

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 1950 (Wendy Carrillo)
Version: April 29, 2024
Hearing Date: July 2, 2024
Fiscal: Yes
Urgency: No
AWM

SUBJECT

City of Los Angeles: former Chavez Ravine property: eminent domain: compensation

DIGEST

This bill, as the author agreed to amend it in the Senate Local Government Committee, establishes a task force for the purposes of (1) studying the displacement of residents, business owners, and landowners from the Chavez Ravine area in Los Angeles between 1950 and 1961, and (2) making recommendations for compensation for the displaced persons and their descendants and the creation of a public database regarding the displacement. The bill also requires the city to construct a public memorial in recognition of the displaced residents, as specified.

EXECUTIVE SUMMARY

In the first half of the twentieth century, the Chavez Ravine area in Los Angeles was home to a close-knit community of mostly Mexican Americans, many of whom were prevented by redlining from moving to other parts of the city. The area was comprised of three distinct neighborhoods – Bishop, La Loma, and Palo Verde and included a grocery store and an elementary school. Between 1950 and 1961, however, residents and business owners were forced out of Chavez Ravine through a combination of eminent domain without just compensation, false promises, and force. The City of Los Angeles first dedicated the land to a public housing development; when that fell through, the city sold the land to the Brooklyn Dodgers to entice the Dodgers to move to Los Angeles.

This bill, as the author agreed to amend it in the Senate Local Government Committee, establishes the Chavez Ravine Displaced Residents Task Force within the state government to research and compile information relating to the displacement of persons from Chavez Ravine, and to make recommendations regarding providing compensation for displaced persons and regarding how to better educate the public about the Chavez Ravine displacements. The bill also requires the construction of a

memorial to commemorate the persons displaced from Chavez Ravine, as specified. The author has agreed to amend the bill, in addition to the amendments taken in the Senate Local Government Committee, to make minor clarifications to definitions and the task force's role.

This bill is sponsored by California Insurance Commissioner Ricardo Lara and is supported by Fieldstead and Company, Inclusive Action for the City, and Somos Group. The Committee has not received timely opposition to this bill. The Senate Local Government Committee passed this bill with a vote of 6-0.

PROPOSED CHANGES TO THE LAW

Existing constitutional law:

- 1) Limits the taking of private property for public use as follows:
 - a) Under the United States Constitution, private property shall not be taken for public use without just compensation. (U.S. Const., 5th & 14th Amends.)
 - b) Under the California Constitution, private property may be taken or damaged for a public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. (Cal. Const., art. I, § 19.)
- 2) Provides for equal protection under the law as follows:
 - a) Under the United States Constitution, provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const., 14th Amend., § 1.)
 - b) Under the California Constitution, provides that a person may not be denied the equal protection of the laws, and that a citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. (Cal. Const., art. I, § 7.)
- 3) Provides that all persons are by nature free and independent and have inalienable rights, including acquiring, possessing, and protecting property. (Cal. Const., art. I, § 1.)
- 4) Provides that the Legislature does not have the power to make any gift or authorize the making of any gift of public money or thing of value to any individual, municipal, or other corporation. (Cal. Const., art. XVI, § 6.)

Existing law:

- 1) Establishes the Eminent Domain Law, which governs how a public entity may exercise its power of eminent domain. (Code Civ. Proc., pt. 3, tit. 7, ch. 1, §§ 1230.010 et seq.)

- 2) Provides that a public entity may exercise its power of eminent domain to acquire property only for a public use and only if all of the following are established:
 - a) The public interest and necessity require the project.
 - b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c) The property sought to be acquired is necessary for the project. (Code Civ. Proc., §§ 1240.010, 1240.030.)
- 3) Provides for court procedures through which a court may rule on objections to the right to take property or to determine the appropriate amount of compensation for the property. (Code Civ. Proc., §§ 1260.010-1260.250.)
- 4) Authorizes the County of Los Angeles to sell, transfer, or encumber, upon terms and conditions determined by the Board of Supervisors of the County of Los Angeles to be in the best interest of the County of Los Angeles and the general public, the portion of land within Manhattan State Beach commonly referred to as "Bruce's Beach." (Pub. Res. Code, § 5002.6(h).)

This bill, as the author has agreed to amend it:

- 1) Makes Legislative findings and declarations relating to official and state-sanctioned housing segregation policies and other policies that have unjustly disadvantaged Native, Latinx, Black, Asian, and Pacific Islander communities, such as the seizure of Chavez Ravine, which included the neighborhoods La Loma, Bishop, and Palo Verde.
- 2) Establishes Chapter 16.5 within Division 7 of Title 1 of the Government Code (Chapter 16.5), the purpose of which is to establish a task force that will evaluate the history of the residents, business owners, and landowners displaced from the Chavez Ravine area between 1950 and 1961, in order to provide the city, county, and the Legislature with recommendations to provide just compensation to descendants of the residents, business owners, and landowners displaced from the Chavez Ravine area.
- 3) Defines the following terms:
 - a) "City" means the City of Los Angeles.
 - b) "County" means the County of Los Angeles.
 - c) "Descendant" means a lineal descendant born in a direct line from a displaced decedent of the Chavez Ravine property. Descendants may include, but are not limited to, a person's children, grandchildren, and great-grandchildren.
- 4) Establishes within the state government the Chavez Ravine Displaced Residents Task Force, which shall review the history and any records relating to the

displacement of residents and businesses from Chavez Ravine from 1950 to 1961, in order to develop recommendations for the city, county, and Legislature regarding how to provide just compensation to the descendants of the wrongfully displaced persons in Chavez Ravine from 1950 and 1961.

- 5) Requires the task force to create an official and complete historical accounting of the property owners, business owners, and residents who were evicted or displaced, their descendants, and land acquired through eminent domain or other coercive tactics, with which the city can create an official public, and, educational account of the events that took place in Chavez Ravine between 1950 and 1961. Further, the historical accounting shall also include a review and report about the appropriation of land from private persons from 1950 to 1961, inclusive, including all relevant city and county information.
- 6) Requires the task force to provide recommendations regarding consideration of development of a publicly accessible, searchable database. The task force shall consider whether a database should be developed that may include, but not be limited to, any or all of the following:
 - a) Information about former residents, business owners, and landowners evicted or displaced.
 - b) Payment receipts by public and private agencies for the purchase of property located in the Chavez Ravine community.
 - c) Land acquisition methods used by all public agencies to acquire the Chavez Ravine property.
 - d) Correspondence between the City and the County and private entities, public government agencies, residents, and landowners of Chavez Ravine.
- 7) Requires the task force to make recommendations on all of the following regarding compensation for individuals displaced from Chavez Ravine:
 - a) Establishing a process for determining the individuals that should be eligible for compensation on the basis that they were displaced, or are the descendants of those who were displaced, from Chavez Ravine from 1950 to 1961.
 - b) The apportionment of responsibility among public or private entities for providing compensation.
 - c) A method or methods for determining the amount of just compensation for those individuals that accounts for the harms suffered by those individuals, and the forms of just compensation for the displaced persons or their descendants. The forms of compensation that shall be considered for recommendation may include the transfer of real property, monetary compensation, relocation benefits, health care benefits, employment-related services, educational scholarships, a community benefits agreement, or other forms of compensation deemed fair and equitable by the task force in accordance with this chapter.

- 8) Requires the task force to make recommendations regarding strategies for educating the public about the history and impact of the Chavez Ravine displacement, including, but not limited to, consideration of construction of the memorial as set forth in 9).
- 9) Requires the City to construct a permanent memorial, to be erected no later than December 31, 2028, in recognition of the displaced residents and landowners of the Chavez Ravine community. The memorial shall include interpretive and informational signs and structures, as well as areas to accommodate public gathering and contemplation, and include educating future generations regarding the impact of this displacement and historical discriminatory policies in the City.
- 10) Provides that the task force shall consist of the following nine members:
 - a) An elected official of the city, or their designee, appointed by the city council.
 - b) An elected official of the county, or their designee, appointed by the board of supervisors.
 - c) One ex officio member of the Senate, or their designee, appointed by the President pro Tempore of the Senate, and one individual appointed by the Speaker of the Assembly, who shall serve as cochairpersons of the task force. A designee of the ex officio member of the Senate or of the Assembly shall be authorized to make decisions on behalf of the member.
 - d) Three descendants of displaced Chavez Ravine landowners, business owners, or residents; the Speaker of the Assembly, the President pro Tempore of the Senate, and the Governor shall appoint one member each.
 - e) One individual from the field of academia with expertise in the historical record of Chavez Ravine during the designated time, appointed by the Governor.
 - f) One member, appointed by the Governor, with expertise in historical injustice, representing either a nonprofit organization with a social justice mission located within the city or county, or a civil organization located within the city or county.
- 11) Requires the task force, in carrying out its duties, to consult with the Gabrielino-Tongva Nation.
- 12) Provides the following with respect to the task force's operations:
 - a) The term of office for members of the task force shall be for the life of the task force.
 - b) A vacancy in the task force shall not affect the powers of the task force and shall be filled in the same manner as the original appointment was made.
 - c) Five members of the task force shall constitute a quorum.
 - d) Members of the task force that are currently elected officials or their designees shall not be entitled to receive per diem, or any form of compensation, for their participation in the task force.

- e) Other members of the task force shall be entitled to receive per diem and reimbursement for their actual and necessary expenses in performing their duties.
 - f) The first meeting of the task force shall occur on or before July 31, 2025.
 - g) The task force may hold hearings, request testimony of witnesses, request the production of records, acquire information from the city and county, appoint personnel, procure supplies, and enter into contracts to conduct its business, as specified.
- 13) Requires the task force to submit to the city, county, and Legislature a comprehensive report, as follows:
- a) The report shall include recommendations for the creation of a database pursuant to 6), recommendations for compensation for displaced residents, business owners, and landowners pursuant to 7), and recommendations for strategies for educating the public about the history and impact of the Chavez Ravine displacements.
 - b) The report shall be submitted on or before January 1, 2028; a one-time six-month extension may be granted by the Governor upon request.
 - c) The report shall be submitted pursuant to Government Code section 9795.
- 14) Includes a severability clause.

COMMENTS

1. Author's comment

According to the author:

AB 1950, the Chavez Ravine Accountability Act aims to correct an injustice that displaced families and has lingered in the shadows of Los Angeles Eastside history for far too long. Amid the 1950s, the vibrant community of Chavez Ravine, home to mostly Mexican-American families, as well as Italian-American and Chinese-American, saw an upheaval as families were uprooted and displaced in the name of progress. Families were promised a return to better housing, but instead, they were left destitute. For generations, Chavez Ravine stood as a beacon of hope and resilience, embodying the dreams and aspirations of families who built their lives within its embrace. With this legislation, we are addressing the past, giving voice to this injustice, acknowledging the pain of those displaced, offering reparative measures, and ensuring that we honor and remember the legacy of the Chavez Ravine community.

2. Background on the City of Los Angeles's displacement and destruction of the Chavez Ravine community

The Chavez Ravine area in Los Angeles is named after Julian Chavez, who was born in New Mexico and arrived in Los Angeles in the 1830s.¹ By the early twentieth century, Chavez Ravine was home to a close-knit community of mostly Mexican Americans, many of whom were prevented by redlining from moving to other parts of the city.² The area was comprised of three distinct neighborhoods – Bishop, La Loma, and Palo Verde – and included a grocery store and an elementary school.³ In the 1920s, the residents joined together to prevent a brickworks manufacturing facility from operating near their homes and got the land zoned for residential use.⁴

In the 1930s and 1940s, Chavez Ravine's central location made it an attractive prospect for developers: it was considered as a site for an international exposition, an armory for the United States Navy, and a limited-access highway.⁵ The Navy won out, and the armory was constructed in a location that did not displace the Chavez Ravine residents.⁶

In 1950, however, Los Angeles city officials decided to build a public housing project on the Chavez Ravine land, made possible with federal funding.⁷ City officials deemed the area "blighted" to clear the area without having to negotiate with the landowners; developers offered some residents cash payments, but others were forced out through eminent domain and paid far less than the land was worth.⁸ The city's housing authority also promised residents that they would be able to move into the new housing development.⁹ The housing project fell through, however, when public opinion turned against public housing development as "un-American."¹⁰

The housing authority sold the land back to the city (for a much lower price) and land sat vacant until 1957; at that point, only 20 families remained in Chavez Ravine.¹¹ In 1958, a majority of Los Angeles voters approved a referendum measure to give the land

¹ See County of Los Angeles Board of Supervisors, Supervisor Julian A. Chavez, *available at* http://file.lacounty.gov/SDSInter/lac/112080_jchavez.pdf.

² Shatkin, *The Ugly, Violent Clearing of Chavez Ravine Before It Was Home To The Dodgers*, LAist (Oct. 17, 2018; updated May 1, 2023), <https://laist.com/news/la-history/dodger-stadium-chavez-ravine-battle>; Baxter, *Orphans of the Ravine*, Los Angeles Times (Mar. 29, 2008), <https://www.latimes.com/archives/la-xpm-2008-mar-29-sp-ravine29-story.html>.

³ Masters, *Chavez Ravine: Community to Controversial Real Estate*, PBS SoCal (Sept. 13, 2012), <https://www.pbssocal.org/shows/lost-la/chavez-ravine-community-to-controversial-real-estate>.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Shatkin, *supra*.

⁹ Masters, *supra*.

¹⁰ Shatkin, *supra*.

¹¹ *Ibid.*

to the owner of the Brooklyn Dodgers, to entice the Dodgers to move to Los Angeles.¹² Sheriffs were sent to forcibly remove the remaining families from Chavez Ravine and homes were bulldozed minutes later.¹³ Residents, businesses, and landowners have yet to be fully compensated for the land taken from them.

3. This bill, as the author agreed to amend it in the Senate Local Government Committee, establishes the Chavez Ravine Displaced Residents Task Force to study the Chavez Ravine displacements and make recommendations regarding compensation and the creation of a public database

This bill, as the author has agreed to amend it, establishes the Chavez Ravine Displaced Residents Task Force (Task Force) to gather information regarding the Chavez Ravine displacements and make recommendations to the City of Los Angeles, the County of Los Angeles, and the Legislature regarding compensation for the persons displaced and the creation of a public database of information relating to the displacements. The Task Force will be comprised of nine members, as specified. The bill's framework is modeled after AB 3121 (Weber, Ch. 319, Stats. 2020), which created the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States.

The Task Force has three main assignments:

- Reviewing the history and records surrounding the Chavez Ravine displacements discussed above in Part 2, to create an official and complete historical accounting of the events surrounding the displacement of property owners, business owners, and residents from Chavez Ravine between 1950 and 1961, including the identities of the persons displaced.
- Providing recommendations on whether, and how, to turn the materials compiled by the Task Force into a publicly accessible and searchable database, including recommendations for how to protect the personal information of individuals involved.
- Providing recommendations regarding compensation for individuals displaced from Chavez Ravine, including a process for determining which individuals are eligible; the apportionment of responsibility among public or private entities; types of compensation; and methods of determining the amount or type of compensation that should be awarded.

The Task Force shall submit their recommendations to the Legislature, the City of Los Angeles, and the County of Los Angeles in a report, to be submitted no later than January 1, 2028; the Governor may grant a one-time six-month extension upon request. The report shall also include recommendations for strategies for educating the public about the history and impact of the Chavez Ravine displacements. The author has

¹² *Ibid.*

¹³ *Ibid.*

agreed to amend the bill, in addition to the amendments taken in the Senate Local Government Committee, to make minor changes to clarify the scope of the Task Force's obligations.

In addition to the Task Force's requirements, this bill requires the creation of a permanent memorial in recognition of the displaced members of the Chavez Ravine community. This issue was considered by the Senate Local Government Committee.

4. This bill does not appear to raise constitutional concerns

a. Equal protection/Proposition 209

At the outset, this bill does not implicate the Equal Protection Clause¹⁴ or Section 31 of Article 31 of the California Constitution (better known as Proposition 209)¹⁵ because it does not require the state, the City of Los Angeles, or the County of Los Angeles to provide any benefits or advantages to any group – it merely establishes a task force to study proposals for compensation and a historical database. Moreover, even if the task force were to make such recommendations, it is unlikely that they would run afoul of the Equal Protection Clause of Proposition 209. The reparatory project of this bill is to determine how best to compensate the persons displaced from Chavez Ravine; while the residents, business owners, and landowners of Chavez Ravine were primarily of Mexican American descent, this bill does not suggest that Mexican American heritage is either necessary or sufficient to be considered for compensation. It is therefore unlikely that the overall project of providing compensation to the displaced residents, business owners, and landowners of Chavez Ravine will run afoul of the Equal Protection Clause or Proposition 209.

b. Gifts of public funds

The California Constitution prohibits the Legislature, or a city or county, from giving a gift of public funds.¹⁶ As noted above, this bill does not currently make any gifts at this time, so this prohibition is not currently implicated. If and when the task force recommends compensation proposals, the Legislature has broad discretion to determine whether an expenditure of funds is for a public or private purpose.¹⁷ If and when the Legislature (or the Los Angeles City Council or Los Angeles Board of Supervisors) decide to expend funds to make reparations to the displaced residents, business owners, and landowners of Chavez Ravine, the expenditure will likely be approved if the

¹⁴ U.S. Const., 14th amend., § 1. The equal protection clause of the California Constitution (Cal. Const., art. I, § 7) is "independent of the federal guarantee, but, except in cases of gender, the state and federal guarantees are applied equally." (*Taking Offense v. State* (2021) 66 Cal.App.5th 696, 722.)

¹⁵ Cal. Const., art. I, § 31.

¹⁶ Cal. Const., art. XVI, § 6.

¹⁷ E.g., *Community Memorial Hospital v. County of Ventura* (1996) 50 Cal.App.4th 199, 207.

determination is supported by findings and declarations setting forth why the matter is an issue of public importance.

5. Amendments

As noted above, the author has agreed to make minor amendments to clarify the scope of the bill. The amendments do the following:

- Clarify that the Task Force's investigatory obligation does not include determining the descendants of the persons displaced from Chavez Ravine; the question of the treatment of descendants, and how to locate them, is more appropriately dealt with at the next stage of the process.
- Clarifying that compensation should be provided to displaced residents, business owners, or landowners, or their descendants.
- Clarifying the definition of "descendant."

6. Arguments in support

According to California Insurance Commissioner Ricardo Lara, the sponsor of the bill:

AB 1950 would establish a framework for equitable reconciliation between the Los Angeles local government and Angelinos, who lived or owned property in Chavez Ravine (Palo Verde, La Loma and Bishop neighborhoods) area from 1950 to 1961 and were displaced forcefully and deprived of their residences due to governmental actions.

Between 1950 and 1961, the City of Los Angeles ("City") condemned three neighborhoods known as La Loma, Bishop, and Palo Verde. This Chavez Ravine property was taken via eminent domain, displacing approximately 3,800 individuals, mostly of Mexican-American descent.

The City not only coerced property owners into selling their property below fair market value but also unjustly evicted residents and landowners with the promise that they would be placed in affordable housing units to be built on the property that had been seized. The City never followed through with its promise, leaving an estimated 3,800 people permanently displaced, some of whom were physically attacked and incarcerated. Instead, the City transferred the valuable land to private businesses for below market value to develop a ballpark...

It is time to both recognize the injustice of these local government actions and right the wrongs imposed on the people living in those neighborhoods. These families and their descendants have waited long enough, and it is now time to act. This bill is a reasoned approach to help heal the deep scars in this community.

SUPPORT

Ricardo Lara, California Insurance Commissioner (sponsor)
Fieldstead and Company
Inclusive Action for the City
Somos Group

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: SB 1050 (Bradford, 2024) requires the Office of the Chief Financial Officer within the California American Freedmen Affairs Agency to collect and investigate claims of racially motivated eminent domain, as defined, and to distribute, upon appropriation by the Legislature, just compensation or land to the rightful owner of the property, as defined. SB 1050 is pending before the Assembly Appropriations Committee.

Prior Legislation: SB 796 (Bradford, Ch. 435, Stats. 2021) required the Director of Parks and Recreation, by December 31, 2021, to execute a deed amendment to exclude Bruce's Beach, a portion of land within Manhattan State Beach, from the requirement to use the property for recreational purposes only; and authorized Los Angeles County to sell, transfer, or encumber Bruce's Beach, upon terms and conditions determined by the county board of supervisors to be in the best interest of the county and the general public.

AB 3121 (Weber, Ch. 319, Stats. 2020) established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States, to, among other things, compile and synthesize evidence regarding the institution of slavery in the United States and recommend what forms compensation should be awarded.

PRIOR VOTES:

Senate Local Government Committee (Ayes 6, Noes 0)
Assembly Floor (Ayes 60, Noes 6)
Assembly Appropriations Committee (Ayes 11, Noes 2)
Assembly Local Government Committee (Ayes 8, Noes 0)
Assembly Judiciary Committee (Ayes 10, Noes 1)
