

PRESS RELEASE



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FOR IMMEDIATE RELEASE

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Amendments to Rent Stabilization Ordinance on Hold during Referendum Process

Since 2015, the Alameda City Council has taken a number of actions regarding rent stabilization. Most recently, on June 6, 2017, the Council adopted Ordinance 3180, amending the Rent Review, Rent Stabilization and Limitations on Evictions Ordinance 3148. Ordinance 3180 eliminated “no cause” as a ground for eviction, required relocation fees be paid to a tenant vacating a rental unit at the end of a subsequent fixed term lease, and made other clarifying changes.

Ordinance 3180 would have been effective July 6, 2017. However, a referendum petition was submitted to the Alameda City Clerk on June 26, which delays the effectiveness of Ordinance 3180 until either (1) it is determined that less than the 4,808 signatures necessary to require further action are valid, or (2) it is decided on by voters in an election.

During the signature gathering period, the City received numerous complaints from individuals on both sides of the issue. Before the signatures were submitted, the City Clerk’s Office received written forms from 120 persons seeking to withdraw their signatures from the referendum petition. The City also received 51 affidavits making various statements of wrong doing, and is currently consulting with the Alameda County District Attorney’s Office to determine whether a crime has been committed.

The California Elections Code provides that intentionally misrepresenting the contents, purpose, or effect of a petition while attempting to collect signatures is a violation of the law. Threatening signature gatherers is also a violation of the law. Please visit the Secretary of State’s website for information relating to the penal provisions of the State Elections Code which describes prohibited activities:

<http://www.sos.ca.gov/elections/elections-officers-digest-2016/penal-provisions/>.

Relevant sections of the State Elections Code are reprinted below.

The City takes these allegations very seriously. If you feel you have been a victim of illegal activity, you should contact the City of Alameda Police Department at (510) 337-8340. You will be asked to file a sworn statement under penalty of perjury and should be prepared to testify against the accused wrongdoer in a court of law.

What happens next? The Alameda County Registrar of Voters is now authenticating the 7,300 signatures submitted to determine if the requisite 4,808 signatures from registered voters of Alameda have been obtained. If it is determined that there are enough confirmed signatures, the City Council has the choice of either (1) rescinding Ordinance 3180, or (2) placing the matter before Alameda voters at a special or regularly scheduled election.

The California Elections Code Section 18600 states:

It is a misdemeanor to:

- a) *Circulate or obtain signatures to, any state or local initiative, referendum or recall petition, intentionally misrepresent or intentionally make any false statement concerning the contents, or purport or effect of the petition, to any person who signs, desires to sign, is requested to sign, who makes inquiries regarding the petition, or who is presented with a petition for signature.*
- b) *Willfully and knowingly circulate or publish any false statement or misrepresentation concerning the contents or purport or effect of any state or local initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.*
- c) *Circulating, or obtaining signatures to, any state or local initiative, intentionally makes any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer.*

California Elections Code Section 18630 states:

Every person who threatens to commit an assault or battery on a person circulating a referendum, initiative, or recall petition or on a relative of a person circulating a referendum, initiative or recall petition or to inflict damage on the property of the circulator or the relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.

Further, if a referendum or initiative qualifies for placement on a ballot, more serious consequences apply to certain conduct. California Elections Code Section 18540 states:

- (a) *Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.*

For additional answers to recent frequently asked questions about Alameda's Rent Stabilization Ordinance, please visit <https://alamedaca.gov/rentfaq>.