

UNION-TRIBUNE EDITORIAL

'Reform'? Hardly

Measure would spur abuses, not end them

July 11, 2007

Perhaps the biggest surprise in November's state election results was the near passage of Proposition 90, a radical measure billed as a simple reform of eminent domain. It went far beyond protecting property owners from capricious redevelopment officials. The measure sought to require governments to pay owners if any governmental decision – even such mundane matters as putting in a stoplight a mile away – caused their property to lose value. While concerned about eminent domain's misuse, we opposed the proposition as an invitation to endless litigation and government paralysis.

Yet despite widespread editorial condemnation and a campaign dominated by opponents' critical TV ads and mailers, Proposition 90 still won 48 percent of the vote.

This should have led the League of California Cities to acknowledge the public's unease over the transformation of eminent domain from its original historic use – seizing private property while fairly compensating the owner so the land could be used for a public purpose such as a road or fire station – to its now common use as just another tool in economic development schemes.

But instead of crafting a measure that allowed eminent domain's use for economic development only within clear parameters, the league has opposed Republican efforts along those lines. Instead, it is working with Democrats to put before voters Assembly Constitutional Amendment No. 8 – a sham reform that would protect only owner-occupied homes from being at constant risk of bogus “blight” designations.

Churches could still be forced to sell their land to Costco. City officials would still have a powerful tool to pressure owners of any property coveted by well-connected developers.

In other words, instead of clarifying eminent domain rules that encourage abuse, ACA 8 is meant to preserve their vagueness by continuing to allow an elastic definition of blight. If lawmakers actually follow through and place the measure on the ballot, they are inviting a backlash – a Proposition 90-style backlash. It is time for cooler – and wiser – heads to prevail.

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