

Sunday, April 20, 2008

Editorial: Prop. 98 protects private property rights

June election is coming: Vote yes on Prop. 98, for real eminent-domain reform, and no on Prop. 99, which is designed to stop such reform.

The campaigns for Propositions 98 and 99 on the June 3 ballot are getting heated, and it would be no surprise if most California voters are confused by the two eminent domain-related measures.

As often occurs in political campaigns, one side or the other misrepresents the purpose of its initiative. For instance, Prop. 99's supporters claim that the measure will stop eminent domain abuses that have become well known following the U.S. Supreme Court's 2005 *Kelo* decision allowing cities to

take property from individual owners and hand it over to developers who promise to enhance a city's tax base. Prop. 99 is backed by government groups who want to continue to abuse eminent domain, including taxpayer-backed organizations such as the League of California Cities and the California Redevelopment Association.

How can they claim to be protecting property rights when their initiative – Prop. 99 – is designed to protect a status quo that is against property rights?

These groups know voters are angry that cities can take their property – not only for public uses such as highways, but to enrich developers who want the land for cheap. Local residents have seen entire neighborhoods, churches and small businesses targeted by this practice. The supporters of eminent domain abuse don't dare put a pro-eminent domain measure on the ballot. They instead offer a measure that pretends to reform eminent domain laws but is filled with loopholes. Some homeowners would be protected, but churches, farms, apartment owners and business owners would still be subject to these unfair takings.

The Prop. 99 crowd hopes this phony initiative lures more votes than Prop. 98, which is the real deal – a ban on the use of eminent domain for private projects. These enemies of property rights also are

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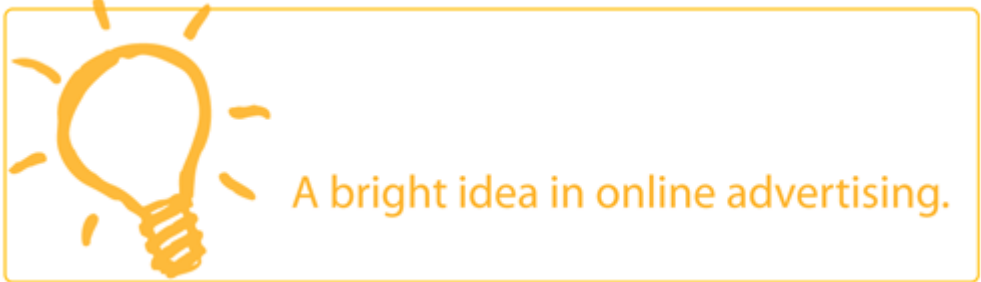
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targeting, through a deceptive campaign, provisions in Prop. 98 that would restrict another form of government taking, rent control. Rent control not only steals the value of property from owners, but it reduces incentives for the construction of new rental housing and leads to housing shortages and overall higher rents. But despite the opposition ad campaign, Prop. 98 would not throw people out on the streets. Renters would still enjoy rent-control protections, but rent control would be phased out after they leave.

If both measures pass, the one with the higher number of votes goes into effect. So we urge support for real eminent domain reform, Prop. 98, and opposition to phony reform, Prop. 99.

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