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Real eminent domain protection

Ballot initiatives have failed to protect us from eminent domain abuse. The Legislature needs to act.

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Three ballot measures later, Californians still have inadequate protection against official abuse of eminent domain, and there are two groups that must share the blame.

The Legislature should have acted after the U.S. Supreme Court's 2005 decision in *Kelo vs. City of New London*. Lawmakers should have toughened California law to make it clear that what happened in Connecticut -- where a city forced a homeowner to sell her property for what elected officials saw as a more desirable private development -- could not happen here. They passed a few laws to make private-to-private eminent domain harder, but they didn't remove the threat.

That opened the way for overreaching and opportunistic private property radicals who hid their own agendas behind Kelo overhaul. In 2006, they gave us Proposition 90, which in the name of reforming eminent domain actually would have swept aside a century's worth of hard-fought advances in environmental protection and zoning laws. This year, they trotted out Proposition 98, a supposed eminent domain measure that had as its true purpose the elimination of rent control. Voters wisely saw through both initiatives and rejected them.

The most recent attempt to hijack Kelo reform was defeated in part by a competing ballot measure backed by cities and counties that want to keep at least some of their power to push people off their property in the name of improving the tax base. This page backed Proposition 99, and we're pleased that, in passing it, Californians protected homeowners who live in their homes from forced sale for private, rather than public, purposes. But voters shouldn't be deceived into thinking it solves the eminent domain problem or that the measure's backers were acting in their interest.

The more common condemnation abuse is the taking of a small-business owner's property, ostensibly for the betterment of the community. Imagine a wealthy developer salivating over a particular plot of land where a family built a successful business. Now imagine that developer using its resources to engineer the election of a city council majority that then decides to condemn the small business and turn the land over to its campaign donors. If you think developers and city councils would never do that kind of thing, you haven't been paying attention.

Shouldn't cities still have power to redevelop blighted neighborhoods? Yes. New protections must be drafted wisely. That's why the Legislature should act. If it fails again, there's no telling what kind of crazy scheme will be hidden in the next alleged eminent domain reform.

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