

Trust and condemnation

Article Launched: 10/30/2008 09:43:10 PM PDT

Residents of North Long Beach, worried that some of their homes might be condemned for redevelopment projects, are giving City Hall a tough time. Rightfully so.

The problem is trust. Ask Marko Mlikotin, who represents homeowners and an organization called the California Alliance to Protect Private Property Rights. Mlikotin says homeowners have little protection from eminent domain, despite approval by voters last June of Proposition 99.

City Hall counters that 99 will protect homes from being seized for private development. Who's right? Both, sort of.

Yes, City Hall certainly does have to obey the state Constitution, as amended by Proposition 99. But 99 and the city's local ordinances provide a loophole big enough to drive a bulldozer through.

For example, a homeowner who has lived in a house less than a year can get an exemption from condemnation by the city only if the house meets certain requirements, including what amounts to tidiness - no overgrown weeds, no peeling paint, no broken parts, no interior code problems and - get this - not too much stuff in the garage (there has to be room to park a car).

That is bizarre and offensive, in the mind of

Dana Berliner, a lawyer for the Institute of Justice, who took the celebrated condemnation case of Kelo vs. City of New London to the U.S. Supreme Court in 2005. Some North Long Beach residents strongly agree.

City Hall also has a strong point. In all the years eminent domain has been available, not once has it been used in Long Beach to take private property for private development.

Fine, but residents know of neighbors who have given up their homes to redevelopment because they were too weary or too frail to go to court to fight eminent domain. They grieve for the loss of their homes, yet they get counted as willing sellers.

It must be annoying for city officials to run into resistance from residents whose neighborhoods they only want to improve. After all, the city just wants to extend its powers of eminent domain for 12 years for redevelopment in North Long Beach.

Patience. These North Long Beach residents just want to be sure they won't lose their homes. It takes time and effort to build that kind of trust.

Advertisement

