

SA2006RF0025

**State of California**

Attorney General Bill Lockyer  
1300 I Street Sacramento CA 95814  
Attention Patricia Galvan

**RECEIVED**  
FEB 28 2006

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INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

To the Honorable Attorney General Bill Lockyer,

LETTER REQUESTING OF A TITLE AND SUMMARY

Please provide a title for the enclosed Initiative measure for the November Election on 2006.

This Initiative is for the public good. The Initiative would prevent a city from ignoring the fundamental Constitutional rights of the 1<sup>ST</sup>, 5<sup>TH</sup> and 14<sup>TH</sup> Amendments. The proposed Initiative addresses the property rights of residents besides the Eminent Domain ruling by the U.S Supreme Court, such as Permits, Ordinances, and spot Zonings, etc. The Initiative would bridge and solve property rights matters in house, within the Municipality or county Boards. Therefore this Initiative would benefit the resident and the Municipality. This Initiative would also benefit the crowded Courts Calendar.

**Summary:**

**Municipal residents injured economically by municipal practices are at disadvantage if they attempt to air their grievances in court of law. Individual residents are often unable to bring or maintain litigation. Municipalities can invoke decisions without allowing residents to present his / her grievance, regardless, to the fairness of the land and property issues. When property owner wishes to respond, the Municipality or County board can deny the resident this right. This Initiative will require the Municipality to place the resident on the Board agenda immediately and no later than 180 days after the board receives the owner's request to appear.**

**Thank you,**

**Nitza Derfner**

**Ps: "Suggestion for caption, " Due process for residents with land use or property issues".**

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

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TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_\_ County (or City and County), hereby propose amendments to the Government Code, relating to land use, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendments (full title and text of measure) read as follows:

An act to add Sections 25083 and 37113 to the Government Code, relating to land use.

SECTION 1. The people of the State of California find and declare all of the following:

(a) That landowners who contest planning or zoning ordinances, regulations, permits, or any other decision made by or on behalf of a city or county are commonly injured economically or otherwise by local governmental practices, and are commonly at a significant financial disadvantage in voicing opposition to land use decisions or in commenting on land use matters.

(b) That it is in the interest of the public to promote the settlement of disputes between property owners and municipalities without litigation.

(c) That this act is a matter of statewide concern.

SEC. 2. Section 25082 is added to the Government Code, to read:

25082. Any owner of property located within the county who requests the right to testify before the board at a public hearing regarding a land use matter described in Section 65850 shall be allowed to so testify, prior to the disposition of that matter by the board, at a public hearing held as soon as possible but no later than 180 days after the board receives the owner's written request to testify. The board shall send notice of the time and date of the public hearing to the requesting owner by certified mail at least 20 calendar days in advance of the hearing date.

SEC. 3. Section 37113 is added to the Government Code, to read:

37113. Any owner of property located within the city who requests the right to testify before the legislative body at a public hearing regarding a land use matter subject to Section 65850 shall be allowed to so testify, prior to the disposition of that matter by the board, at a public hearing held as soon as possible but no later than 180 days after the board receives the owner's written request to testify. The board shall

send notice of the time and date of the public hearing to the requesting owner by certified mail at least 20 calendar days in advance of the hearing date.

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