

The INDEPENDENT

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Opinion

Property rights questions need careful consideration

A majority of Oregon voters approved of Ballot Measure 37, a "property rights" measure that was recently deemed unconstitutional by the Oregon Supreme Court. That judgement was anticipated because of a number of constitutional deficiencies incorporated in the measure.

This editorial isn't concerned with the legalisms involved in Measure 37, however, but with the ambivalence engendered by conflicting perceptions of the appropriate uses of private property. An example is readily available:

The efforts of property owners who want to expand the use of their airstrip in Buxton appears to be the sort of situation that a property rights law should address. The property owners, who are trying to add a commercial element in their rural neighborhood, have had to rein in their efforts because they have run afoul of a number of laws or procedures, including permits and environmental regulations.

Most of the voters in the Buxton/Manning area are independent people who support private property rights, similar to those espoused in Ballot Measure 37. They want to use their own properties as they see fit, not as someone else determines.

At the same time, they are adamantly opposed to any increase of activity at their neighbor's airstrip and are using laws and regulations to defend their rural lifestyle in a legal effort to prevent that expansion.

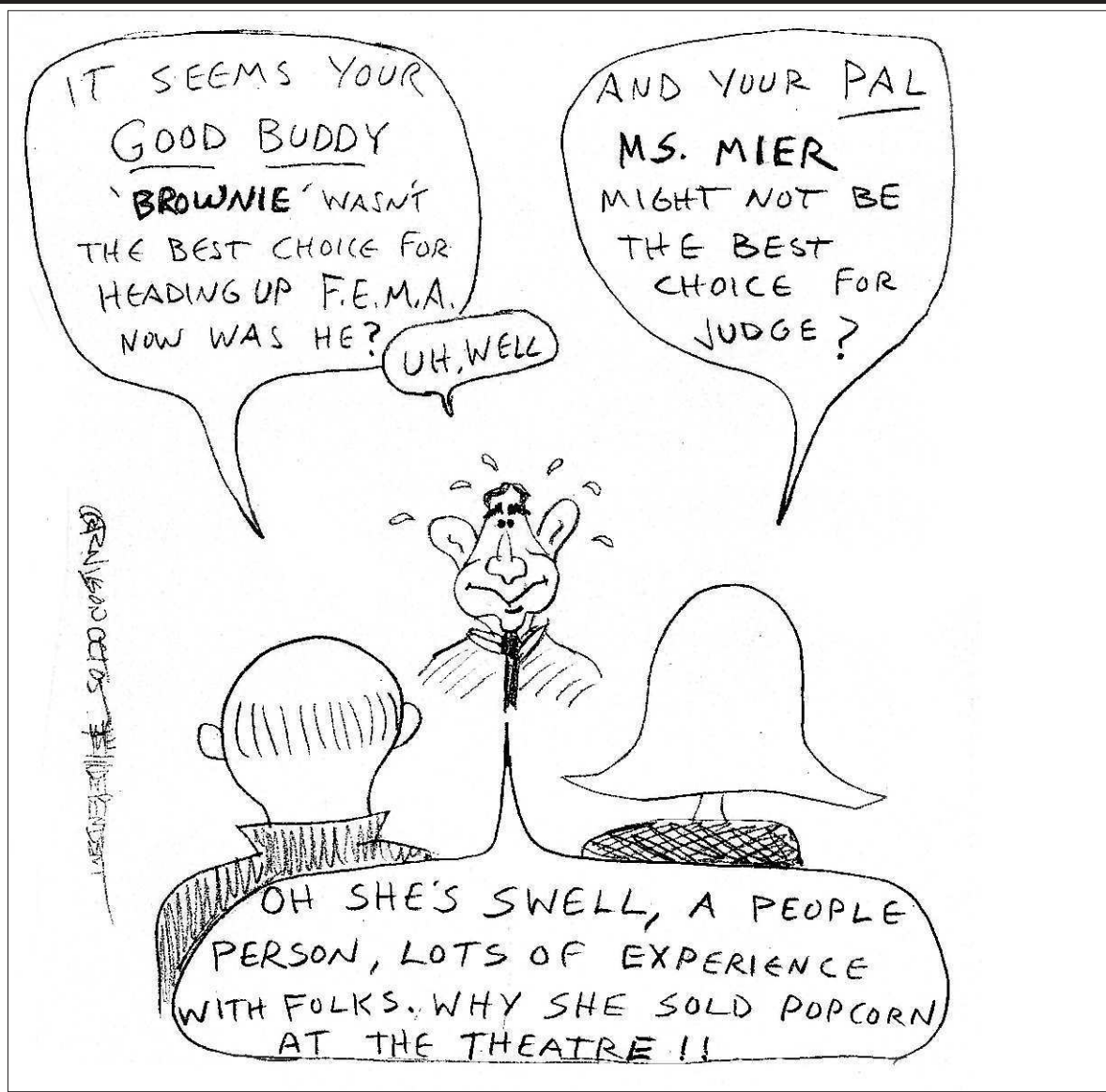
This is where ambivalence is evidenced regarding public policy. The desire of the airstrip property owners to maximize the value of their investment is easy to understand. The neighbors' opposition to a noisy commercial airport is also easy to understand.

Measure 37 is not, and has not been, involved in this situation; other regulations are involved in the legal pros and cons.

The questions still exist, however:

When do my property rights negate my neighbors' property rights? When can my neighbors' property rights interfere with how I use my property?

These questions are as related to our lifestyles as they are with economics. It won't be easy, but when "property rights" appear on another ballot, regulated use should not be the only consideration.



Proposed energy help falls short of need

The largest one-year jump in home heating prices in three decades means that the federal Low-Income Home Energy Assistance Program (LIHEAP) will require a significant amount of additional funding for fiscal year 2006 to avert widespread hardship, according to a new report by the Center on Budget and Policy Priorities.

The report includes data on the amount of funding each state will need in 2006 to keep LIHEAP recipients from paying more out-of-pocket for their heat this winter.

Projections issued by the Department of Energy indicate that home heating prices will average 47.5 percent more this winter than last winter. This is the steepest one-year increase in these costs since 1974, before LIHEAP was created. LIHEAP helps cover the cost of home heating and cooling bills for roughly 5 million very poor households, including many low-income elderly individuals.

"People who are poor enough to receive LIHEAP benefits are not in a position to absorb a big increase in home heating costs," said Richard Kogan, a senior fellow at the nonpartisan think tank and co-author of the report, Out in the Cold. "If these households don't receive more help paying their utility bills, many of them will face excruciating choices between heating their homes, paying the rent, having enough food to last through the month, and meeting other basic needs. Serious hardship is virtually certain to ensue."

The choice of whether to "heat or eat" is a real one for many poor households. A recent study by

researchers from Stanford University, the University of Chicago, the RAND Corporation, and UCLA found that when poor families' heating bills go up during cold winter months, they reduce spending on food by roughly the same amount as the increase in fuel expenditures.

(LIHEAP funding has never been sufficient to cover more than a fraction of the poor families eligible for assistance. It is distributed by local officials on the basis of greatest need.)

To protect households currently receiving LIHEAP assistance from paying more for heat this winter and accommodate a small increase in participation will require funding \$5.2 billion for 2006, the Center's analysis finds. The President's request for LIHEAP aid, submitted before the recent spike in energy prices, was \$2 billion. (LIHEAP received \$2.2 billion for fiscal year 2005.) The Administration is expected to submit a request for supplemental appropriations related to Hurricane Katrina, whether the request will contain additional LIHEAP funding is not known.

The heating bill of the average LIHEAP-assisted household will increase by at least \$500 this winter unless Congress provides substantially more funding. Increasing funding by 47.5 percent, to match the 47.5 percent increase in heating costs, would be inadequate. At that level, recipients still would face a 47.5 percent increase in their share of heating costs. LIHEAP generally covers less than a third of a household's monthly heating bill. At a funding level of \$5.2 billion, LIHEAP will be able to serve only about one-seventh of eligible households.