers Association and others suffers from many of the same flaws as Proposition 90, such as hampering governments' ability to buy open space or regulate neighborhood zoning.

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