

Peninsula Times Tribune
Jan 24, 1984

Comment

One petition too many

NOW THAT the referendum on rent control in East Palo Alto has been placed on the April 10 ballot, talk has turned to other causes that may capitalize on the same anti-City Council sentiment that was tapped in the referendum petition.

One of those is the effort to qualify for the June ballot something called the Property Owners Civil Rights Initiative. The proposal is seductive in its simplicity and patriotic overtones, but that allure is dangerous.

For years we have opposed local rent control measures. We recommended "no" votes on such initiatives in Mountain View and Sunnyvale, and we cautioned the new City Council in East Palo Alto against enacting a rent control ordinance last fall. Rent control discourages the housing investment that is so necessary to local economic development, and the fiscal success of the new city depends heavily on economic development. Without an expanding tax base, the city government will be struggling to provide minimal services, let alone take on the enormous tasks of crime reduction and public works improvements. The City Council's concern about affordable housing is commendable, but there are creative ways to expand the affordable housing stock in a community without resorting to regulation so tight as to discourage investment. The rent control ordinance deserves to be repealed.

But the property-rights initiative not only confuses that issue; it goes too far in

its opposition of rent control. It says simply that a property owner has the sole right to "establish the price for which that property may be sold, leased, rented, transferred or exchanged," and that the city cannot enact any laws to abridge that right.

It's tough to argue against property rights in the abstract, but is this kind of law necessary? The recourse for anyone incensed about rent control is the referendum; this law would order a prohibition against future considerations of ordinances that would affect prices. The implication is housing regulation will never be justified in East Palo Alto — not even regulation more modest than rent control, such as a mediation-arbitration law. We oppose rent control under the current circumstances, but we're not prepared to bar the council from affecting housing property forever.

As with most short and simple initiatives, this one's vagueness would invite legal problems. What if a change in the zoning ordinance, for example, effectively devalued someone's property? Zoning overruled? Or what if a council tried to condemn a dilapidated building through eminent domain, to build a new youth center? Only the judges would answer those questions.

The City Council erred in its enthusiasm for rent control, but it still must have the flexibility and authority to do its basic governing, right or wrong. If the decisions are unpopular, voters already have ways to let the council know.