



County of San Luis Obispo City of San Luis Obispo Special Election

Tuesday, August 22, 2017

Voter Information Guide

- This is a mailed ballot election. Your **OFFICIAL BALLOT** along with this Voter Information Guide are contained in your Vote-By-Mail (VBM) packet. There is no sample ballot in this booklet since your OFFICIAL BALLOT is included. If you desire a copy of the ballot for your use, you can download one from www.slocounty.ca.gov/clerk or call 781-5228 to request one to be sent to you. **This will be the only official mailing.**
- **To be counted, your ballot must be postmarked on or before Election Day and received within 3 days after Election Day or received by the County Clerk-Recorder's Main Office or at any drop-off location (listed on the back cover of this booklet) by 8:00 pm on Election Day, August 22, 2017.**
- **Spoiled Ballot?** If you make a mistake, tear or deface any portion of your ballot, please contact the Clerk-Recorder office for further instructions.
- Contact the **Clerk-Recorder** by phone at 781-5228 or via email at elections@co.slo.ca.us with any questions.
- Vote by Mail Look-Up on the Web: Check the status of your returned VBM ballot on the Internet at www.slovote.com

Vote By Mail Instructions to Voters

Use any black or blue colored pen or pencil to mark your ballot.
Follow the “Instructions To Voters” on your OFFICIAL BALLOT to
vote on the measure of your choice.

WHEN YOU HAVE FINISHED VOTING:

1. Tear off the stub, fold the ballot, seal it in the I.D. Return Envelope, read Declaration of Voter and sign your name in the space provided - your signature must look similar to the original signature on your Affidavit of Registration - **DO NOT PRINT YOUR NAME.**
2. If you are unable to sign, you must mark an “X” and have it witnessed by one other person. No one else may sign for you.
3. If your residence address is different than what is printed on your envelope, please provide your updated address on the line provided.
4. Affix first class postage (currently \$0.49). The USPS recommends that you mail your ballot by **Tuesday, August 15, 2017**, or sooner, to ensure that it arrives by Election Day – **August 22, 2017**. You may also return your ballot in person to the County Clerk-Recorder’s Office, 1055 Monterey Street, #D120, San Luis Obispo (8am to 5pm, Monday - Friday). On Election Day, you may return your ballot in person at any of the Official Ballot Drop-Off Centers listed on the back cover of this booklet between 7:00am and 8:00pm.

You may vote and return your ballot as soon as you receive it - you do not have to wait until Election Day. However, be aware that once your voted ballot is returned to the Elections Office, either in person or by mail, it is considered “**in the ballot box**” and may not be retrieved.

VOTER’S PAMPHLET INFORMATION SECTION

The Following Contains Voter Information Applicable to your Ballot:

- BALLOT TITLE AND SUMMARY
- FULL TEXT OF THE BALLOT MEASURE
- CITY ATTORNEY’S IMPARTIAL ANALYSIS
- ARGUMENTS, IN FAVOR AND AGAINST
- REBUTTALS TO ARGUMENTS IN FAVOR AND AGAINST

Arguments in support or opposition of the proposed laws are the opinions of the authors. The arguments are printed as submitted by the authors.

The San Luis Obispo City Attorney prepared the following title and summary of the chief purpose and points of the proposed initiative measure prior to circulation of the measure for signatures and prior to City Council repeal of Chapter 15.10, entitled "Rental Housing Inspection", effective April 20, 2017.

TITLE

AN INITIATIVE TO REPEAL CHAPTER 15.10 OF THE SAN LUIS OBISPO MUNICIPAL CODE ENTITLED "RENTAL HOUSING INSPECTION" AND TO ADOPT NEW CHAPTER 15.10 ENTITLED "NON-DISCRIMINATION IN HOUSING"

SUMMARY

Existing San Luis Obispo Municipal Code Chapter 15.10, Rental Housing Inspection, established a program for the registration and code compliance inspection of residential rental units in the City of San Luis Obispo. Chapter 15.10 applies to all "residential rental dwelling units" in the City, which are defined as "...single-family dwellings, duplexes, and second dwelling units, which are rented, leased, or held out for rent or lease, or otherwise used for residential rental purposes, including any curtilage, structures or buildings on the property on which the residential rental dwelling unit is located...This definition excludes multifamily dwellings having three or more dwelling units within a structure and transient type occupancies (hotels, motels and bed and breakfasts)," which are subject to separate state law inspection provisions.

Based on legal and factual assertions stated in the proposed measure, the proposed measure would repeal entirely San Luis Obispo Municipal Code Chapter 15.10, entitled "Rental Housing Inspection," Sections 15.10.010 – 15.10.110, and replace that Chapter with a new Chapter 15.10, entitled "Non-Discrimination in Housing," Section 15.10.010, to read as follows:

The City of San Luis Obispo shall not discriminate against any person based upon age, income, disability, gender, race, ethnicity, sexual identity, or inability or ability to own a home, by imposing any compulsory program, policy, intrusion or inspection applicable to any residential dwelling unit. No determination to conduct an inspection of any dwelling shall be based substantially on any occupant's age, income, disability, gender, race, ethnicity, sexual identity or status as an owner or renter of such dwelling.

Current California and federal laws prohibit discrimination in housing accommodations based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability or genetic information. The first sentence of the proposed measure defines certain characteristics on which it would prohibit the City from discriminating "... by imposing any compulsory program, policy, intrusion, or inspection applicable to any residential dwelling unit." The characteristics on which the defined discrimination would be prohibited include some, but not all, existing characteristics protected under state and federal housing law. The proposed measure additionally would prohibit the form of discrimination described in the measure based on "income" and "inability or ability to own a home". The second sentence of the proposed measure would prohibit a City "...determination to conduct an inspection of any dwelling...based substantially on..." the same set of characteristics on which the measure would prohibit discrimination, but including "status as an owner or renter" and not including "inability or ability to own a home".

**CITY OF SAN LUIS OBISPO
FULL TEXT OF MEASURE B-17**

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS ABOLISHING CHAPTER 15.10 OF THE SAN LUIS OBISPO MUNICIPAL CODE AND ADOPTING A NON-DISCRIMINATION IN HOUSING ORDINANCE.

WHEREAS, the People of San Luis Obispo seek to protect the privacy of all residents from discriminatory inspections invading residents' privacy that violate the First, Fourth and Fifth Amendments of the U.S. Constitution; and

WHEREAS, Chapter 15.10 requires mandatory intrusive inspections inside homes in San Luis Obispo violating the privacy of City residents under the First, Fourth and Fifth Amendments; and

WHEREAS, Chapter 15.10 is so vague that City Officials are authorized to silently discriminate in determining whose home to target based on age, income, political activity, or status as a renter or an owner; and

WHEREAS, Chapter 15.10 must be abolished and replaced with a Non-Discrimination in Housing Ordinance to protect residents' privacy in San Luis Obispo;

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF SAN LUIS OBISPO DO ORDAIN AS FOLLOWS:

SECTION 1. This ordinance shall be known as the "Non-Discrimination in Housing Ordinance."

SECTION 2. Chapter 15.10, "Rental Housing Inspection", of the San Luis Obispo Municipal Code is hereby repealed and new Chapter 15.10 is adopted to read as follows:

CHAPTER 15.10. NON-DISCRIMINATION IN HOUSING

SECTION 15.10.010 The City of San Luis Obispo shall not discriminate against any person based upon age, income, disability, gender, race, ethnicity, sexual identity, or inability or ability to own a home, by imposing any compulsory program, policy, intrusion or inspection applicable to any residential dwelling unit. No determination to conduct an inspection of any dwelling shall be based substantially on any occupant's age, income, disability, gender, race, ethnicity, sexual identity or status as an owner or renter of such dwelling.

SECTION 3. The people of City of San Luis Obispo hereby request this ordinance be submitted immediately to a vote of the people at a special election, pursuant to Elections Code § 9214.

IMPARTIAL ANALYSIS OF MEASURE B-17

This is an initiative measure placed on the ballot by a petition signed by the requisite number of City voters. The measure proposes to: 1) repeal former Chapter 15.10 of the San Luis Obispo Municipal Code, entitled "Rental Housing Inspection", which established a program for the registration and code compliance inspection of residential rental units in the City; and 2) replace it with a new Chapter 15.10 entitled "Non-Discrimination in Housing." After proponents submitted the measure to the City Elections Official and it qualified for a special election, the City Council repealed the Rental Housing Inspection program. The Elections Code does not permit a qualified measure to be modified or withdrawn, once submitted. Thus, the repeal provision remains in the text of the measure, even though the Council already repealed Chapter 15.10.

The City is currently governed by state and federal laws, which: 1) prohibit housing discrimination based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability or genetic information; and 2) establish the legal requirements to conduct residential inspections.

The first sentence of the proposed measure specifies that "...imposing any compulsory program, policy, intrusion, or inspection applicable to any residential dwelling unit" is a prohibited type of discrimination, if based on certain characteristics, including some, but not all, characteristics protected under state and federal housing law. The sentence also prohibits the specified type of discrimination based on "income" or "inability or ability to own a home," which are not protected characteristics, as defined under state or federal law.

The second sentence of the measure prohibits any City "...determination to conduct an inspection of any dwelling...based substantially on..." similar, but not identical, characteristics as listed in the first sentence. This inspection sentence includes the characteristic "status as an owner or renter," instead of "inability or ability to own a home" as used in the first sentence. The measure does not define any terms or explain the distinctions in terms between the two sentences. The measure does not include any of the exemptions included in state or federal housing law. This creates uncertainty as to the effect of the measure on existing law and the operation of the measure.

The measure also states that former Chapter 15.10 authorized discrimination and was unconstitutional. Those assertions have not been ruled upon by a court, but could result in liability to the City in subsequent litigation if the measure were adopted and a court deemed the assertions to be admissions by the City.

A yes vote means that new Chapter 15.10 would replace former Chapter 15.10 and that specified City actions and residential inspections, based on the characteristics specified in the measure, would be prohibited, unless later modified by the voters of the City.

A no vote means that former Chapter 15.10 would not be replaced with new Chapter 15.10 and the City would continue to be governed by existing state and federal laws regarding housing non-discrimination and residential inspections.

s/ J. Christine Dietrick
City Attorney
City of San Luis Obispo

Arguments in support or opposition of the proposed laws are the opinions of the authors.

The arguments are printed as submitted by the authors.

ARGUMENT IN FAVOR OF MEASURE B-17

You can help San Luis Obispo be a livable, affordable, and welcoming city with your Yes vote for Measure B-17. Thousands of your neighbors signed the initiative petition to give you this opportunity to guarantee residents' sacred rights of privacy and foreclose discrimination in city housing policies.

By voting Yes, we all can secure the "Rental Housing Inspection" ordinance in an enduring repeal-lock-box, so that it cannot be re-imposed without the voters' say so. And, if any city council puts a similar invasive ordinance on a future ballot, San Luis Obispo voters will never again allow unconstitutional searches of private homes, without probable cause.

By voting Yes, we will decree for the first time that San Luis Obispo housing policies must not discriminate between people based on age, income, disability, gender, race, ethnicity, sexual identity, or status as a renter or homeowner. Your Yes vote assures that every person in San Luis Obispo is treated with equal dignity, regardless of status.

By voting Yes, we can keep our city from stumbling into costly and embarrassing lawsuits for violating residents' fourth and fifth amendment rights.

By voting Yes, we can reduce skyrocketing rent increases. The "Rental Housing Inspection" ordinance's expensive registration and inspection fees would otherwise be passed by landlords on to tenants.

False fears peddling the "dangers" of treating all people with equal dignity collapse under the weight of the opponents' own tortured reasoning.

The city's desire to raise revenue never justifies unconstitutional ordinances. Strike a blow for equal dignity, more affordable housing, security, and privacy by Voting Yes on Measure B-17.

s/ Stew Jenkins
Homeowner-Proponent

s/ Daniel Knight
Tenant-Proponent

s/ Ernest Kim
Homeowner

s/ Cameron Berkins
Renter Equality Affordability League

s/ Alisa Reynolds
Tenant

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B-17

Please vote NO on Measure B-17 to support affordable housing and to avoid potential costly lawsuits.

This measure was created to fight a law that is no longer in existence. The proponents' argument is centered on a program that was repealed 5-0.

No future Council will bring back a program that was repealed by a unanimous vote, and opposed so strongly by so many residents.

The initiative petition got thousands of signatures through misleading language and a desire to remove the Rental Housing Inspection Program. The Council listened to the voices of the people and got rid of the program.

Instead of celebrating an example of democracy working and a win for Fourth and Fifth Amendment rights, the community is met with B-17, a good idea gone very bad.

The problem with B-17 is that no one really knows what the legal interpretation would be. That's what the impartial legal analysis contained in this ballot pamphlet says. That's why so many people who care about affordable housing are completely against it.

B-17 cannot reduce rent increases by dismantling our affordable housing programs.

Even the spokesperson of this ordinance recognized the harms contained in the "non-discrimination" language and tried to fix it after the petitions were turned in, but it was too late. There is no fixing of poorly written, legally unclear language.

Let's preserve San Luis Obispo's ability to help everyday people with affordable housing programs and policies.

We urge you to vote NO on Measure B-17.

s/ Julia Ogden
CEO, Habitat for Humanity

s/ John Fowler
CEO, People's Self-Help Housing

s/ Scott Smith
Executive Director, Housing Authority (HASLO)

s/ John Spatafore
President, Friends of 40 Prado-Homeless Foundation

s/ Dale Stoker
SLO U40 Housing & Renter Advocate

ARGUMENT AGAINST MEASURE B-17

Please vote NO on this misleading ballot measure. It is unnecessary, ill advised, harmful to every affordable housing program in our city, and could trap the community in costly lawsuits.

The first section of this ordinance attempts to repeal the Rental Housing Inspection Program. It has already been repealed by the Council on a 5-0 vote. The city's residents were very clear in communicating their overwhelming lack of support for this program, and it is not coming back.

The second section sounds harmless. The label of "non-discrimination" is compelling, and sounds easy to support. But it is a trap, because it includes legally unrecognized and legally unclear categories like "income", "owner or renter", and "ability to own a home". These create legal loopholes.

There are lawyers who would take advantage of these loopholes and sue the city over its housing programs. Countless taxpayer dollars would be lost on litigation defending our affordable housing regulations. These laws help provide housing for workers, seniors, students, low-income residents, veterans, and those struggling to afford housing in San Luis Obispo. For example, under this ordinance even laws that stabilize rent for mobile home parks could be argued as "discrimination" in favor of renters.

This ordinance would dismantle any hope of affordable housing programs in SLO. This may not have been the intent, but it will most certainly be the result.

The writers of this ordinance will argue that it "locks" into place the end of the RHIP. But the RHIP is already dead and gone, we already have anti-discrimination protections, and this ordinance could instead kill off all the city's housing programs. If you think San Luis Obispo is expensive now, wait until these programs are taken away.

Don't risk letting this happen. Please vote NO on Measure B-17.

s/ Heidi Harmon
Mayor

s/ Dan Rivoire
Vice Mayor

s/ Andy Pease
Council Member

s/ Carlyn Christianson
Council Member

s/ Aaron Gomez
Council Member

REBUTTAL TO ARGUMENT AGAINST MEASURE B-17

The city council and their adherents argue Measure B-17 is not needed because the Rental Inspection ordinance is "dead and gone." But the council can undo its repeal next week. Voter repeal is permanent.

To paraphrase "Miracle Max" from the "The Princess Bride," the city council's rental inspection ordinance "is only MOSTLY dead."

Barely secret is council's desire to breathe new life into the ordinance's registration and license fees, with hugely increased fines for innocent things like replacing your water heater without a permit when you wake Saturday morning with no hot shower. Without B-17, fees and fines will be passed on to raise rents.

Unless we vote yes on Measure B-17, a future city council can bring back all of its invasive provisions. City management wrote the inspection ordinance, and remain to push it through again to pad salaries.

Voting yes makes more affordable rental housing. Current affordable housing programs impose a "fee" on developers for the city's low-income building fund, unless developers create low cost units. Mobile home rent control prevents trailer park owner greed. Neither discriminates AGAINST folks by age, income, disability, gender, race, ethnicity, sexual identity, or status as a renter or homeowner!

Discrimination pits one group against another. The city council's death grip on their "privilege" to discriminate shows voters that Measure B-17 is overdue to assure equal dignity in housing regardless of age, income, disability, gender, race, ethnicity, sexual identity, or status as a renter or homeowner.

Yes on Measure B-17 ends housing discrimination.

s/ Cameron Berkins
Renter Equality Affordability League

s/ Daniel Knight
Tenant-Proponent

s/ Stew Jenkins
Homeowner-Proponent

s/ Alisa Reynolds
Tenant

s/ Allen K. Settle
Former Mayor San Luis Obispo

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www.slovote.com

Find Out The Status Of Your Vote-By-Mail Ballot

County of San Luis Obispo
Election Information

Vote-by-mail ballot status look-up

This vote-by-mail ballot status lookup is provided for our voters to be able to track the date their vote-by-mail ballot was mailed to them and whether it has been received by the Elections Office.

In order to maintain the privacy of the voter, the information below must be an exact match to the voter registration on file with our office and all fields must be completed.

Click the **Submit** button below, then scroll down the page to see your ballot status.

If you cannot find your vote-by-mail ballot record, please contact the Elections Office at 781-5228 and we can assist you.

First Name Last Name

Birth Date (Format: mm/dd/yyyy)

Street Address Number Only

Zip Code

Official Ballot Drop-off Locations

ELECTION DAY: AUGUST 22, 2017

**Locations will open at 7 A.M. and close at 8 P.M.
Listed below are the locations where you can drop
off your Vote-By-Mail ballot on Election Day:**

Zion Lutheran Fellowship Hall
1010 Foothill Boulevard
San Luis Obispo

Unity of San Luis Obispo
1130 Orcutt Road
San Luis Obispo

Laguna Lake Mobile Estates
1801 Prefumo Canyon Road
San Luis Obispo

Clerk-Recorder Main Office
1055 Monterey Street, Room D120
San Luis Obispo

***Please note that these locations, with the exception of the Clerk-Recorder's Main Office are for completed ballot drop off only. If you need a replacement ballot or need other assistance, please come to the County Clerk-Recorder office.**

