



Prop 90 – Eminent Domain Talking Points

CWA position - Support

1. Prop 90 is an amendment to the California Constitution that bars state and local governments from condemning private property for other private use and limits government authority to take ownership of private property. It also requires that property owners receive just compensation. Certain safeguards are in place for situations relevant to public safety (e.g., if the property in question poses a danger to the public at large).
2. The initiative is a response to the infamous *Kelo v. New London* Supreme Court decision that stated “economic development” could be considered a public use for government to exercise the power of eminent domain. Fortunately, *Kelo* allows states to restrict eminent domain abuse, which is the purpose behind Prop 90.
3. Prop 90 is designed mainly to stop civic governments from taking homes, businesses, and farmlands and granting them to private developers. Recently, Orange County attempted to condemn church property and grant the land and buildings to Costco. The attempt was unsuccessful, but Prop 90 would ensure that such condemnation would not happen elsewhere.
4. Not only does Prop 90 require that governments reimburse property owners if their properties are condemned for public use, but it also requires them to reimburse owners if action is taken that would result in economic losses for the property owners. For example, if the city decides to rezone a parcel of land so that only two houses may be built where there were previously four, then the government is required to reimburse the property owners.
5. Prop 90 also limits the government’s authority to condemn property by prohibiting condemnation under the following circumstances: 1) condemning property for private use; 2) condemning multiple parcels of land to address a public nuisance unless all are blighted; 3) taking property to promote development of a new retail or tourist area.

Official ballot information:

http://ss.ca.gov/elections/vig_06/general_06/pdf/proposition_90/entire_prop90.pdf

Yes on 90 Web site: www.90yes.com

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