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Another View: Yes on 90: Eminent domain must be curbed

By Doug LaMalfa - Special to the Bee

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The Bee's opposition to Proposition 90 -- the Protect Our Homes Act -- is wrong (Sept. 16). Californians' homes, farms, small businesses and churches are at serious risk.

Under the U.S. Supreme Court's infamous Kelo decision, government can use eminent domain to take people's homes, businesses, farms and churches and offer them to another private party. Government reaps a windfall of increased sales and property taxes, and this windfall becomes the "public purpose" that justifies government taking the property.

California law also allows local governments to declare entire areas of a community "blighted," not just one or very few properties run-down and needing repair or government action. As reporter Steven Greenhut's book "Abuse of Power" highlights, every home, church and business in a "blighted" community -- no matter how safe or well-maintained -- can be taken by eminent domain.

The incentive to use eminent domain to obtain this windfall of tax revenues is particularly true because Proposition 13 limits property tax increases until property is sold or reconstructed.

Proposition 90 would protect our fundamental right to own -- and keep -- our homes and private property. It's called the American dream, and government should not be in the business of destroying it.

While The Bee and opponents of Proposition 90 claim "it can't happen in California," the Institute for Justice and Sacramento's Pacific Legal Foundation document some 250 new California cases just since Kelo was decided last year.

Want proof? Visit 704 K St. and ask the Joe Sun family. After 36 years of paying taxes, they're fighting so government won't forcibly move their clothing store, bulldoze their building and give their property to someone else. Why? So new owners can construct another, fancier building, and the city of Sacramento reaps the windfall of higher sales and property taxes every year from new tenants such as Z Gallerie, Lucky Brand Jeans and Sur La Table, a kitchen supplies retailer.

Is this fair? No. A legitimate "public use," such as building a school, a highway or a fire station? Of course not -- but proof positive that it really can happen here.

When Cottonwood Christian Center fought having its property taken and given to Costco, the mayor of Cypress in Orange County decreed, "his key corner lot in our redevelopment zone will eventually develop large sales tax revenue." The Filipino Baptist Fellowship Church in Long Beach recently fought this same battle.

Churches don't generate tax revenue. You decide why government wanted to take their land: "redevelopment" or increased revenues?

Testimony before the House Judiciary Committee last year showed that in San Jose, 95 percent of all homes and businesses subject to "redevelopment" were owned by Hispanics and Asians, even though these groups represented only 30 percent of homes and businesses in the "redevelopment area."

Since the Kelo decision, five separate measures -- two bills and three constitutional amendments -- were introduced in the Legislature to address the problem of eminent domain for private use. All five were defeated in their first committee hearing. But thanks to the signatures of more than 1 million Californians, Proposition 90 is on the November ballot, and will end this threat to our homes, small businesses, farms and churches.

Real people -- particularly minorities -- know the threat of eminent domain and regulatory takings is real. The California Black Chamber of Commerce, National Federation of Independent Business, National Tax Limitation Committee and more all support Proposition 90. Protect our homes: Vote Yes on Proposition 90.

About the writer:

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