

Prop 99 Vote Leaves People Without Land Protection **by Scott Shackford**

Emotion trumped logic in the results of the dueling eminent domain initiatives on the June ballot. Proposition 98, the eminent domain measure that actually protected property rights, went down in flames in favor of Proposition 99, a pretend eminent domain bill that provides almost no protection at all, due to scare tactics about rent control. These fears were fueled by government-connected organizations with a vested interest in abusing the eminent domain process for private development. There was a significant tactical error here that the crafters of Proposition 98 clearly didn't fully acknowledge: the emotional, visceral, completely irrational response to the rent control phase out included in the proposition. Rent control does not affect all that many people statewide, yet the proposition failed by nearly a two to one margin (though by a closer margin here in San Bernardino County).

Proponents of Proposition 98 presented clear, logical, rational explanations defending property rights and explaining how rent control actually discourages the development of more housing, driving up prices and actually making it harder for poor people to find reasonable places to live. But the opponents of Proposition 98 went for base fear, and it worked. Scheming landlords were just waiting to throw senior citizens out of their apartments and mobile homes and replace them with ... well, that part was never answered, of course. The fear was enough.

Unfortunately, as a result, California voters are left with a false sense of security. Proposition 99 only protects owner-occupied houses against eminent domain abuse. The irony here is that renters have further exposed themselves to the risk of having municipalities and government agencies tossing them out of their apartments and mobile homes to make way for a private redevelopment projects instead of landlords, and no amount of rent control protection will stop it.

Even worse, Proposition 99 contains exceptions that allow the taking of a home if the land is "incidental" to a "public" project, according to Ilya Somin, writing in the Los Angeles Times. This means a city can plan some big private project with a developer, include some public-access facility managed by the city, and then they can even take houses.

It's clear after the failure of Proposition 98 and Proposition 90 a few years ago that we need an eminent domain measure with no additional frills or additions in order to get it passed. We need a measure that makes it clear that municipalities and agencies cannot take people's land and then turn around and sell it to private developers, period. As it stands, the results of June's elections have not protected anything but the horrible status quo.

Scott Shackford is the editor of the Desert Dispatch. Reprinted with permission.