



Los Angeles Area Chamber of Commerce

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Proposition 99- Eminent Domain. Limits on Government Acquisition of Owner-Occupied Residence. Initiative Constitutional Amendment

Summary: Proposition 99 bars use of eminent domain to acquire an owner occupied residence for conveyance to a private person or business entity. Prop 99 creates exceptions for public works, public health and safety, and crime prevention.

Background: In 2005 the United State Supreme Court (the Court) heard *Kelo v. City of New London*, 545 U.S. 469 (2005)[1]. The Court ruled that the use of eminent domain can be used to transfer land from one private owner to another to further economic development. The Court held in a 5-4 decision that the general benefits a community enjoyed from economic growth qualified as a permissible public use under the Takings Clause of the Fifth Amendment.

Current law allows state government to take private property for public purposes provided that the government pays the owner for its value. Land can be acquired by eminent domain for public purposes including schools, fire stations, highways, police stations, water projects, flood control, emergency services and parks.

Status: California Primary Election- June 3

Proponents: California League of Conservation Voters, California Redevelopment Association, SEIU California State Council

Opponents: Californians for Property Rights Protection, Howard Jarvis Taxpayers Association, National Federation of Independent Business

Supporters: San Marcos Chamber of Commerce, League of CA Cities