

## Fact-Checking Measure C

*The BS Asymmetry Principle: "The amount of energy necessary to refute BS is an order of magnitude bigger than to produce it." ([Alberto Brandolini](#))*

Once again Pacifica is being bombarded with political propaganda, this time on Measure C, a rent stabilization measure on the ballot in November. So far, out-of-town realtors have spent well over \$300,000 (and counting) to defeat the measure, dwarfing all local contributions. Although I am hardly an impartial observer, I put truth above ideology (as any of my Facebook friends will tell you!), so let me attempt to fact-check the areas of contention.

First, is it a "tax on homeowners" as the signs proclaim? The California Constitution defines a tax as "any levy charge or exaction" with certain exceptions, including "a cost for a specific service that is no more than the cost of providing that service," which would make it a fee. We know this definition applies to Measure C, because if it were a tax, it would require a two-thirds majority vote, and it certainly doesn't. So it's legally a fee. As for the "homeowners" part, the fee is designed to be paid for by the renters who benefit from the measure (although the fees would be paid upfront by the apartment owners). Homeowners who live in their own homes would not see a tax increase, and let's face it, that's what the signs imply.

Next issue: How much will it cost? City Attorney Michelle Kenyon, who researched and wrote the final measure, estimated operating costs at about \$500,000 a year with a \$200,000 startup cost. The No campaign says it will cost "\$2,000,000 and counting." They got that number from Tom Means, a radical Libertarian who opposes smoking bans, plastic bag bans, and any affordable housing measures, among other things. I looked at his "analysis," which makes the bizarre assumption that the costs are "independent of population size," even though, for instance, Los Angeles' program has a budget of \$22 million and East Palo Alto's is about half a million. Means concludes that Pacifica's program will cost "\$682 to \$909 per unit," even though most of the cities he compares us to cost around \$230 per unit (and some he left out cost far less.) He basically cherry-picked a few random statistics and then spit out a non-sequitur conclusion, hardly an impartial analysis. (I encourage you to read it here and see for yourself; the relevant portion is at the very end: [http://www.samcar.org/userfiles/file/Pacifica-Coalition\\_TomMeans\\_201709.pdf](http://www.samcar.org/userfiles/file/Pacifica-Coalition_TomMeans_201709.pdf)). Although there may very well be cost overruns, I have a lot more confidence in Pacifica's legal staff's numbers than this guy's.

Relatedly, in one of the flyers, Len Stone says it will pay for "7 highly paid administrators," but by all accounts they will be paid the exact same as all the other city commissions: zilch. This isn't specified in the measure, but is evidenced by the staff report to City Council on May 8, which detailed the expenses as "two program analysts and one administrative assistant... a Hearing Officer for tenant petitions, supplies and services, and community education, etc." Nothing about paying for the

rent board members, so we can put that one to rest. (The report is here: <http://www.cityofpacifica.org/civicax/filebank/blobdload.aspx?BlobID=12741>).

Here's another quote from Mike O'Neill: "We would be forced to cut other city programs and services to fund this." Nope. This is the relevant text of the measure: "The initial fee shall be nineteen dollars per month per rental unit, and shall be adjusted as necessary by the City Council to ensure full funding of this article." This is pretty clearly revenue-neutral to the city. Now it's true that in some years the cost may exceed the funding, and the city may temporarily need to cover the shortfall, but it would not affect the bottom line for any city services. (Here is the full text of the Measure:

[https://ballotpedia.org/Pacifica, California, Rent Control, Measure C \(November 2017\)](https://ballotpedia.org/Pacifica,_California,_Rent_Control,_Measure_C_(November_2017))).

The flyers also talk about the threat of lawsuits, and this is a very real threat. Pacifica's city attorney says they could cost between \$150,000 and \$250,000, which is worrisome. Cities that pass rent stabilization almost always get sued by the real estate industry, but so far those have always failed, but not before causing the cities to run up costly legal fees. Mountain View, which passed a similar measure last year, was hit with a lawsuit by the California Apartments Association. But that lawsuit was dropped less than a month after it was filed, after a judge struck down all of their preliminary claims. Some think that signaled the end of such frivolous lawsuits, but only time will tell. At any rate, keep in mind that the same people who are warning us of lawsuits are bankrolled by the organizations that would file them. If they don't want us to waste money on frivolous lawsuits, there is an easy way to ensure it: Don't sue us!

Another claim is that this would affect single-family homes. State law currently excludes such homes from rent protections. Although it is true that state legislators have proposed rolling back this provision, that bill is currently tabled. Even if that bill were eventually to pass, Measure C explicitly excludes single-family homes, as well as duplexes, in-law units, and condos (it actually goes further than state law). In California, when a local measure is approved by a vote of the people, it cannot be changed without another vote of the people, period. So the flyers that say "The City Council can change Measure C whenever they want to include single-family homes" are just plain lying.

One particularly farcical claim is that Measure C would allow 16 people to move into a two-bedroom apartment, and there is nothing the landlord could do about it. Actually, Measure C has no impact on who can be a tenant. In fact, advocates asked for the measure to at least allow a tenant to have a child without voiding the lease, but City Council declined, therefore, whatever is on the lease determines how many tenants can live in the unit, with no exceptions.

Now you would think realtors would be good with numbers, but SAMCAR (San Mateo County Association of Realtors) just put out a press release with this

whopper: “The City of Pacifica has an annual budget of \$10,000,000. Measure C would take up 20 per-cent of the city’s operating revenue.” Actually, our annual budget is \$31 million and Measure C would take up about 1/62<sup>nd</sup> of our budget, or 1.6%. This is embarrassingly wrong and easily checked.

But the most important claim to fact-check is this one, copied verbatim from a flyer: “Measure C does not help seniors, low income residents and children.” There are countless examples of just these kinds of residents who have been saddled with impossible rent increases. On Talbot, one building alone gave all 16 units an \$800 monthly increase, and there were plenty of “seniors, low income residents and children” there. I recently saw one of my bank tellers working at a store and asked if she quit her job at the bank. She explained that she got a huge rent increase and now must work two jobs, 70 hours a week to make ends meet for her and her daughter. Imagine working 10 hours a day, 7 days a week and trying to raise a kid! Fortunately, her rent was increased this spring, and Measure C is retroactive to February, so if this passes, she would be able to quit her second job. That is a very real benefit for someone who really needs it.

Beyond the direct financial security Measure C would give our most vulnerable citizens, it also affords them the peace of mind of knowing that if they work hard and play by the rules, they will be able to stay in Pacifica and be a full member of the community, without their lives depending on the whims of whoever owns their apartment building.

In the election of Donald Trump, the US is waking up to the problems inherent in putting a real estate developer in charge of public policy. In Pacifica, three of the past five council members are realtors, and a fourth was married to a mortgage broker. The National Association of Realtors (NAR) is to rent control what the National Rifle Association (NRA) is to gun control. The NAR has already spent more to defeat Measure C than the NRA spends to buy off a handful of congressmen. Fortunately, Pacificans have traditionally been pretty good at seeing through such big-money propaganda, but this time the propaganda is far more deceitful than anything we have seen before.

As long as this piece is, there are plenty more falsehoods I didn’t cover (starting with the completely dishonest signature drive), but the lesson is clear: Just because you see or hear something presented as a fact doesn’t make it so. Legitimate arguments can be made against Measure C, but its opponents have chosen instead to base their campaign on falsehoods. As a result, Measure C is not being judged on its merits. If this measure is defeated, expect more of the same. Therefore, it is incumbent upon us to tune out the noise and base our votes on the facts. Our democracy depends on it.

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