

# Opinion: Lawsuit against fire tax is a good move

By Ted Gaines

I applaud the class-action lawsuit filed by the Howard Jarvis Taxpayers Association against the illegal fire tax.

I attempted to fight the fire tax through a referendum and legislation and am pleased to see the Howard Jarvis Taxpayers Association challenging it in court. I encourage everyone who might get stuck paying this phony fee to get in the arena and fight it too. The answer to fire protection in California is not illegal taxes, but budgets that invest in core government services that protect every citizen in the state – rural, urban and suburban.



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The class-action complaint, filed in Sacramento County Superior Court, seeks to overturn the fire fee, which costs property owners an additional \$150 per year for each habitable structure on their property. The class-action names plaintiffs from Kern, Mendocino, Calaveras, Butte, San Bernardino, Solano, San Luis Obispo, El Dorado and Lassen counties, who together represent a cross-section of the roughly 825,000 property owners subject to the new fee.

As the state's largest taxpayers' association, HJTA is challenging the constitutionality of the fee on the grounds

that it is really a tax that needed a two-thirds vote in the Legislature to pass, but garnered only a bare majority and therefore never should have become law.

The complaint was filed against the California Department of Forestry and the Board of Equalization, as the two agencies responsible for identifying owners of the parcels subject to the new tax and collecting the tax, respectively. If the class-action suit is successful, approximately 825,000 homeowners could be eligible for refunds.

To be eligible for a refund, property owners must first pay their bill, and then file a protest with the State. HJTA has established a website that shows how to protest the fee and provides the necessary forms. Property owners can also sign up for free email bulletins that will keep them informed of the progress of the class-action suit. For more information, go online.

This \$150 fire tax is illegal and unfair – plain and simple. Many rural property owners already pay local fire agencies for protection so it is clearly double-taxation and it is being dumped on the backs of rural Californians when the state has more than 10 percent unemployment and families are struggling just to make ends meet. I look forward to seeing it overturned.

*Ted Gaines represents the 1st Senate District, which includes all or parts of Alpine, Amador, Calaveras, El Dorado, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento and Sierra counties.*