

July 27, 2016

Members, Ballot Simplification Committee  
Department of Elections  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 48  
San Francisco, CA 94102

VIA PDF E-MAIL

**Re: Comments on Approved Digest for “Affordable Housing Requirements for Market-Rate Development Projects” Initiative**

Dear Members of the Ballot Simplification Committee:

On behalf of Working Families Fighting to Stay in San Francisco, thank you for your time and consideration in approving the digest for the “Affordable Housing Requirements for Market-Rate Development Projects” Initiative (the Initiative) at your July 26th meeting.

*We support the Committee’s approved digest for the Initiative and do not request any changes.* However, several public commenters at the July 26th meeting requested additional changes that the Committee appropriately rejected because, if adopted, those changes would have inaccurately characterized the Initiative and would have resulted in the Digest incorporating the partisan campaign arguments of the Initiative’s opponents. As we anticipate those requests will be repeated in a request for reconsideration of the Committee’s Approved Digest, *we write to address the requested changes in case the requests are repeated in an appeal.*

Specifically, several opponents of the Initiative asked that the Digest state that the Initiative will “eliminate” the current two-tiered system for affordable housing. This request was the subject of considerable public discussion and clarification during the hearing on July 26, in response to comments by Whitney Jones, and they resulted in a fair and accurate effort

[CES8440.01]

**SAN FRANCISCO BAY AREA**2350 KERNER BLVD, SUITE 250  
SAN RAFAEL, CA 94901

T 415.389.6800 F 415.388.6874

**SACRAMENTO**1415 L STREET, SUITE 1200  
SACRAMENTO, CA 95814

T 916.446.6752 F 916.446.6106

**NMGOVLAW.COM**

Members, Ballot Simplification Committee  
July 27, 2016  
Page 2 of 2

to incorporate recognition of the current two-tiered system in a fair and neutral way.

To now go further and incorporate the inflammatory statement sought by the Initiative's opponents, that the Initiative would "eliminate" the low-income housing tier would improperly result in the Digest becoming a piece of campaign advocacy. As the Committee properly noted at the July 26 hearing, these statements are more appropriate for the ballot arguments—not the neutral Digest.

Moreover, the statement that the opponents were requesting would be misleading, inasmuch as it could falsely give voters the impression that "low-income" households—those with an income that is equal to or less than 55% of the area median income—are no longer eligible for below-market-rate (BMR) housing, because their tier has been "eliminated." That is not the case. Under the Initiative, those households remain eligible for BMR housing.

\* \* \* \* \*

We respectfully request that the Committee deny any request that the Committee reconsider its prior refusal to tell voters that the Initiative would "eliminate" the two-tiered system.

Sincerely,



Christopher E. Skinnell