

CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE C

If adopted by the voters, Measure C would adopt an ordinance entitled “Pacifica Community Preservation, Rent Stabilization, and Renters’ Rights Act” (“Ordinance”). The Ordinance would both limit the amount a landlord may increase rents on certain rental units and impose restrictions on a landlord’s ability to evict tenants. Certain types of rental units such as single-family homes, condominiums, duplexes, second units, and rental units with an initial certificate of occupancy dated on or after February 1, 1995 would be exempt from all of the Ordinance’s requirements. Other than mobile homes and condominium conversions, the City does not currently regulate the amount of rent a landlord may charge.

Measure C would prohibit landlords from charging rent that exceeds the base rent plus any rent increases implemented pursuant to the Ordinance. The base rent equals the rent in effect on February 13, 2017 (“Base Rent”). Following adoption of the Ordinance, a landlord may increase rent annually by the Consumer Price Index increase (“Annual General Adjustment”). A landlord would be prohibited from charging above the Base Rent plus the Annual General Adjustment unless the landlord petitions for an upward adjustment in rent and any such rent adjustment is approved by the Pacifica Rental Housing Commission (“Commission”). A tenant may also petition for a downward adjustment in rent if a landlord demands or retains rent in excess of any lawful rent authorized under the Ordinance.

Measure C would also prohibit landlords from terminating tenancies unless certain just cause conditions exist. Those conditions include: failure to pay rent, breach of lease, nuisance, criminal activity, failure to grant access, necessary and substantial repairs, owner move-in, permanent withdrawal of the unit from the rental market, and demolition of the rental unit. The Ordinance would also require landlords to make relocation assistance payments to tenants under certain circumstances.

Measure C would establish the Commission which would be composed of 7 members appointed by the City Council. The Commission sets the Annual General Adjustment and will hear and adjudicate petitions for upward and downward adjustments in rent. The Commission would finance its expenses by charging landlords a monthly \$19 per unit registration fee and a one-time charge of \$6 per unit to finance startup costs which fees may be passed on to Tenants.

To be adopted, Measure C must be approved by a simple majority (greater than fifty percent (50%)) of the ballots cast in this election.

A “Yes” vote is a vote to approve the Ordinance and will authorize rent stabilization and restrictions on certain tenant evictions in the City.

A “No” vote is a vote to not approve the Ordinance and neither rent stabilization nor restrictions on tenant evictions will be authorized in the City.

The above statement is an impartial analysis of Measure C. The full text of Measure C is printed in the Voter's Information Pamphlet and is also available on the City of Pacifica's website at: <http://www.cityofpacifica.org>.

/s Michelle Marchetta Kenyon, City Attorney
City of Pacifica