

THE SACRAMENTO REPORT
A Time to Reflect
by Greg McConnell

The magnitude of the devastation that is taking place in Louisiana and Mississippi as this article is written makes it very difficult to focus on mundane things like 30 day termination notices. People have died and more are dying. Homes have been destroyed. Dreams have been killed.

It is almost overwhelming. The death toll rises with every report. The things we take for granted, like brushing our teeth, taking a sip of water on a hot day, and turning on the lights so we can feel secure at night are not available to millions of people. And, won't be for a very long time.

Nature did not need to file eminent domain proceedings, pay just compensation, or worry about property rights arguments. No three day notices were given and lawyers and judges had no say in what was to occur. Wham came Katrina! With no due process at all, homes were taken, tenancies terminated, and businesses eliminated.

In the midst of all of this came the heroic stories of rescue. Volunteers sprang up, seemingly from nowhere. Helicopters dropped cages from the sky and lifted people from roof tops to safety. Citizens rallied with chain saws and cut paths through felled trees so emergency vehicles could get through. And, lest it goes unnoticed, the people most in need were the poor who stayed not because they wanted to defy Katrina. They could not get out.

As I watch these events from the comfort of my home, I feel great sympathy for the people whose lives have been altered. I am also filled with gratitude and pride that I live in this great country. When New York fell victim to the terrorists, everyone rallied. The same is true here. Katrina destroyed a lot, but she also made it possible for us to see that we can work together in the most trying circumstances and emerge as a great example to the world.

Americans have a deep sense of compassion for one another. Though it does not show through in our daily rituals and fights over property rights and political causes, when we are pushed to the limit, our greatness comes through each and every time.

Regrettably, in the months and years of reconstruction that lie ahead, interest groups will fight, a few flaky insurance companies will renege on their deals, oil prices will rise, and squabbles will emerge with various "experts" saying that this could all have been avoided if this or that had been done. In this day and age, these things seem almost unavoidable.

Before we get to that, however, let us take a moment to reflect and acknowledge that we are not in complete control of our lives or our environment. A power far greater than us makes the ultimate decisions about what happens on this planet.

Let us also acknowledge and be reassured that we are decent people who can rise above adversity. We have done it many times before and we will do it again.

LEGISLATIVE UPDATE

You will receive this article in October and the legislative session will be over. We will know the fate of all bills that we have followed this year. The most significant, of course, is SB 51.

SB 51 (Kuehl) "60 Day Termination Notices" Voted Down by the Legislature

On September 1, the Assembly voted down SB 51. The bill needed 41 votes, but only received 36. As this article is written, Senator Kuehl has requested the right to ask for a reconsideration of the vote. Whether she actually will take the bill back before the Assembly before the session expires on September 9, is currently unknown. If she does ask for another vote, she will have a huge uphill battle to get the necessary number of members to change their votes so the bill can be passed.

Unless something changes, this will be a very significant development because it means that effective January 1, 2005, California landlords can go back to giving tenants a 30 day notice to vacate.

If the bill makes it out of the legislature, we will strongly pursue a veto by the Governor.

SCA 12 (Torlakson) and SCA 15 (McClintock) "Eminent Domain"

These two bills address the Kelo decision and try to limit the use of eminent domain to take private property for public use. SCA 12 provides that owner occupied property cannot be taken. SCA 15 goes further and provides that no private property can be taken and turned over to other private entities.

The bills have created strange relationships and threatened some alliances in property rights and social justice groups. Most owners want to preserve their ownership rights, however, some owner/developers want to revitalize urban areas and create transit oriented development. They see eminent domain as a very useful tool. Social justice groups fear that escalated use of eminent domain will result in low income and minority housing being taken for redevelopment. However, their usual allies, redevelopment agencies, want the right to take blighted properties and redevelop core urban areas with new affordable housing.

Whatever happens with these bills in the waning weeks of this session will not end this fight. People are lining up with a variety of initiatives that would put competing measures on the ballot in 2006. More on that in future articles.

The Governor will have to take action on any bills that reach his desk within 30 days of the close of the legislative session. That occurs on September 9, 2005. So, by October 9, 2005, we will know the exact fate of SB 51 and every other piece of legislation that made its way through the legislature this year.

Greg McConnell is a rental housing consultant and legislative advocate. He represents and advises apartment associations, property management companies, and individual owners throughout California. For more information please visit www.themcconnellgroup.com. © This article is copyrighted and cannot be republished without the consent of the author.