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Prop 90: "Protect our Homes" or "The Taxpayer's Trap"

Proposition 90

Proposition 90 would make it more difficult for government to take someone's private property and hand it over to a private developer. The proposition would make local taxes cover not just the predetermined value of the property but also the value that property could have potentially acquired. It also allows for property owners to sue whenever there is a change that may affect the value of the property in question.

Proponents for Prop 90

Proponents for Prop 90 are dubbing it the Protect Our Homes Act. They argue that eminent domain, the right of government to take someone's property with just compensation to use for the public good, is being abused. Supporters argue that by forcing local government to compensate a landowner the revenue that they could have potentially earned will curb the abuses of eminent domain.

Advocates for the initiative highlight that eminent domain is not always used in its true nature of serving a public good. One voter wrote an opinion editorial to presstelegram.com saying:

[We] are not convinced that taking a person's house to build a department store or a car wash in the name of community interest is a good enough reason to ignore property rights (Yes on Prop 90, 2006).

Supporters also argue that eminent domain can unfairly classify an entire neighborhood as condemned making that town susceptible to redevelopment, forcing families out of their businesses, homes, and towns. Assemblyman, Doug LaMalfa (R-Richvale) spoke of the Joe Sun family in Sacramento. LaMalfa points out that the Sun family, who has had a local business in Sacramento for the past 36 years and has paid their taxes as good citizens do, are now fighting the government to keep their business so that their property will not be given away to private developers that plan to build a Lucky Brand Jeans store in its place (LaMalfa 2006).

LaMalfa goes on to further articulate that eminent domain is often used to redevelop in areas heavily concentrated with minorities. LaMalfa highlights that last year in San Jose, 95% of the businesses and homes that were classified for redevelopment belonged to those of Asian and Hispanic decent (abid).

In short, many feel that eminent domain in its purest form can be a great thing when it is used for hospitals and schools, however when abused it can be a devious ploy for greedy developers to prosper or an outright racist removal of minorities. Supporters of Prop 90

feel that eminent domain needs to be tamed and this is currently the best option. The Californian Republican Party among others largely supports prop 90.

Opponents of Prop 90

Opponents of Prop 90 concede that there are issues surrounding eminent domain now and those issues do occasionally lead to mistreatment however Prop 90 is not the answer. Challengers of Prop 90 argue that the initiative is not about eminent domain at all but rather a taxpayer trap that would suck money out of taxpayers and local governments causing public works and other infrastructure problems. (Noprop90.com). The website goes on to argue:

That [the initiative] would require increased payments by government agencies- and thus taxpayers- for common public works and infrastructure development such as schools, roads, utility infrastructure and levees... [Prop 90] also contains new and far-reaching “regulatory takings” provisions that would require new and increased payments any time a state or local agency, or group of voters, enacts a new law or regulation that impacts the value of property (Noprop90.com).

According to opponents of the measure, that means wasted local tax dollars and a plethora of frivolous lawsuits, which taxpayers would actually be paying for. William Hamm, a former legislative analyst, reports that local taxes would rise to satisfy the billions of dollars in new taxpayer costs (taxpayer impact section, para. 1).

Opponents also warn that economic growth would be hurt due to individuals suing would be able to stall or halt new houses or businesses from being built. If the businesses cannot start, then local revenue is not being replenished in a system that is using much more taxpayer money. Infrastructure costs will rise making it difficult to make infrastructure improvements. Noprop90.com highlights some of the future infrastructure projects that would suffer due to the new provisions under Prop 90 including but not limited to:

- *Traffic congestion*
- *Carpool lanes*
- *Flood protections*
- *School construction*
- *Sewer improvements*
- *Expansion of mass transit (Infrastructure Section, para. 3)*

Opponents argue that Prop 90 will undermine local voters making decisions surrounding growth because if an ordinance has the potential to change the value of someone’s property, that person would have the right to sue and halt the vote. Local communities would become stagnate.

No on Prop 90 is largely supported by the Californian Democrats, Environmentalists, and the California Teacher Association among others.

Conclusion

In closing, eminent domain can be a wonderful tool when it is properly used. When it is being used for schools or police stations, it is a necessity. However, over the years there have been huge blunders in the way that eminent domain has been exercised. Upon first glance, Prop 90 seems like a Godsend, a way to curb governmental power while at the same time empowering homeowners and business owners alike.

On the other hand, when one delves deep into the fine print of the initiative, it becomes obvious that this bill will lead to many more problems and the very local entities that we were once trying to protect and expand (i.e. schools, public safety) are now suffering and public money will be spent on lawsuits and payouts rather than much needed infrastructure improvements.

The initiative started out on the right track but at the end of the day was very poorly written. Eminent domain abuses do need to be addressed. Eminent domain has targeted minorities and lower class citizens in the past. Entire neighborhoods have fallen into the category of condemned only because there were a few homes not up to par in some neighborhoods. And good people are being pushed out of the neighborhoods that they have lived in their entire lives. But Prop 90 is not the solution. It sounds like it is from afar yet when one truly looks at the initiative and all that it offers to do it is quite jumbled and confusing and worst of all, it leaves us all in a situation worse than when we started. Prop 90 is bad for California. Vote no on Prop 90.

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