

LA FORWARD

**Progressive Voter Guide for
Los Angeles & California
Ballot Propositions**

November 2020





Your thoughtful, comprehensive, and progressive guide to this November's ballot propositions.

Yes

LA County Measure J →
Permanently Allocate Local Funding to Community Services

LAUSD Measure RR →
Issue Bonds to Fund LAUSD Infrastructure

Prop 15 →
Close Corporate Tax Loophole to Raise \$12 billion for Local Schools & Community Services

Prop 16 →
Remove the Ban on Affirmative Action from California's Constitution

Prop 17 →
Restore Voting Rights to People on Parole

Prop 18 →
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Prop 21 →
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Prop 23 →
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No

Prop 14 →
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Prop 19 →
Enable Transfer of Residential Property Tax Assessments

Prop 20 →
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Create Loophole in Employment Law for Big Tech

Prop 24 →
Amend Consumer Privacy Law

Your Call

Prop 25 →
Replace Cash Bail with a Risk Assessment System for Pre-Trial Detention ♦ read our analysis and reach your own decision

MEASURE J

We suggest you vote **YES**
on Measure J.

Measure J would amend the LA County Charter to permanently allocate at least 10% of unrestricted, locally-generated tax revenues to community-serving programs like mental health services, affordable housing, job creation, youth programs, and alternatives to incarceration in Black, brown, and low-income communities across LA.

When discussing Measure J it's important to have some context about the County budget and what Measure J does and does not do. At \$35 billion annually, LA County manages the second largest local budget in the country. Over 85% of the overall budget, or \$30 billion annually, is fixed and non-flexible spending that's difficult to adjust from year to year. The remaining 15% of the budget, about \$5 billion in 2020-21, is discretionary and can be shifted around by County officials each year. Measure J targets only this \$5 billion of annual discretionary spending, and would require that 10% of that amount — up to about half a billion dollars in the current budget — be spent on community programs and alternatives to incarceration. That would more than double what the County currently spends on such programs.

Los Angeles County runs the largest jail system in the world, and the county spends more than 40% of its annual discretionary budget on law enforcement. If voters were building a new county budget from scratch, there is no way they would spend such staggering sums on policing, courts, and jails at the expense of everything else. This disproportionate spending on punishment comes at the expense of programs that address the root causes of poverty, inequity, and violence — not just the symptoms. The LA County Sheriff's Department alone receives over \$3 billion dollars annually, while programs focused on economic development, affordable housing, small businesses in Black and brown communities, mental health services, diversion and re-entry, and other alternatives to incarceration receive only a fraction of that.

Measure J was only added to the ballot in August 2020, after a motion co-authored by County Supervisors Sheila Kuehl and Hilda Solis ("Re-Imagining L.A. County: Shifting Budget Priorities to Revitalize Under-Resourced and Low-Income Communities") passed 4-1 among the County Supervisors. Being added to the ballot only three months before the election has meant that many voters have not had the chance to learn about Measure J, which is unfortunate because it is one of the most ambitious efforts to rethink local budget priorities anywhere in the country.

Measure J is alternatively known as Reimagine LA, which is also the name of the broad coalition of local nonprofits, social justice leaders, community groups, labor unions, and progressive politicians supporting it. It is the culmination of years of organizing by Los Angeles community groups and social justice advocates. It shares many of the same organizers and endorsements as other recent community-driven initiatives to address the harm that the criminal legal system has inflicted on Black and brown communities, including Measure R ("Reform L.A. Jails"), which increased civilian oversight of the Sheriff's Department and required the development of a county-wide plan to reduce the jail population and invest in alternatives to incarceration. Despite strong opposition from the Sheriff's Department and local law enforcement, Measure R passed overwhelmingly in March 2020 with the support of nearly 73% of LA County voters. Much of the research, planning, and organizing that Measure R helped set into motion is now represented in Measure J, and voters would be wise to vote for it with similar enthusiasm.

more on **MEASURE J**

Opponents of Measure J deploy two general arguments. The first, advanced most aggressively by Sheriff Alex Villanueva, is that public safety would be compromised by any decreases in law enforcement budgets. The second, cited by LA County Supervisor Kathryn Barger (the only County Supervisor against Measure J), is that mandating 10% of the discretionary budget on community programs would tie the hands of local politicians and endanger essential services. Both arguments appeal to voters' fears — Villanueva literally tweeted an image from Mad Max and said it was what LA County would become if Measure J passes — and both are misleading and factually inaccurate.

Supervisor Barger's argument is rebutted by her four colleagues on the Board of Supervisors and by the substance of Measure J, which makes clear that the 10% requirement can be eschewed in the event of budget emergencies that threaten the county's essential programs. Sheriff Villanueva's argument relies on a narrow conception of public safety that ignores the impact of poverty, trauma, and generations of disinvestment in communities most impacted by violence. It also ignores the systemic racism and violence inflicted primarily on communities of color by law enforcement, and assumes that crime is something "bad people" do and will always do. Rather than making long-term investments in building healthier, more resilient communities with less violence, it demands massive and never-ending spending on policing and carceral systems that do not actually make us safer. Just compare the violent crime rates in the U.S. to other developed countries with far fewer police and much lower prison populations.

Budgets are statements of our values, and the county's current budget allocates obscene levels of spending on enforcement and punishment with few resources leftover to invest in building the kind of communities and society we want. **Passing Measure J would shift hundreds of millions of dollars each year away from carceral systems and into restorative and rehabilitative ones. It is a modest first step toward a more rational and humane county budget, and we give it our strongest possible recommendation.**

We enthusiastically urge a YES vote on Measure J.

Join our campaign to let voters know why Measure J is so important:
<https://www.mobilize.us/laforward/event/338374/>

MEASURE RR

We suggest you vote **YES**
on Measure RR.

Measure RR, also known as the Los Angeles Unified School District (“District”) School Upgrades and Safety Measure, would authorize the District to sell up to \$7 billion in bonds and invest those funds into extensive and much needed updates to classrooms, technology, and equipment. The bonds would provide resources for implementation of COVID-19 safety standards including improved air circulation in classrooms and school facilities, renovation and construction of classrooms and schools, earthquake retrofitting, reduction of water quality and asbestos hazards, plumbing and other utility upgrades, and more. Fifty-five percent (55%) of the vote is needed for passage (all other propositions on this ballot require only 50%).

This measure will not increase taxes over their current level. Rather, it will extend an existing voter-approved property tax further into the future. This property tax is approximately \$22 per \$100,000 of the assessed value annually. If you own a home that’s assessed for \$500,000, the means your tax from this measure would be about \$110 per year. The levy for this measure will be implemented as the levy for earlier bonds expires, so property tax rates will remain constant rather than go up or down.

This proposition includes a long and detailed list of specific projects the District would seek to undertake with the funds raised by this measure. The District would be prohibited from spending the money on anything other than the specific projects identified, would be subject to regular financial and performance audits, and would be overseen by a citizens oversight committee that is already in place.

Types of projects that Measure RR would fund include:

- School safety projects such as air filters, fire safety systems, hands-free doors and sinks.
- Technologies like computers, networking equipment, and other infrastructure necessary for virtual learning.
- Renovation of classrooms, labs, libraries, cafeterias, athletic facilities, performing arts centers.
- Clean and sustainable water/energy systems.
- Accessibility projects such as ramps, restrooms, and play areas.
- Supply furniture like benches, lockers, and bookcases, as well as equipment for science and technology labs.
- Construct schools, classrooms, as well as community serving facilities such as wellness clinics and recreation areas.

In addition to the above types of projects, which the District would be able to pursue on a District-wide basis, the District has provided an extensive list of specific schools and facilities it would seek to renovate with the funds. Additionally, this measure would qualify the District to receive State of California matching grant funds.

Although the District has made some progress with updating existing schools and building new facilities over the years, the majority of our public school buildings were built many decades ago and are in need of substantial modernizing, repairs, and upgrades. Moreover, now that we’re in the midst of the COVID-19 pandemic, we need to adequately fund our public schools so that they can adapt to the uncertain and changing demands of providing quality education while keeping students and staff safe. This measure has widespread support from business, labor, and progressives. The only opposition is from the usual hardcore anti-tax gadflies at the Howard Jarvis Taxpayers Association who want to massively disinvest from the public good.

For these reasons, we recommend you vote YES on Measure RR.

PROPOSITION 14

We suggest you vote **NO**
on Proposition 14.

Proposition 14 would issue state bonds to generate \$5.5 billion for stem cell research to be administered by the California Institute for Regenerative Medicine (CIRM), which was created in 2004 with the passage of Prop 71.

In general, we support generous public funding for scientific and medical research. However, we have reservations about Prop 14, which lead us to suggest a No vote.

Prop 71 was so important because there was limited funding available for research using stem cells as a result of political pressure by the religious right on the Bush Administration. Prop 71 provided scarce resources which helped to jumpstart the field. Now, however, federal restrictions have ended and there is substantial funding available from the federal government, and private sources for stem cell research.

While stem cell research is important, it's not clear that this line of study is more worthy of dedicated funding than other forms of basic scientific and medical research. Stem cell-based treatments haven't lived up to high expectations. No widespread treatments have emerged after \$3 billion in spending. Nor has the state earned royalties for the commercialization of treatments as was promised in 2004.

Equally important, we are wary of targeted spending in one research field as a result of the political enthusiasm of a single uber-wealthy patron. In this case, Robert N. Klein II, the former Chairman of the Governing Board of the California Institute for Regenerative Medicine. He is almost single handedly funding Prop 14. While Klein doesn't stand to benefit financially from Prop 14, we question why this particular form of research deserves a dedicated funding stream outside the normal channels. We absolutely need to push back against austerity policies and to fully fund services and scientific research alike, but we believe this particular type of scientific inquiry doesn't merit special consideration. We are also troubled by the fact that future modifications to this initiative would require a 70% majority vote and that there's no commitment to ensure the medical benefits of research lead to affordable treatments or significant financial compensation for the state.

We support a more comprehensive program for public funding of scientific and medical research and would be supportive of borrowing money at record-low interest rates to do so, but the likely benefits of Prop 14 isn't good enough to justify the \$7.8 billion the public will ultimately shell out.

We suggest you vote No on 14.

PROPOSITION 15

We suggest you vote **YES**
on Proposition 15.

Proposition 15 would close a corporate property tax loophole created by the passage of Proposition 13 in 1978. Specifically, Proposition 15 would require non-residential commercial and industrial property to be reassessed based on its current market value. Currently, non-residential commercial and industrial property taxes are assessed on purchase price, not their market value as is the case in most other states. Proposition 15 is commonly referred to as “split roll” due to the fact that its passage would only impact how property taxes are assessed for non-residential commercial and industrial property, and not how taxes are assessed for residential property. Proposition 15 also includes language that exempts small businesses from the proposed market-based property tax and it would not change how agricultural land is taxed.

Passing Proposition 15 would generate an estimated \$12 billion in revenues a year across California. These revenues would be allocated between K-12 schools and community colleges, which will receive 40% of revenues, and local governments, which would receive the remaining 60% of revenues. Funds allocated to local governments could go towards supporting needed services such as housing, fire protection, healthcare, or other local priorities. Prop 15 requires that every school district, community college, city, county, or special district publicly disclose the Proposition 15 funds they receive and how they are spent.

Prop 15 opponents claim that it would negatively impact California’s economy and businesses. This claim does not hold up to scrutiny. In reality, only 10% of California’s commercial and industrial property will generate 92% of Proposition 15 revenues. Furthermore, Prop 15 maintains the 1% limit on property taxes (annual property taxes can not exceed 1% of their assessed market value), which is a lower rate than many other states.

Some people have good-faith concerns about the impact of Prop 15 on small businesses. These are mostly misplaced. While many commercial leases are “triple-net” which means taxes are automatically passed along to renters, most leases currently in effect will end and be up for re-negotiation before reassessment begins to increase property taxes in late 2022. In a market where there is an overabundance of commercial real estate (due to the pandemic and other factors), small businesses will have the upper hand in negotiating lower total rents, even with higher taxes factored in. Higher taxes will largely be taken out of the windfall profits currently enjoyed by these long-time property owners, not out of the pocket of small businesses.

There are additional protections for small businesses built into Prop 15. Buildings worth less than \$3 million owned by small businesses are exempt from reassessment. Businesses will also no longer have to pay taxes on the first \$500,000 of non-real estate property (things like office furnishings and restaurant equipment). This will entirely eliminate a cumbersome tax for 90% of California’s small businesses, saving them thousands each year, and \$1 billion statewide.

It’s also important to note that Prop 15 will not result in higher taxes for any residential properties. In the case of mixed use buildings, which combine housing with retail, only the commercial part of the buildings will be subject to regular reassessment of their taxable value. tax system in which wealthy commercial and industrial land owners pay their fair share.

more on **PROPOSITION 15**



Much has changed since the passage of Proposition 13 in 1978. At that time, home owners and owners of commercial and industrial properties shared a roughly equal property tax burden. However, over the past 40 years, the share of property tax burden for residential property owners has jumped to 72%. Furthermore, when Prop 13 was passed, California was among the top ten states in per pupil education spending. Since then, California has dropped in national ranking and is currently positioned among the lower third of states in per pupil education spending. **With revenues decreasing as a result of the covid-created economic recession, local schools and communities need additional sources of funding. Starting in 2022, Prop 15 would deliver those much needed resources by taxing the windfall profits enjoyed by California's biggest and wealthiest corporations.**

Passing Prop 15 is an opportunity for California to generate much needed revenue and support vital services by closing a corporate tax loophole. Now is the time for California to make an investment in our education system and our local communities, and to create a fairer property tax system in which wealthy commercial and industrial land owners pay their fair share.

We strongly urge you to vote YES on Proposition 15.

Join our campaign to let voters why Prop 15 is so important:
<https://www.mobilize.us/laforward/event/338819/>

PROPOSITION 16

We suggest you vote **YES**
on Proposition 16.

Proposition 16 would remove the ban on affirmative action involving race-based or sex-based preferences from the California Constitution. This initiative would allow race and gender to be considered in government hiring and contracting decisions as well as higher education admissions in the interest of mitigating historic and systemic inequities in these systems.

Affirmative action was banned in California when the voters passed Proposition 209 in 1996. There have been significant negative consequences for racial and gender inequality as a result. The gap between overall admission rates and Black and Latinx admission rates in the University of California system has grown substantially. The impact on admissions was not limited to Black and Latinx students: the admission rate for Asian American students in the UC system has also declined since the passage of Proposition 209.

Recent research found that Proposition 209 not only impacted educational outcomes but also had a negative impact on wages for underrepresented POC applicants to the UC system. Other research estimates that Proposition 209 resulted in under-represented and women-owned business enterprises losing more than \$1 billion annually.

While both the country and California have become more diverse over the last several decades, this growing diversity has not been accompanied by greater equity. For example, compared to white men, women make 80 cents to the dollar. This inequity grows when looking at Black women and Latinas, who make 62 cents and 54 cents to the dollar, respectively. The Black Lives Matter movement and the COVID-19 crisis have further highlighted the inequities faced by women and people of color. **Proposition 16 represents an opportunity to level the playing field and address the systemic inequities that women and people of color continue to face.**

California was the first state to ban the use of race- and gender-based affirmative action and is one of only nine states that do not allow gender, race, or ethnicity to be considered when making decisions on higher education admissions, government contracting, or hiring. Passing Prop 16 would allow California to join the overwhelming majority of states that acknowledge the need for policies to promote equal opportunity for women and people of color. Furthermore, passing Proposition 16 would bring California closer to living up to values of diversity and fairness.

We recommend that you vote YES on Proposition 16.

PROPOSITION 17

We suggest you vote **YES**
on Proposition 17.

Proposition 17 would give back voting rights to people convicted of felonies who are on parole after completing their sentence.

Currently, the state's constitution prevents this group of nearly 50,000 Californians from voting at the same time they are still required to fulfill other civic obligations such as jury service and paying taxes. If passed, this initiative would bring California in line with 20 states that restore voting rights to citizens as soon as their prison sentence ends.

This is also a racial justice issue. Because of systemic inequalities in our society and criminal legal system, the vast majority of people leaving prison are people of color. Felony disenfranchisement is not a race-neutral policy that happens to have discriminatory impacts. It was intentionally put in place in California and many other states as a tool to repress the power of those who were racialized as not white.

We all have a stake in expanding voting rights. Allowing voting rights for people who've finished their sentences would help people with justice system involvement to better integrate into society and would end the current system of taxation without representation.

As the Yes on 17 campaign notes,

"When people feel that they are valued members of their community, and that their voices matter and concerns are addressed, they are less likely to re-engage in criminal activity. Research has found consistent differences between voters and non-voters after release in rates of subsequent arrests, incarceration, and self-reported behavior. That's why the American Probation and Parole Association and the Association of Paroling Authorities International support automatically restoring voting rights upon release from prison."

For all these reasons, we enthusiastically recommend a YES vote on Proposition 17.

PROPOSITION 18

*We suggest you vote YES
on Proposition 18.*

Proposition 18 would allow 17-year-olds who will be 18 at the time of the next general election to vote in primary elections and special elections. California would join eighteen other states and the District of Columbia in allowing 17-year-olds to vote in primary and special elections under these circumstances. Under the current system, young people whose birthdays fall between the primary and the general election are at a disadvantage in comparison to those who are permitted to vote in the primaries. Without participation in the complete election cycle, they are unable to help to select the candidates they will choose among in the general election and submit their most educated vote.

The main arguments against Prop 18 are that seventeen-year-olds are not mature enough to take on the responsibility of voting and that they may be overinfluenced by authority figures like teachers or parents who have power. We disagree. There is no real difference between someone who is 17 and a half and someone who is 18 in this respect. Many older people are also in positions where people and institutions in their places may unduly influence their positions. Many younger people already have entered the workforce and begun paying taxes.

We should err on the side of increasing civic engagement of young people and give them the power in the primary election to choose which candidates they'll choose from among in the general election.

We suggest you vote YES on Proposition 18.

PROPOSITION 19

We suggest you vote **NO**
on Proposition 19.

LA Forward recommends a NO vote on Proposition 19, although the impacts of the propositions will be mixed.

Prop 19 does several things, including:

- Allowing homeowners who are 55 and older or disabled to transfer their tax assessment from their current home to a new home anywhere in the state up to three times. (Currently homeowners are allowed to transfer this tax assessment once, but only within their county and with some exceptions.)
- Allowing homeowners that are 55 and older or disabled to transfer their tax assessment to a home of a higher value, with an upward adjustment.
- Requiring that inherited homes that are used as a secondary or vacation home be reassessed at market value when they are transferred.
- Add any savings generated at the state level by these changes to a fund for wildfire response.

The proponents of the measure argue that Proposition 19 is necessary to incentivize older homeowners to downsize to smaller properties and increase turnover of single-family homes. California law currently caps property tax increases, allowing homeowners to maintain artificially low tax assessments on their properties. But these tax assessments adjust upward to the market value when the property is transferred — thus a downsizing homeowner can face a higher property tax bill even when moving to a less expensive home.

Prop 19 is sponsored and financed by the California Association of Realtors (CAR), which has been a dominant force in state politics since the end of World War II, and mostly to the detriment of California. In 1950, CAR backed Article 34, a nakedly racist Constitutional Amendment to give local communities more power to block affordable housing. CAR has worked to block most tenant-friendly legislation in Sacramento in recent years. The organization has opposed legislative attempts to reign in exclusionary zoning policies, which communities wield aggressively in their efforts to keep affordable housing and working class people out of their communities. Finally, CAR has been a protector of Prop 13, the 1978 tax reform which has skewed California's tax code in favor of homeowners and left the state with fewer resources to shore up the social safety net, our faltering education system, and other public services.

Extending the portability of lower tax assessments is, ultimately, a transfer of wealth to homeowners who are predominantly older, whiter, and wealthier than the rest of the state — and at the expense of badly-needed tax revenue for the state. It may be that at the margins, higher tax assessments prevent some older homeowners from downsizing. But the high cost of housing is a greater factor in slowing downsizing transactions. Studies show that capping property tax assessments actually contributes to inflated home values. Greater portability of lower property tax values is regressive taxation, plain and simple.

Prop 19 does contain some welcome provisions. Allowing inheritors of second homes to continue paying below-market tax assessments is an egregious loophole that benefits California's most wealthy people. It should be closed and Prop 19 would do that. There are some assessments, including from the State's Legislative Analyst's Office, that speculate that the savings from closing the inheritance loophole will outweigh the costs of expanding the portability loophole.

more on **PROPOSITION 19**



But more analysis needs to be done, especially a rigorous assessment of whether this measure will end up costing local governments more money for schools and services. And while additional money for wildfire response is welcome and needed, it remains unclear how much funding will actually be generated by this proposal. There are other ways to fund wildfire response.

Because it assists older homeowners and has the backing of many groups, including the California Democratic Party, this initiative seems likely to pass. **But LA Forward does not believe closing one loophole for wealthy inheritors should come at the expense of widening another. Too many of California's problems stem from a regressive tax system that favors wealthy homeowners.**

Proposition 19 would move us further away from an equitable tax system and we urge a NO vote.

PROPOSITION 20

We suggest you vote **NO**
on Proposition 20.

This “tough on (petty) crime” measure would undo recent measures to give milder penalties for non-violent crimes and other crimes currently categorized as lower level offenses.

Prop 20, which is heavily funded by law enforcement, would undo three measures already passed by voters and legislators to introduce more fair penalties for parole violations and petty crimes.

- In 2011, California legislators reduced punishments for parole violations.
- In 2014, voters passed Proposition 47, recategorizing some non-violent crimes as misdemeanors.
- In 2016, voters passed Proposition 57, giving people convicted of certain non-violent offenses the possibility of early release.

Each of these measures would be reversed if Prop 20 is successful.

The result would be to categorize more crimes as violent felonies for which early parole is restricted, and recategorize certain misdemeanor theft and fraud crimes to be chargeable as misdemeanors or felonies, and require DNA collection for certain misdemeanors.

Prop 20 would also create a constitutional amendment allowing prosecutors to treat certain petty theft crimes as felonies, require probation officers to seek stiffer penalties for those who violate the terms of their parole three times, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration.

There have been significant financial savings from reform initiatives like Prop 47 which have been invested in re-entry and other community support services. Prop 20 would eviscerate that funding and require tens of millions in new spending on incarceration.

This measure would return us to the overly harsh and ineffective sentencing of decades past, which have contributed to mass incarceration, racial disparities in criminal justice and massive spending on prisons and jails.

We urge you to vote NO on Proposition 20.

PROPOSITION 21

We suggest you vote **YES**
on Proposition 21.

If passed, Prop 21 would give cities and counties more flexibility to adopt rent control/stabilization measures and protect their households from rent increases. Under the Costa Hawkins Act, which was adopted by the California State Legislature in 1995, cities and counties are barred from regulating rent increases on several different types of rental properties, including single family homes and apartments built after 1995 (or in the case of the City of Los Angeles, even earlier — the city cannot regulate properties built after October 1978).

It's become trite to say Los Angeles and California face a housing crisis. There has been a crisis for decades. But the current moment is far more precarious than previous years. Over 66,000 Los Angeles County residents are sleeping on the streets on any given night. Over half a million renters pay more than half their income on rent, the majority of whom live in poverty, putting them on the precipice of homelessness. A COVID-induced economic depression has put more burdens on the already disadvantaged. UCLA's Gary Blasi estimates that anywhere between 36,000 and 120,000 Los Angeles County households could fall into homelessness when eviction orders lift in 2021. It should not come as a surprise that a disproportionate share of the homeless and cost-burdened households are Black or Latinx — structural racism is woven into Los Angeles and California's long-term housing policy choices, along with its inadequate response to the task currently at hand.

Right now we need strong eviction moratoriums and rent/mortgage forgiveness coupled with a long-term strategy of constructing and preserving thousands of affordable housing units for people with the lowest incomes and increasing rental assistance. But tenant laws must also change to allow cities and counties to stabilize burdened renters now. **Passing Proposition 21 would give cities the ability to curb rent increases in more homes immediately. Cities need the ability to regulate properties such as single family homes, which have grown as a share of the rental market since the Great Recession, and may continue to grow in the wake of the COVID recession.** For South Bay cities like Inglewood that have recently adopted rent ordinances, Costa Hawkins puts a significant number of their rental units off-limits from being regulated. Prop 21 would unshackle these cities' power to protect the public good.

Further, Proposition 21 would limit the incentives to evict rent-controlled tenants by letting cities adopt a form of "vacancy control" which is now prohibited under Costa Hawkins. Cities would be allowed to regulate how much a landlord raises the rent when a tenant leaves a rent-stabilized property. Now, cities are required to allow landlords to raise rents to market rates anytime someone leaves a rent-controlled apartment, which makes the incentives to drive tenants out of their housing all-too-irresistible.

There is a much-discussed concern about rent control policies stifling new housing construction. But most academic literature studying the impacts of rent control on housing construction finds the impacts to be fairly limited, with land use and zoning policies, construction costs, NIMBYism, and macroeconomic factors playing far more important roles. Additionally, Prop 21 would exempt any newly-constructed housing from any rent control ordinances for fifteen years before it could be covered under any local rent control law.

With a housing crisis continuing to unfold, cities and counties need all the tools at their disposal to combat rising homelessness and displacement. Proposition 21 is one such tool.

We urge you to vote YES.

PROPOSITION 22

We suggest you vote **NO**
on Proposition 22.

LA Forward recommends a NO vote on Proposition 22, which if passed, would exempt gig economy behemoths like Uber, Lyft, and Postmates from requirements to classify their drivers as employees and provide them with benefits like paid sick leave and the right to a minimum wage.

The Proposition seeks to amend a recent law, AB 5, passed by the State Legislature in 2019. The purpose of AB 5 was to build on a 2018 ruling by the California Supreme Court, *Dynamex Operations West vs. Superior Court of Los Angeles*, which established the "ABC Test," or three conditions that must be met for a company to be allowed to treat its workers as independent contractors rather than employees.

The stakes of the distinction between being an employee and an independent contractor are high, especially in an economy stalked by massive layoffs and a pandemic that has already claimed the lives of 15,000 Californians. When compensating employees, companies must provide benefits including paid sick leave, workers compensation, unemployment benefits, and a minimum hourly wage, all of which can be skirted if workers are classified as independent contractors.

These benefits, including unemployment insurance, are critical in Los Angeles County, where unemployment has risen to 17.5% as of July 2020 and where COVID has run rampant, with over 250,000 cases and 6,000 deaths reported. The absence of benefits like paid family leave serves to keep vulnerable workers on the job, even when they are sick and a risk to others they come in contact with. **Ensuring workers have access to paid time off, unemployment insurance, and other benefits is the right thing to do during normal times, but essential to help stem the spread of virus during a pandemic.**

Gig giants like Uber have collectively spent over \$180 million urging Californians to vote yes on Prop 22. They contend that if the Proposition fails, and their companies are forced to comply with AB 5, work will evaporate and the many Californians who make ends meet through the gig economy will see their income reduced. Both rideshare companies threatened to cease operations in the state earlier this summer if forced to comply with AB 5 in advance of a vote on Prop 22. But these arguments are facious - big businesses have always threatened that jobs will disappear when changes to minimum wages, safety regulations, or benefits like paid sick leave are discussed.

What's more plausible is that costs will increase modestly and be passed on to the consumer. A Barclay's analysis from earlier in 2020 found that if forced to comply with AB 5, Uber and Lyft costs would increase by about \$3,625 per driver. Assuming a driver is working full time and the entirety of that cost were passed on to consumers, that translates to charging about \$1.80 more per hour to the customer. That's a modest cost to the consumer in exchange for ensuring that workers can take time off when they're sick or make enough in wages to get by.

There's no doubt that AB 5 is a blunt instrument and could use some tweaks to assist businesses to implement the law. But a wholesale exemption for some of the most powerful companies in the fast-growing gig economy would only leave more of the workforce in a precarious position.

We strongly encourage voters to say NO to Prop 22.

PROPOSITION 23

We suggest you vote **YES**
on Proposition 23.

Proposition 23 would make significant changes to the way dialysis clinics operate.

Dialysis clinics are a rapidly growing sector in the healthcare industry. There are approximately 6,400 dialysis facilities in the United States — these, through Medicare spending alone, generate \$31 billion in revenue annually. They exist because people with severe kidney problems have no choice but to use them. If they don't regularly receive dialysis (a form of filtering toxins out of the blood — what kidneys do naturally), they will suffer severe health consequences, leading to death. There is not a competitive marketplace for treatment. The two largest dialysis service providers, DaVita and Fresenius, dominate, constituting a supermajority of the 555 privately run clinics in California. Each company generates annual profits of roughly \$1 billion, representing a profit margin of more than 18%. These huge profits are coming at the expense of patients. **On average, each patient pays \$88,000 a year for treatment.** (Yes, you read that right.) Safety lapses and improper billing have recurred repeatedly throughout the industry. In 2015, DaVita settled a major lawsuit over steering Medicare patients into using more expensive, private insurance options to pay for their treatments. In 2018, DaVita settled a separate lawsuit for wrongful deaths associated with negligence and withholding critical treatment information. Desperate people make for ample profits. Patients end up having to pay as much as the companies charge and put up with whatever conditions they find at the clinic.

The force behind Prop 23 is a labor union, SEIU UHW, which organizes healthcare workers so they can collectively bargain for better working conditions and higher pay, as well as acting collectively to fight for progressive public policy in general. In 2018, SEIU put Prop 8 on the ballot, which had a mix of similar and different provisions to Prop 23. The most notable feature of Prop 23 was cap on profits as a percentage of revenue as a way to incentivize more spending on patient care. That failed after being massively outspent by the dialysis industry and now SEIU is back with a different measure.

The element of Prop 23 that has gained the most attention is the requirement for a medical doctor to be present at the clinic while patients are being treated, with allowance for nurses practitioners to substitute when there are shortages of qualified physicians.

What we see as most important are provisions that would increase fairness, oversight, and transparency.

On that front, Prop 23 would:

- Ban discrimination against patients based on the type of insurance they have.
- Mandate that clinics give notice of any plan to shut down and obtain consent from the state health department before a clinic can close down.
- Require data on patient infections resulting from dialysis be reported by clinics to the state health department, shared with the National Healthcare Safety Network, published on clinic websites. This data must be certified as accurate by an officer of the company that runs the clinic and penalties may be imposed for the clinic's failure to comply.

It's especially important that clinics wouldn't be allowed to discriminate or refuse services based on a patient's payer, including the patient themselves, a private insurer, Medi-Cal, Medicaid, or Medicare. This would mean more people could gain access to services and the companies wouldn't have a strong incentive to steer people to private insurance over Medicare -

more on **PROPOSITION 23**

- (which they currently do) and then charge insurance companies more than \$150,000 annually per patient, driving up insurance premiums for everyone else. **The system is broken and Prop 23 is a good corrective.**

Requirements for notice and consent for clinic closure are important to protect patients in rural communities or those who would have to travel long distances if their clinic closed. The dialysis industry is raking in huge profits and they should not be allowed to shut down less profitable clinics when this would inflict major harm on patients who depend on them.

The requirement for having a doctor or nurse practitioner on staff could improve health and safety and at the very least, it would do no medical harm. The dialysis industry argues that clinics are already safe and effective, and that having a licensed physician on staff at all times will be very costly, and will necessitate the closing of clinics or the limiting of hours and number of patients who can be treated. They claim the requirement will create a shortage of doctors available for other important work. Given the great profitability of the corporate clinics, the threat of clinics closing feels like an overblown scare tactic. Likewise, because nurse practitioners are allowed as substitutes for medical doctors, there is a very small chance that a shortage of doctors would pose a real problem under this law.

We think it's reasonable for a multi-billion dollar, highly profitable industry that deals with life-and-death care to be especially transparent about the health of its patients with the government and broader public.

SEIU UHW has spent several million dollars in support of this measure. It indirectly advances the union's interest in building its membership — which we support as a key way for working-class people to gain both respect on the job and power in the political arena — and we see this initiative as an example of labor's strategy to invest in workers in order to improve patient-care: a win-win.

Opposition largely comes from business interests. The main opponents of the proposition are DaVita Inc. and Fresenius, the two corporations who collectively operate about three-quarters of California's dialysis clinics and make an estimated \$3 billion a year from their California operations. They've spent tens of millions of dollars to fight Prop 23 as a threat to their profitability and power. Nearly all of the patient advocacy groups who oppose Prop 23 receive major funding from DaVita, Fresenius, and similar companies, making their position less noteworthy than one might expect.

We are supporting this measure because it will increase transparency and decrease discrimination around patient treatment, provide additional quality control with the presence of a licensed physician, and prevent the companies who run the clinics from closing clinics rather than spend more on care. Although it is not perfect, opponents' fear-based arguments are exaggerated, and on the whole this measure stands to produce positive outcomes for patients.

We suggest you vote YES on Proposition 23.

PROPOSITION 24

We suggest you vote **NO**
on Proposition 24.

The Electronic Frontier Foundation describes Prop 24 as "a mixed bag of partial steps backwards and forwards." Indeed, the measure would expand some of the state's current consumer data privacy protections, including allowing consumers to restrict businesses from sharing their personal information or using it for advertising or marketing, requiring businesses to obtain permission before collecting data from consumers under 16, removing the current grace period during which businesses can correct violations before being penalized, and creating a Privacy Protection Agency to enforce the state's consumer data privacy laws.

The 52-page measure, however, is also complex and undermines some current privacy protections (especially for vulnerable communities) while failing to address other critical issues. Under Prop 24, tech companies would be permitted to sell the information of small businesses, as well as downgrade service to those who are not willing or able to pay additional fees. The measure also puts the burden on individual consumers to complete paperwork to opt in for privacy protections, so likely not all Californians would benefit. Further, the initiative would allow greater police access to personal information, end current protections for personal biometric data and fail to address discriminatory "digital redlining" and neighborhood scores.

Last but not least, Prop 24 would remove a private right to action; in other words the ability of California citizens to file lawsuits to enforce consumer privacy law. This would take away an important mechanism for ensuring the law is being followed and is one of the reasons many privacy advocates are in opposition.

Prop 24's potential privacy benefits are significantly tempered by big tech loopholes, privacy losses and other downsides, and the best path forward is likely to vote it down and allow consumer advocates to focus on gaining more clear-cut legislative consumer privacy wins.

We recommend you vote NO on Prop 24.

PROPOSITION 25

We suggest you decide
on Proposition 25.

Pre-trial detention in the United States is a horror show and California is no exception. According to the Vera Institute of Justice, the number of people jailed before trial increased 433% from 1970 to 2015. **About two-thirds of the 740,000 people in jail haven't been convicted of a crime.** The main method in California and most other states for determining whether someone is locked up before they are actually tried is the cash bail system. Judges set an amount of money that the accused person has to pay upfront and will then get back if they show up for court. The theory is that the threat of losing money is necessary to ensure defendants actually return. A whole bail bonds industry has grown up around this practice. Bail firms pay the full amount owed up front in exchange for a non-refundable percentage, usually 10%.

Progressives and justice advocates are widely against this system for obvious reasons. Judges often don't take into account the ability to pay or whether the person is truly high-risk for not returning to court or posing a violent danger to public safety. The result is a deeply unequal and unjust system where those with access to financial resources rarely spend much time locked up before trial, whereas those without the same financial resources, predominantly Black and brown Californians, are locked up for weeks, months, and sometimes even years. **Every night, thousands of Angelenos are held in LA's jails simply because they can't afford bail.**

Mass detention is disastrous for everyone involved, except those profiting financially. The longer someone is detained, the more likely they are to be convicted and to receive a longer sentence. Detention pressures people into taking plea deals for crimes they didn't commit, and prevents them from adequately talking with a lawyer and preparing for trial. Its financial and economic consequences are also devastating. Jailing leads to the loss of employment, and the need to pay the cost of a bail bond can be crippling for low-income families. This all comes on the heels of a racist policing system that disproportionately surveils and arrests Black and brown people. To top it all off, there is little evidence that cash bail is effective at incentivizing returns to court.

The question raised by Proposition 25 is what to do about the unmitigated disaster that is pre-trial detention. It's a complicated and controversial measure that has produced an odd collection of supporters and opponents, mainly due to the unusual process through which it arrived on the ballot. Prop 25 isn't a typical ballot initiative. It's a special type called a "Referendum," which gives voters a simple Yes/No vote on a piece of legislation already passed by the State Legislature and signed into law by the Governor.

Prop 25's story begins with a broad coalition of justice advocates who sought to transform the pre-trial detention system in 2018 with a bill called SB 10. The bill began as an effort to address many failures of the current system, not just to end cash bail. But during the legislative wrangling, and as a result of resistance from judicial and law enforcement officials and the influential "moderate" faction of Democratic legislators, SB 10 evolved. By the time the Governor signed it in September 2018, SB 10 was designed to replace cash bail with risk assessments. Along the way, SB 10 lost the support of many justice advocates, including dozens of grassroots groups, the ACLU, and Human Rights Watch, while retaining many Sacramento-based groups who saw it as a first but necessary step to undermine the power of the bail industry.

Ordinarily, advocates of stronger changes to pre-trial detention would have fought onward through the legislative process. (In fact, Assemblymember Rob Bonta will be introducing a new bill in the 2021 legislative session to further reform SB 10.)

more on PROPOSITION 25

But the bail industry made the first move. Threatened with the destruction of its business, it paid to gather the millions of signatures necessary to delay implementation and possibly stop it permanently by putting SB 10 up for a citizen referendum. That's Proposition 25. A YES vote on Prop 25 means that SB 10 will go into effect as initially written and signed into law. A NO vote means that SB 10 won't go into effect, AND also that the Legislature is prohibited from enacting an identical law in the future.

Progressive groups have split significantly over Prop 25. The strongest support has come from statewide organizations deeply worried about how a NO vote on Prop 25 would reinforce the bail industry's political power and create a legal barrier to the abolition of cash bail. Progressive opposition to Prop 25 is concentrated in the LA region, where increasingly powerful coalitions like Justice LA are adamant that different and better legislation can be passed. These groups argue that far from improving the status quo, Prop 25 will entrench a risk-assessment system that could be even more discriminatory than the current bail system, resulting in increased detention.

There are good faith justice advocates on all sides, from SUPPORT to OPPOSE to NEUTRAL. Meanwhile, the bail industry is benefiting from the intra-progressive fight, at least for now. This is what happens when legislative leaders push through a massive reform without retaining buy-in from the justice groups who spearheaded the reform in the first place. Now we're stuck cleaning up the mess.

So how should you vote? We're presenting arguments from organizations we trust and are leaving it up to you to decide.

The first thing to know, however, is that the bail bond industry is spending millions on blatantly false advertisements. There is no threat to public safety by eliminating cash bail. In New Jersey, where cash bail was eliminated in 2017, defendants continue to show up for court cases at the same rate as before, and people released are no more likely to commit additional crimes.

That said, progressive critics of Prop 25 make several crucial points.

First, the risk assessment system proposed in SB 10/Prop 25 doesn't take into consideration a person's individual circumstances or facts of the case. Instead, it uses data points like age and arrest record to determine a defendant's likelihood of missing their court date. We've learned the hard way that ostensibly "objective" algorithms can still produce racially and economically discriminatory outcomes. As wide as judicial discretion is under the cash bail system, under a no-bail system, judges would have even more power to incarcerate people accused of felonies. And there would be no way out before trial. Opponents worry that judges could use this power to exert even more pressure for plea deals than before.

Second, this new system will require major new funding for local probation departments, which threatens to take away resources from real community needs. It could also help grow a new risk assessment industry, which offers a fresh way to profit from incarceration even as it gets rid of the bail industry.

Finally, passing Prop 25 may limit local struggles for counties to create more just pre-trial systems.

more on PROPOSITION 25

Thanks to a strong justice movement, including the Los Angeles County Alternatives to Incarceration Work Group, the LA region has been making progress in designing and implementing community-based alternatives to incarceration that don't increase law enforcement budgets or use racially discriminatory algorithms. And thanks to a recent decision by the California Supreme Court in the Humphrey case, judges now have to consider a defendant's ability to pay when setting bail — and give increased consideration to alternatives like electronic monitoring — rather than relying on conventional bail schedules affixed to specific crimes.

Part of what makes this such a complicated and challenging issue is that voters are being asked to choose between two courses of action that are both laden with uncertainty. Defeat of Prop 25 will empower the bail industry politically and create new legal obstacles to abolishing cash bail. But it may also leave room for more local innovation on alternatives to incarceration, and the Humphreys court decision leaves open the possibility that cash bail will be adjusted significantly regardless. On the other hand, passage of Prop 25 would break the power of the bail industry and end a racially unjust and economically devastating system. But without major reforms that would be politically challenging in their own right, passing Prop 25 also threatens to create a new system of pre-trial detention that could be even more unjust.

We suggest you do your homework and come to your own conclusion on this one.

Supporters:

- Advancement Project California
- Anti-Recidivism Coalition
- A New Way of Life
- Black Women for Wellness
- California Democratic Party & most Democratic elected officials
- California Labor Federation
- California Teachers Association
- Californians for Safety and Justice
- CHIRLA
- Courage California
- Community Coalition
- Dolores Huerta Foundation
- MALDEF
- Peace and Freedom Party
- PICO CA
- SEIU California
- Western Center on Law and Poverty

Neutral:

- ACLU of Northern California
- California Environmental Justice Alliance
- Initiate Justice

Progressive Opponents:

- ACLU Southern California
- Bend the Arc: A Jewish Partnership for Justice
- Color of Change
- Dignity and Power Now
- Essie Justice Group
- Frontline Wellness Network
- Human Rights Watch
- Justice LA
- LA CAN
- La Defensa
- Silicon Valley De-Bug
- Youth Justice Coalition

Conservative Opponents:

- California Republican Party & most Republican elected officials
- California Business Roundtable
- California Small Business Association
- American Bail Coalition, Golden State Bail Agents Assoc., California Bail Agents Assoc.
- Crime Victims United of California

About LA Forward

LA Forward is a community of Angelenos fighting for policies that will make Los Angeles a fair, flourishing place for everyone.

We imagine a Los Angeles where everyone has the knowledge to participate effectively in local democracy, the skills to build civic relationships within and across neighborhoods, and the power to ensure our political system prioritizes our common needs above private interests.

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