



DATE: April 29, 2008
TO: Mayor and City Council
FROM: City Manager
SUBJECT: Resolution of Opposition to Proposition 98, the California Property Owners and Farmland Protection Act

RECOMMENDATION

That the City Council adopts a resolution expressing its opposition to Proposition 98 which will appear on the June 3, 2008 statewide ballot.

BACKGROUND

In 2005, the United States Supreme Court issued a 5-4 decision in *Kelo v. the City of New London*, which ruled that governments could continue to use their eminent domain powers to take private property for the purpose of economic development.

Eminent domain has been a controversial tool of governments to promote community development. Therefore, any re-enforcement of eminent domain powers has been heavily criticized by some segments of the public. When the *Kelo* decision was issued, politicians and property rights interest groups responded with anger and fear to the possibility of local governments unfairly seizing private property to promote the interests of private developers. Others believe that the *Kelo* decision is not a new interpretation and is just a continuation of 60 years of established law.

Because of these concerns many states passed laws limiting the government's eminent domain powers. In California, property rights advocates used the *Kelo* decision as an opportunity to promote their agenda for limited economic regulation. They joined forces with the Howard Jarvis Taxpayers Association and placed Proposition 90 on the November 2006 ballot. Proposition 90 would have significantly limited the power of state and local governments to regulate private property and business owners, and would have replaced over 40 years of environmental, labor, and affordable housing laws. The initiative lost 52.4% to 47.6%.

DISCUSSION

Because of Proposition 90's narrow defeat, real estate industry organizations and the Howard Jarvis Taxpayers Association are placing Proposition 98 on the June 2008 ballot to again attempt passage.

Similar to the original Proposition 90, the measure would severely curtail the ability of local governments to regulate land use and capital project decisions. Furthermore, Proposition 98 would impact local rent control measures that support local housing affordability efforts.

The League of California Cities opposes Proposition 98 and has asked cities to take a position against it due to its negative impacts on cities and the effects on local control related to land use and rent control. Staff agrees with the League's recommendation to oppose Proposition 98 and is providing a draft resolution for Council's consideration.

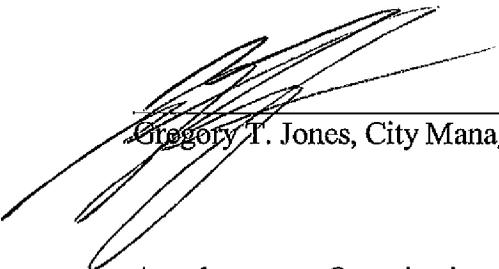
FISCAL IMPACT

None.

PUBLIC CONTACT

N/A

Prepared by:



Gregory T. Jones, City Manager

Attachments: Organizations opposed to Proposition 98
Draft Resolution

Protect Renters, Protect Homes

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Prop. 98 Opponents

Check out the list of organizations opposed to Proposition 98 - The Hidden Agendas Scheme

WE OPPOSE PROP. 98

THE HIDDEN AGENDAS SCHEME

Senior

AARP

California Alliance for Retired Americans

Older Women's League of California

Gray Panthers California

California Senior Advocates League

San Francisco Gray Panthers

Senior Action Network

Public Safety

California Police Chiefs Association

California Fire Chiefs Association

California Professional Firefighters

Homeowners

League of California Homeowners

Golden State Manufactured-Home Owners League, Inc. (GSMOL)

California Mobile Homes Resource and Action Association

Coalition of Mobile Home Owners- California

Resident Owned Parks, Inc. (ROP)

Alta Laguna Mobile Home Park Residents Committee

American Canyon Manufactured Home Owners Coalition

Butte County Mobile-Home Owners Association

Contempo Marin Homeowners Association

County Mobilehome Positive Action Committee

EMPAC (Escondito Mobile/Manufactured Home Positive Action Committee)

GSMOL Chapter 1613

GSMOL Chapter 1517

GSMOL Chapter 1279

GSMOL Chapter 1200

GSMOL Chapter 820

GSMOL Chapter 708

GSMOL Chapter 161

Home Owners Acting Together H.A.T.

Homeowners Association of Cameron Mobile Estates

Los Rancheros Association, Inc.

Mobile Home Owners Coalition

Mobile Parks West Homeowners Association

Mobilehome Residents Alliance of Nevada County

Mountain Springs Homeowners Association

Neighborhood Friends

New Frontier Homeowner Association

Oceanside Manufactured Homes Association

Palos Verdes Shores Homeowners Association

Portola Heights Homeowners Association

San Lorenzo Mobile Home Park Homeowners' Association

San Marcos Mobilehome Residents Association

San Rafael Mobile Home Estates Homeowners Association

Santa Ana Mobile Home Owners Association

Sonoma County Mobilehome Owners Association

Sonoma No Condo Conversion Coalition

Consumer

Consumer Federation of California

Consumers Coalition of California

Business

California Chamber of Commerce

California Black Chamber of Commerce

Silicon Valley Leadership Group

San Marcos Chamber of Commerce

Kern County Hispanic Chamber of Commerce

California Mexican American Chamber of Commerce

Agriculture

Western Growers Association

Education

California Teachers Association

California School Boards Association

Association of California School Administrators

Renter Advocates/Housing Providers

Housing California

California Housing Consortium (CHC)

California Coalition for Rural Housing

California Rural Legal Assistance Foundation

Coalition for Economic Survival

Coalition to Protect California Renters

Tenants Together

Eviction Defense Collaborative

California Council for Affordable Housing

Affordable Housing Coalition of San Diego

Coalition L.A.

Coalition to Save Parkmerced

Concilio de Inquilinos: Local 1012

Council of Tenants- Los Angeles

Eviction Defense Network

First Community Housing

Housing Justice Campaign

Housing Rights Center

Inquilinos Unidos

Just Cause Oakland

Lincoln Place Tenants Association

Oakland Tenants Union

Parkmerced Residents' Association

St. Peter's Housing Committee

San Diego Housing Federation

San Diego Renters Union

San Francisco Council of Community Housing Organizations

San Francisco Tenants Union

Santa Monicans for Renters' Rights

Tenant Associations Coalition of San Francisco

Tenderloin Housing Clinic (THC)

Venice Community Housing Corporation

Environmental

National Wildlife Federation

Sierra Club California

California League of Conservation Voters

Natural Resources Defense Council

California Council of Land Trusts

The Trust for Public Land

Wild Heritage Planners

Defenders of Wildlife

Environmental Defense

Planning and Conservation League

Audubon California

Endangered Habitats League

California Oak Foundation

Greenbelt Alliance

Healthy Homes Collaborative

Mariposans for the Environment and Responsible Government

Sonoma County Conservation Action

Water

Association of California Water Agencies

Soquel Creek Water District

Vallecitos Water District

Vista Irrigation District

Faith

California Church Impact

LA Voice - Pico

St. Anthony Foundation

Lutheran Office of Public Policy - California

Public Interest/Community

League of Women Voters of California

California ACORN

Western Center on Law and Poverty

California National Organization for Women

California Partnership

California Alliance

Strategic Actions for a Just Economy

Progressive Jewish Alliance

Americans for Democratic Action (ADA) Southern California Chapter

National Lawyers Guild- Los Angeles Chapter

Bernal Heights Neighborhood Center

Community Advocacy Center

Inner City Law Center

Los Angeles Coalition to End Hunger and Homelessness

Los Angeles Community Action Network

Los Angeles Community Legal Center and Educational

Los Angeles Metropolitan Alliance

Miracle Mile Action Committee

One Stop Immigration Counselor

Our City

People's CORE

Pride at Work San Francisco

San Francisco Planning and Urban Research Association (SPUR)

Union de Vecinos

Labor

SEIU California State Council

State Building and Construction Trades Council

American Federation of State, County and Municipal Employees (AFSCME)

**American Federation of State, County and Municipal Employees (AFSCME)
Los Angeles Retiree Chapter 36**

**American Federation of State, County and Municipal Employees (AFSCME)
2712**

International Brotherhood of Electrical Workers

San Francisco Labor Council

Koreatown Immigrant Workers Alliance

Marin County Building and Construction Trades Council

Marin Interfaith Worker Justice

People Organized to Win Employment Rights (POWER)

Ethnic

National Coalition of Hispanic Organizations

Black, Asian, Minority and Ethnic Renaissance CDC

South Asian Network

Tax

California Tax Reform Association

**HealthCalifornia Council of Community Mental Health AgenciesMental
Health Association in California**

Associations

League of California Cities

California State Association of Counties

California Special Districts Association

California Chapter of the American Planning Association

California Redevelopment Association

Public Officials

Fran Pavley - Former California State Assemblymember

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DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD IN OPPOSITION TO PROPOSITION 98

WHEREAS, in 2005 the United States Supreme Court issued a decision in Kelo v. City of New London which ruled that governments could continue to use its eminent domain powers to take private property for the purpose of economic development; and

WHEREAS, eminent domain has been a controversial tool of governments to promote community development; any re-enforcement of eminent domain powers has been heavily criticized by some segments of the public who have expressed concern at the possibility of local governments seizing private property to promote the interests of private developers; and

WHEREAS, as a result of these concerns many states have passed law limiting the governments's eminent domain powers; and

WHEREAS, property rights advocates in California joined forces with the Howard Jarvis Taxpayers Association and placed Proposition 90 on the November 2006 ballot, which would have significantly limited the power of state and local governments to regulate private property and business owners and would have wiped out 40 years of environmental, labor and affordable housing laws. The initiative lost 52.4% to 47.6%; and

WHEREAS, Proposition 98 has now been put on the June 2008 ballot by the real estate industry and the Howard Jarvis Taxpayers Association, which will severely restrict the power of local governments to regulate its own land and erode over 30 years of environmental laws and end critical programs that have successfully provided affordable housing for the state's growing population; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby joins with other cities and organizations and express their opposition to Proposition 98.

