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Broadcast Station General Managers
California TV Stations

Dear Station General Manager:

We write again on behalf of Yes on 10 – a Coalition of Teachers, Nurses, Seniors and Renters for Affordable Housing, Sponsored by AIDS Healthcare Foundation and ACCE Action (“Yes on 10”), the committee primarily formed to support Proposition 10 on the November 6, 2018 General Election ballot. No on Prop 10; Californians for Responsible Housing, A Coalition of Veterans, Seniors, Housing Providers, Social Justice Groups, Taxpayer Associations, and Labor (“No on 10”) appears intent on trying to muzzle my client from sharing its opinion – supported by the text of Proposition 10 as well as the analysis of the Legislative Analyst – that Proposition 10 will have “no effect on homeowners.” No on 10 simply doesn’t like this speech, so it asks you to shut my client down. There is no basis for any such action.

In our October 1, 2018 response, we laid out what is clear, and what the No on 10 committee refuses to accept: Proposition 10 repeals the Costa-Hawkins Act, and that is all it does. As the Legislative Analyst states, “The measure itself does not make any changes to local rent control laws.” No on 10 doesn’t seem to accept that. Even in its “follow up” letter, No on 10 claims that “single-family residences” “would be subject to rent control if Proposition 10 passes.” That statement is an absolute lie.

No on 10 takes issue with the commonsense observation that “homeowners,” colloquially understood to be persons who live in the homes that they own, will not be affected by a rent-control related measure. No on 10 complains that “[t]he text of the ad makes no distinction between homeowners who live in their homes and those who rent out single-family residences that would be subject to rent control if Proposition 10 passes.” In addition to being *wrong*, the gripe is absurd. This is a campaign, not a legal brief. The California voters who view this ad understand the message: People who own their own homes are not going to be affected by rent control measures.

The California courts have come down strongly on the side of preserving the right to free and open speech on political issues. In particular, the court emphasized that the right to present an opinion on ballot initiatives is critical:

“The constitution, and public policy, require open public debate on initiative issues without the ‘chilling’ effect of legal reprisals. Statements made in this context generally are, and should be, treated as opinion. This is particularly true when they concern an initiative measure. Almost all, if not all, statements concerning the Effect or Application of an initiative can only be the opinion of the interpreter, and the voting public is generally aware of this.” (*Chavez v. Citizens for a Fair Farm Labor Law* (1978) 84 Cal.App.3d 77, 82.)

It is highly ironic for No on 10 to object to this statement as false, when its own ads are simply *riddled* with demonstrably false information. If the station is not going to air Yes on 10’s ad, it also needs to consider all of the following demonstrably false statements currently included in the copious advertising of the No on 10 campaign (and this is only a selection of the most egregiously false statements):

- From “An Attack on Homeowners:” “And 10 would create government price caps on single family homes rentals regardless of the expenses.”

FALSE AND MISLEADING: Prop 10 doesn’t create “government price caps” on *anything*. Local governments would have the authority to establish rent control programs, but any such program would have to guarantee a fair rate of return for landlords, so no “government price cap” could be imposed “regardless of the expenses.” (See Voter Information Guide, Analysis by Legislative Analyst, p. 59 (available at <https://vig.cdn.sos.ca.gov/2018/general/pdf/complete-vig.pdf>)

- From “Don’t Be Fooled:” “Prop 10 would . . . make it harder to find a place to live.” (Ad shows “source: LAO analysis of Prop 10 (A.G. File No. 2017-041), December 12, 2017.)

FALSE AND MISLEADING: The LAO’s analysis does not state that Prop 10 would make it harder to find a place to live. The analysis explains that in fact fewer renters would have to move because there would be less rent increases in cities with rent control, so fewer renters would be forced to actually find a place to live.

- From “Don’t Be Fooled:” “And Prop 10 has no provisions to actually treat homelessness.”

FALSE AND MISLEADING: By allowing localities the freedom to impose rent control, Californians who lose their homes due to unsustainable and unaffordable rent increases will be protected and will not fall into a state of homelessness.

- From “Tablet:” “Prop 10 takes away existing rights for California homeowners.”

FALSE AND MISLEADING: No existing rights are being taken, and Prop 10 preserves the constitutional guarantee of a fair rate of return for landlords.

No on 10 is trying to use its substantial financial resources to muzzle speech and deter my client from sharing its opinions, but Yes on 10 will not be deterred by this bullying, as it has the right to share its opinion with the voters.

Please feel free to contact me if you have any additional questions.

Yours very truly,



Beverly Grossman Palmer

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