

AMENDED IN SENATE APRIL 3, 2024

SENATE BILL

No. 1050

Introduced by Senator Bradford
(Coauthor: Senator Smallwood-Cuevas)
(Coauthor: Assembly Member Jackson)

February 7, 2024

An act to add Chapter 4 (commencing with Section 16005) to Part 14 of Division 3 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1050, as amended, Bradford. California American Freedmen Affairs Agency: racially motivated eminent domain.

Existing law establishes, until January 1, 2030, the Racial Equity Commission within the Office of Planning and Research and requires the commission to develop resources, best practices, and tools for advancing racial equity by, among other things, developing a statewide Racial Equity Framework that includes methodologies and tools that can be employed to advance racial equity and address structural racism in California.

This bill would require the Office of ~~the Chief Financial Officer,~~ *Legal Affairs*, which would be established within the California American Freedmen Affairs Agency as provided by SB-~~490~~ *1403* of the 2023–24 Regular Session, to, upon appropriation by the Legislature, ~~create and update a database of people who have had property taken from them by the state without just compensation as a result of racially motivated eminent domain, as provided;~~ *review, investigate, and make certain determinations regarding applications for compensation from persons who claim they are the rightful owner, as defined, of property*

taken as a result of racially motivated eminent domain. The bill would define “racially motivated eminent domain” to mean when the state, county, city, city and county, district, or other political subdivision of the state acquires private property for public use and does not distribute just compensation to the owner at the time of the taking due to racist or discriminatory motives. The bill would authorize the Office of the Chief Financial Officer to distribute just compensation to a person identified in that database for the present-day fair market value of the property that was taken from them by the state as result of racially motivated eminent domain, if the Chief Financial Officer determines that issuing just compensation to that person would serve to redress past acts of racial discrimination, prevent future acts of racial discrimination, and benefit the whole of the community and its general welfare. taking, and the taking, or the failure to provide just compensation, was due, in whole or in part, to the owner’s ethnicity or race. Upon a determination that just compensation is warranted, as provided, the bill would require the Office of Legal Affairs to certify that the rightful owner is entitled to specified compensation from the Fund for Reparations and Restorative Justice, which would be established as provided by SB 1331 of the 2023–24 Regular Session. Upon a determination that an applicant is not a rightful owner or just compensation is not warranted, the bill would require the Office of Legal Affairs to notify the applicant of its finding and provide an appeal process, as specified. The bill would make every finding, decision, determination, or other official act of the California American Freedmen Affairs Agency subject to judicial review.

This bill would also require the Office of Strategic Communications and Media Affairs, which would be established within the California American Freedmen Affairs Agency as provided by SB-490 1403 of the 2023–24 Regular Session, to develop and implement a public education campaign regarding discriminatory housing and urban planning practices by the state, as specified.

This bill would make *related findings and declarations declarations, including those* related to a gift of public funds.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 16005) is added to Part 14 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 4. RESTITUTION FOR RACE-BASED EMINENT DOMAIN

16005. (a) The Legislature finds and declares that it is in the public interest to compensate victims of racially motivated eminent domain, which deprived persons of just compensation for their property due to racially discriminatory motives. The unjust taking of land without fair compensation destroyed communities, forced many from their historical neighborhoods, deprived those persons of the fair value of their property, and, in many cases, prevented the accumulation of generational wealth. Providing compensation to these victims of racial discrimination will restore the value of wrongfully taken property to rightful owners and hold government entities responsible for those wrongful discriminatory acts.

(b) This chapter shall govern the procedure by which rightful owners and their descendants may seek a determination that they were the victims of racially motivated eminent domain and obtain a referral to the Fund for Reparations and Restorative Justice for compensation.

~~16005.~~

16006. (a) For purposes of this section, the following definitions apply:

(1) "Racially motivated eminent domain" means when the state, county, city, city and county, district, or other political subdivision of the state acquires private property for public use and does not distribute just compensation to the owner at the time of the taking due to racist or discriminatory motives; taking, and the taking, or the failure to provide just compensation, was due, in whole or in part, to the owner's ethnicity or race.

(2) "Rightful owner" means a person who has had property taken from them by the state, county, city, city and county, district, or other political subdivision of the state without just compensation as a result of racially motivated eminent-domain; domain, or a direct descendant of the person whose property was taken.

(b) Upon appropriation by the Legislature, the Office of the ~~Chief Financial Officer~~ *Legal Affairs* within the California American Freedmen Affairs Agency shall do all of the following:

~~(1) Research and document state properties acquired as a result of racially motivated eminent domain, and document the person who owned that property when it was acquired by the state.~~

(1) Accept applications for compensation from persons who claim they are the rightful owner of property taken as a result of racially motivated eminent domain.

~~(2) (A) Review and investigate public complaints from people who claim their property was taken without just compensation as a result of racially motivated eminent domain. applications submitted under paragraph (1).~~

~~(3) By January 1, 2026, create a database, to be updated annually thereafter, of rightful owners identified pursuant to paragraph (1) and confirmed to have been the victim of racially motivated eminent domain after investigation pursuant to paragraph (2).~~

(B) As part of its review, the Office of Legal Affairs may request submission of additional information supporting the application that is reasonably necessary to verify the application, determine whether the applicant is a rightful owner, and determine whether the taking was racially motivated. If the office makes a request for additional documentation, it shall communicate that request to the applicant with a notice of the additional information required. The office shall consider any additional information provided by the applicant within 30 days of the receipt of the notice.

~~(3) After reviewing all of the relevant materials, determine whether the applicant is a rightful owner of property taken through racially motivated eminent domain.~~

~~(e) (1) Subject to paragraph (2), the Office of the Chief Financial Officer may distribute, upon appropriation by the Legislature, just compensation to a rightful owner identified in the database created pursuant to paragraph (3) of subdivision (b) for the~~

(4) (A) If the Office of Legal Affairs determines that an applicant has established that they are a rightful owner under paragraph (3), the office shall determine:

(i) The present-day fair market value of the property that was taken from them by the state, county, city, city and county, district,

1 *or other political subdivision of the state as a result of racially*
2 *motivated eminent domain.*

3 ~~(2) Just compensation shall be distributed only upon a~~
4 ~~determination by the Chief Financial Officer that~~

5 *(ii) Whether issuing just compensation to that rightful owner*
6 *would serve to redress past acts of racial discrimination, prevent*
7 *future acts of racial discrimination, and benefit the whole of the*
8 *community and its general welfare.*

9 *(B) If the Office of Legal Affairs determines that providing just*
10 *compensation is warranted under clause (ii) of subparagraph (A),*
11 *the Office of Legal Affairs shall certify that the rightful owner is*
12 *entitled to compensation from the Fund for Reparations and*
13 *Restorative Justice in the amount of the fair market value of the*
14 *property, as determined pursuant to clause (i) of subparagraph*
15 *(A), minus the amount paid at the time of the taking, adjusted for*
16 *inflation.*

17 *(5) If the Office of Legal Affairs determines that an applicant*
18 *is not a rightful owner or that just compensation is not warranted,*
19 *the office shall notify the applicant of its finding. The applicant*
20 *may appeal the determination within 60 days of receiving the notice*
21 *and provide additional information to support their claim. The*
22 *office shall consider the appeal and any new information provided*
23 *and issue a determination on the appeal within 120 days.*

24 *(c) Every finding, decision, determination, or other official act*
25 *of the California American Freedmen Affairs Agency is subject to*
26 *judicial review in accordance with law.*

27 ~~16006.~~

28 *16007. The Office of Strategic Communications and Media*
29 *Affairs within the California American Freedmen Affairs Agency*
30 *shall develop and implement a public education campaign*
31 *regarding the cycle of gentrification, displacement, and exclusion,*
32 *the connection between redlining and gentrification, and the history*
33 *of discriminatory urban planning in the state.*

34 *SEC. 2. The Legislature finds and declares that the addition of*
35 *Chapter 4 (commencing with Section 16005) to Part 14 of Division*
36 *3 of Title 2 of the Government Code by this act serves a public*
37 *purpose and does not constitute a gift of public funds within the*
38 *meaning of Section 6 of Article XVI of the California Constitution*
39 *by redressing past acts of racial discrimination, preventing future*

- 1 acts of racial discrimination, and benefitting the whole of the
- 2 community and its general welfare.

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