

1993

## Low Rent Housing Projects.

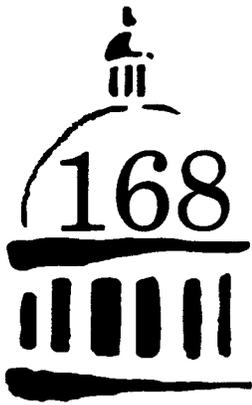
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**Low Rent Housing Projects.  
Legislative Constitutional Amendment.**

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**Official Title and Summary Prepared by the Attorney General**

**LOW RENT HOUSING PROJECTS.  
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

- Amends state constitutional definition of low rent housing projects to include only projects owned by a governmental entity as defined. Excludes projects found to have no significant negative impact on the revenues of the affected governmental entity, and whose physical appearance is found to have no significant negative impact on the surrounding community.
- Requires approval by voters only upon qualification of ballot petition as specified.
- Exempts projects approved on or before November 3, 1992, or projects with existing contracts for federal financial assistance.

**Summary of Legislative Analyst's  
Estimate of Net State and Local Government Fiscal Impact:**

- Reduces local election costs by an unknown, but probably minor, amount.
- Could result in increased local expenditures for low rent housing. Extent of increase on a statewide basis is not likely to be major.

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**Final Votes Cast by the Legislature on SCA 17 (Proposition 168)**

Assembly: Ayes 55	Senate: Ayes 29
Noes 22	Noes 5

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## Analysis by the Legislative Analyst

### Background

The California Constitution prohibits the state or local government from developing, constructing, or acquiring a low-rent housing project unless it is approved by the local voters. In general, a low-rent housing project is defined as government-aided housing for rental to persons or families who do not have enough income to live in safe and sanitary homes without financial assistance.

### Proposal

This constitutional amendment has two parts:

- **Election Requirement.** The measure revises the election requirement for low-rent housing projects.
- **Definition of Low-Rent Housing.** The measure changes the definition of low-rent housing projects subject to the election requirement.

**Election Requirement.** This measure removes the requirement that a low-rent housing project be approved by a vote of the people in the city or county where the project is to be located. Instead, the governmental entity which proposes such a project would be required to give public notice of the proposal, and a vote of the people would be required only if a petition is signed by a certain number of the qualified voters in the affected city or county area. The number of signatures required to place the proposal before the voters would be the same as that

required by state law to place a local referendum measure before the local voters. An election would be held in the affected area if the signed petitions are submitted within 30 days of the date the governmental entity approved the housing project.

**Definition of Low-Rent Housing.** The measure amends the definition of low-rent housing to include only certain federally financed, publicly owned housing projects which (1) contain 24 or more housing units (16 or more units in rural areas) and (2) impose a significant negative impact upon the physical appearance or revenues of the community. This change in definition of low-rent housing projects would significantly limit the types of housing developments subject to the public notification and election requirements discussed above.

### Fiscal Effect

Adoption of this measure would reduce local election costs by an unknown, but probably minor, amount.

To the extent that the changes made by this measure make it easier to establish low-rent housing projects, this measure could result in increased public expenditures, primarily at the local level. The extent of such increases can not be determined, but are not likely to be major on a statewide basis.

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For the text of Proposition 168 see page 39

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## Argument in Favor of Proposition 168

### PROPOSITION 168 WILL HELP CREATE JOBS AND BUILD HOUSING

Too many seniors, disabled veterans and families with children are paying far too much of their incomes for housing. PROPOSITION 168 will help clear the way for affordable housing construction for these groups. PROPOSITION 168 reforms the outdated requirement for an election before affordable housing can even be approved. Requiring elections for every publicly-assisted housing venture, even when there is no local opposition, is a waste of taxpayers' money. No other state constitution puts such a roadblock in front of efforts to house senior citizens and others in need.

PROPOSITION 168 will help create construction jobs and provide housing for senior citizens, veterans, the disabled and families in need. It will reduce costs to local governments and taxpayers. PROPOSITION 168 will help spur low-cost housing construction and get our economy moving again.

### PROPOSITION 168 IS A GOOD GOVERNMENT MEASURE WITH BROAD SUPPORT

PROPOSITION 168 is a good government measure that enjoys broad community support: business and labor, homebuilders and environmentalists, seniors, veterans and affordable housing advocates. PROPOSITION 168 updates an obsolete law and removes a costly state mandate to hold an election before building publicly-supported housing, while preserving the local right to vote. PROPOSITION 168 removes the state mandate to hold costly, unnecessary referenda votes.

PROPOSITION 168 has the support of hundreds of housing and good government organizations, including:

**THE LEAGUE OF WOMEN VOTERS OF CALIFORNIA**—because holding an election where no controversy or opposition exists makes the ballot more complex and confusing and is an unnecessary use of taxpayer money;

**THE SIERRA CLUB AND THE PLANNING AND CONSERVATION LEAGUE**—because PROPOSITION 168 maintains effective checks and balances to protect neighborhoods and the environment;

**THE CONGRESS OF CALIFORNIA SENIORS AND THE ASSOCIATION FOR SERVICE DISABLED VETERANS**—because we need to build low-cost housing for seniors, veterans and families with children;

**THE CALIFORNIA CHAMBER OF COMMERCE AND THE CALIFORNIA FEDERATION OF LABOR**—because cutting government red tape will create construction jobs and spur economic recovery;

**AFFORDABLE HOUSING ADVOCATES**—because PROPOSITION 168 will help over 1,000,000 families with children currently living in dangerous, unhealthy housing.

### PROPOSITION 168 UPDATES AN ARCHAIC LAW AND PRESERVES THE RIGHT TO VOTE

A 1950 law requires a local election *before* publicly-backed housing can be built. That law needs updating. During the last decade, voters have passed 87% of the housing proposals. It is a waste of taxpayer money to continue voting on every proposal. PROPOSITION 168 instead allows local voters to seek a referendum on controversial housing developments. The local vote *and* taxpayer funds are preserved.

### PROPOSITION 168 WILL HELP PROVIDE HOUSING FOR CHILDREN, FAMILIES AND SENIORS

The requirement to hold an election for every single public-backed housing undertaking can cause delays that needed housing construction. The ones hurt are senior citizens, veterans, families with children, and wage-earners whose budgets are stretched beyond the breaking point.

PROPOSITION 168 will move California forward.  
PLEASE VOTE "YES" ON PROPOSITION 168.

**MARLYS E. ROBERTSON**

*President, League of Women Voters of California*

**CHARLES M. CALDERON**

*Member of the Senate, 26th District*

**HOWARD L. OWENS**

*Legislative Director, Congress of California Seniors*

## Rebuttal to Argument in Favor of Proposition 168

### *DON'T GIVE AWAY OUR VOTING RIGHTS!*

When the other side says elections are a "waste" and a "roadblock," we ought to be very suspicious.

When they say elections are "costly" and "unnecessary," it usually means they want to slip a fast one past the taxpayers. It costs very little to add a question to the ballot.

When they say the current State Constitutional protection is "outdated" and "obsolete," it really means it's been working extremely well for a long period. They just don't like the results.

*Why are they so afraid of the ballot box?*

Perhaps it's because too many public housing developments have turned into graffiti-covered slums. Too often these projects trap the very people they are supposed to help in filthy, crime-ridden tenements.

The current law has prevented many questionable housing projects from even getting started—because the politicians knew they'd be defeated at the polls. That makes their "87% approval" statistic highly misleading. It ignores all the projects

that never even made it onto the ballot due to this Constitutional safeguard. Proposition 168 would destroy that protection.

Why should we trust politicians and special interests to protect our local neighborhoods and spend our tax dollars wisely? After all, they don't trust us to vote wisely.

Proposition 168 will not create a single new house or apartment! All it does is *strip away* our *Constitutionally-guaranteed* right to vote on public housing projects.

This anti-democratic measure must be defeated!  
Please VOTE NO on Proposition 168.

**RICHARD L. GANN**

*President, Paul Gann's Citizens Committee*

**DON ROGERS**

*Member of the Senate, 17th District*

**GIL FERGUSON**

*Member of the Assembly, 70th District*

# Low Rent Housing Projects. Legislative Constitutional Amendment.

# 168

## Argument Against Proposition 168

Proposition 168 takes away our right to vote on local housing projects that affect us.

Proposition 168 would overturn a voter-approved initiative that's worked to protect us for 43 years. Right now, the State Constitution guarantees that voters will decide on low rent housing projects through the ballot box—each and every time the issue comes up.

Proposition 168 turns that on its head. Instead of an automatic election, we would have to collect a huge number of signatures in only 30 days, just to get the issue on the ballot. In addition, Proposition 168 redefines "low rent housing projects" to exempt many projects from any vote whatsoever!

Under this misguided measure, there will be one less check on wasteful government spending, and one more burden on the taxpayers as we try to protect our tax dollars. Why should we have to leap through hoops this way, just to have a say in our own neighborhoods?

Proposition 168 is a terrible violation of our voting rights. It will deprive communities of local control, endanger existing residential neighborhoods, and perpetuate the myth that distant government agencies know what's best for local communities.

California urgently needs more affordable housing, but Proposition 168 is not the way to do it. Once they're free to bypass the election process, politicians can build any public housing project they want, regardless of the significant negative impact on the community. After all, it isn't their money, and they won't suffer the consequences.

Governments have reduced the availability of low-income housing by meddling in the housing market. This is not the proper function of government. All too often public housing projects trap poor people in new slums, while destroying surrounding property values. Let's face it, bureaucrats make lousy landlords.

Many local governments are guilty of reducing the number of low-cost housing units by tearing them down in the name of "community redevelopment." Some cities also enact rent control laws, which destroy the incentives for private owners to maintain their apartment units or construct new ones. The surest way to make housing more affordable for everyone is to get the government's hands out of it.

As we listen to the rhetoric of the politicians who proposed this measure, let's ask: Why do they want to make it so much more difficult to put these projects to a vote? Why don't they trust the voters to make the right decision? What are they afraid of?

Let's not give away our voting rights. VOTE NO on Proposition 168.

**TED BROWN**  
*Chairman, Libertarian Party  
of Los Angeles County*

**SANDI WEBB**  
*Councilmember, City of Simi Valley*

**BONNIE FLICKINGER**  
*Councilmember, City of Moreno Valley*

## Rebuttal to Argument Against Proposition 168

California's housing costs are the highest in the nation. Families with children are squeezed by high rents and remain at the mercy of an unforeseen illness or job loss, while seniors and disabled veterans on limited incomes struggle to balance the cost of food, clothing and shelter. Proposition 168 will promote affordable housing construction.

### GETTING BEHIND THE SMOKESCREEN

Contrary to opponent's claims, Proposition 168:

- Preserves the right to vote on controversial housing by requiring public notice and an opportunity to petition for an election;
- Saves taxpayers money by removing the expensive requirement to hold elections for every affordable housing development, even where there is no opposition;
- Cuts government red tape and removes a barrier to development of needed housing, strengthening our economy and creating jobs;
- Requires the same number of signatures as all other local referenda, preserving the California tradition of allowing people to put issues on the ballot;

- Updates an obsolete law and continues to require voter approval of the types of housing which the current law was intended to include;
- Enjoys strong support from local government and environmentalists because it maintains local control and protects existing neighborhoods.

The politicians who oppose Proposition 168 agree with us that California needs affordable housing, but they offer no solution, no hope—just the same old status quo.

A broad coalition of California leaders urges you to say "YES" to decent housing for children, the elderly, the handicapped and veterans by saying "YES" to Proposition 168.

**RAY REMY**  
*President, Los Angeles Area Chamber  
of Commerce*

**GERALD H. MERAL**  
*Executive Director, Planning and  
Conservation League*

**JOHN K. LOPEZ**  
*Executive Director, Association of Service  
Disabled Veterans*

## Proposition 168: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 17 (Statutes of 1992, Resolution Chapter 109) expressly amends the Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENT TO ARTICLE XXXIV, SECTION 1

Section 1. ~~No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any State public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.~~

(a) *Before one or more state public bodies develop, construct, or acquire a low rent housing project, the state public body shall provide public notice pursuant to standards adopted by the Legislature governing notice for adoption of ordinances or other official actions of the proposed development, construction, or acquisition. The proposed development, construction, or acquisition shall only be subject to election in the manner prescribed in this section.*

*If a low rent housing project is proposed to be located in a city, city and county, or the unincorporated territory of a county or areas thereof, the state public body providing notice shall specify in the public notice the unincorporated territory of the county, and any area of any city within the county, or of any city and county, it determines will incur a significant negative impact with regard to revenues of the city, city and county, or county, and with regard to the physical appearance of the surrounding community as a result of the proposed low rent housing project.*

(b) *An election on the proposed low rent housing project shall be held if a petition signed by electors of the city, city and county, or the unincorporated territory of the county or areas thereof specified in the public notice, equal in number to at least the percentage of signatures of registered voters required by statute to qualify a local referendum measure for the ballot within the city, city and county, or unincorporated territory of the county or areas thereof at the last gubernatorial election for all candidates for Governor, is submitted to the clerk of the legislative body of the city, county, or city and county within 30 days of the date of the first approval by the state public body of the development, construction, or acquisition of a low rent housing project. If a majority of the electors of the city, city and county, or unincorporated territory of the county or areas thereof voting on the issue reject the proposed development, construction, or acquisition of the low rent housing project, the state public body shall not proceed with the proposed assistance to the project. If an election is not held pursuant to this section, or if held, the proposed*

*development, construction, or acquisition is not rejected, the state public body may proceed with the development, construction, or acquisition of the low rent housing project, and the development, construction, or acquisition of the project shall not be subject to further election.*

(c) For the purposes of this ~~Article~~ *article* the term "low rent housing project" shall mean any development consisting of 16 or more housing units in a rural area or 24 or more housing units in an urban area composed of ~~urban or rural~~ dwellings, apartments, or other living accommodations for persons of low income, *which is owned by a state public body and receives an ad valorem property tax exemption not substantially reimbursed to all taxing agencies and which is either financed with loans or grants in whole or in part by the Federal Government or a State public body federal government or to which the Federal Government or a State public body federal government extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise.* For the purposes of this ~~Article~~ *article* only there shall be excluded from the term "low rent housing project" any ~~such~~ project where there shall be in existence on the effective date hereof, a contract for financial assistance between any state public body and the ~~Federal Government~~ *federal government* in respect to ~~such that project and any project whose operation does not have a significant negative impact on the revenues of the city, county, or city and county in which it is located and whose physical appearance does not have a significant negative impact on the surrounding community.~~

(d) For the purposes of this ~~Article~~ *article* only "persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(e) For the purposes of this ~~Article~~ *article* the term "state public body" shall mean this State, or any city, city and county, county, district, authority, agency, or any other subdivision or public body of this State.

(f) For the purposes of this ~~Article~~ *article* the term "~~Federal Government~~ *federal government*" shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.

(g) *Any proposal to develop, construct, or acquire low rent housing projects that was approved by the electors of a city, town, or county on or before November 3, 1992, pursuant to this article as it read on that date, and any low rent housing projects developed, constructed, or acquired pursuant to that approval, shall not be deemed to be invalid or superseded by the amendments to this article enacted on November 3, 1992, whether or not the approval is relied upon before or after November 3, 1992.*