

# CITY OF HAYWARD MEASURE T

<p><b>T</b> To support City of Hayward services, with revenue that cannot be taken by the State, including: repairing streets and sidewalks; 911 emergency and firefighter response times; neighborhood police patrols; disaster preparedness; extended library hours and after-school programs; and unrestricted general revenue purposes; shall Hayward increase the rate of its real property transfer tax, collected once upon purchase of real estate, from \$4.50 to \$8.50 per \$1,000, providing \$13,000,000 annually, until repealed by voters, all funds benefiting Hayward?</p>	<b>YES</b>
	<b>NO</b>

s/MICHAEL LAWSON  
 City Attorney  
 City of Hayward

The above statement is an impartial analysis of Measure T, which is printed in full in this sample ballot pamphlet. If you desire an additional copy of the measure, please call the Office of the City Clerk at (510) 583-4400 and a copy will be mailed to you at no cost. You may also access the full text of the measure on the City of Hayward’s website at the following address: <https://www.hayward-ca.gov/your-government/elections>

## CITY ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE T

The City Council of the City of Hayward is submitting a measure to voters that would increase the rate of the tax imposed on transfers of real property. This tax is known as a real property transfer tax. Currently, the rate on such transfers is \$4.50 per \$1,000 of value. The proposed rate is \$8.50 per \$1,000 of value. If approved by a simple majority of voters voting on the measure, the new rate would remain in effect until modified or repealed by voters.

The real property transfer tax applies to transactions involving the sale and purchase of real property, including improved property with homes or commercial structures and unimproved land with no structures. The tax is paid when ownership transfers from the seller of the property to the purchaser of the property. In Hayward the tax can be paid by either the seller or the purchaser, or the tax can be shared between the seller and the purchaser. It is a one-time expense related to the transfer of ownership. It is unrelated to the annual payment of property taxes.

Funds generated by the real property transfer tax are deposited in Hayward’s general fund. Such funds can be used for any legitimate City service but are typically used to pay for 911 emergency and firefighter response times, neighborhood police patrols, disaster preparedness, extended library hours and after-school programs, and repairing streets and sidewalks. Such funds cannot be taken or appropriated by the State of California.

If the proposed increase is approved, it is estimated the tax would generate \$13 million annually, according to the Hayward Director of Finance. At the current rate, the tax generates \$7.2 million annually.

A ‘yes’ vote is a vote in favor of the proposed increase. A ‘no’ vote is a vote against the proposed increase. If the proposed increase is not approved, the current rate would remain in effect.

## ARGUMENT IN FAVOR OF MEASURE T

Protecting Hayward's quality of life is critical – for our safety, our neighborhoods, our property values, and our future. If you agree, there's nothing more important on the November ballot than **Measure T. Please join us in VOTING YES.**

The City of Hayward is working hard to make local government work better, operating with 22% fewer employees today than 10 years ago. City workers are contributing a larger share of their healthcare and retirement benefits than ever before. Despite these and other efficiencies, a structural deficit is expected to exhaust City General Fund reserves by 2022 if not addressed.

Measure T provides an affordable way to help close the gap.

**Without increasing the cost of living to local residents,** Measure T authorizes adjusting Hayward's existing Real Property Transfer Tax (RPTT) to help maintain vital city services, such as:

- Fixing potholes, repairing streets and reducing traffic
- Maintaining 911 emergency response times
- Continuing adequate neighborhood police patrols
- Offering after-school programs and extended library hours
- Providing affordable housing solutions for seniors, families and the homeless.

**This is NOT an ongoing property tax or repetitive tax.**

The RPTT is collected **only once** in transaction closing costs when Hayward residential and commercial properties are bought/sold. Businesses pay their fair share through the RPTT when they too buy/sell Hayward properties.

**Taxpayer Safeguards are REQUIRED.** ALL FUNDS MUST STAY LOCAL for City of Hayward purposes. The State can't take these funds away. Independent financial audits and regular public reporting ensure proper spending.

Hayward's RPTT is currently the lowest among Alameda County charter cities. Measure T would make ours the second lowest, well below six other cities.

Please join firefighters, police, neighborhood, civic and business leaders, seniors, parents, and residents throughout Hayward uniting behind Measure T to protect Hayward's future.

**Join us - VOTE YES on Measure T.**

[www.protecthaywardsfuture.com](http://www.protecthaywardsfuture.com)

s/MICHAEL SWEENEY

Mayor, City of Hayward, Retired

s/MARGARET MARY (MIMI) BAUER

President, Fairway Park Neighborhood Association

s/JOSEPH A. OCHOA

35-year Hayward Resident, Southgate Neighborhood

s/FREDDYE M. DAVIS

President, Hayward South Alameda County NAACP

s/JOAN E. SIEBER

Retired Professor, Cal State University East Bay

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE T

**Lots of promises but no guarantees.** Before you make up your mind on Measure T, read the fine print: "unrestricted general revenue purposes" means City Hall can use this tax to pay for anything they want.

All the safeguards and oversight don't change the fact that there is no guarantee this money will be used for city services. In fact, if you vote yes on this tax, most of the money will probably be used to pay for pensions for retired City Hall bureaucrats.

**This IS an ongoing tax.** EVERYONE, including seniors, who are selling their homes in Hayward will pay this tax. This tax does increase the cost of living for Hayward's newest residents including first-time homebuyers.

Help put Hayward on the right track to a sustainable future by telling City Hall to deal with its spending problem before it asks for more money.

**Vote NO on Measure T.**

s/SOFYAN KARIM

Hayward resident

## ARGUMENT AGAINST MEASURE T

The City of Hayward has a spending problem and wants to try to solve it by making housing more expensive. The price of a typical home in Hayward is now more than \$700,000. That's too expensive for most first-time homebuyers, or families who want to put down roots here in Hayward, and for our children. Now the City wants to add thousands of dollars to the price of a home by almost doubling their transfer tax rate. A homebuyer can't finance the cost of the transfer tax. It's money they must bring to the table. If you don't want the City of Hayward to make the housing crisis worse, please vote no on the transfer tax increase.

Another problem with treating home sales like a piggy bank is that it's unreliable. The City seems to have forgotten that home sales are unpredictable and can drop significantly from year to year. Plus, by making homes more expensive, this transfer tax increase could result in fewer homes being sold. When that happens, the City will receive much less revenue from this tax than it expects.

The City of Hayward needs to fix this problem by taking another look at how it spends its money. If Hayward really does need more revenue, then the City Council needs to come up with a reliable and fair solution that asks everyone who needs city services to help. Putting the burden of generating more money for City Hall on the backs of home owners and home buyers isn't fair and isn't smart.

Please send a message to City Hall that the transfer tax increase is a bad idea that will cause problems and not fix them. Please vote no on the transfer tax increase.

s/BILL ESPINOLA  
Hayward resident

## REBUTTAL TO ARGUMENT AGAINST MEASURE T

There's one thing that the lone individual registering opposition to Measure T didn't tell you: he's a real estate agent and landlord with a special interest in protecting his profits over Hayward's quality of life.

In contrast, we speak for Hayward homeowners and residents.

Here are the facts:

**FACT:** Measure T is about two things: maintaining vital city services that Hayward needs and protecting our quality of life – **without impacting residents' daily cost of living.**

**FACT:** Hayward is one of the Bay Area's most affordable home-buying communities. Measure T won't change that.

**FACT:** This fee will be collected **only once** - when you buy or sell property. (It's a drop in the bucket compared to typical real estate agent fees.)

**FACT:** Measure T will directly benefit Hayward residents and the services we value most:

- Pothole repairs and street maintenance
- Adequate rapid-response times for 911 medical, fire and police emergencies
- Neighborhood police patrols
- Fire protection/prevention services
- Reducing traffic on Hayward city streets
- Extended library hours

**FACT: Measure T MANDATES taxpayer protections.** All funds stay IN Hayward FOR Hayward. None of this money can be taken by Sacramento. Independent audits and regular public reporting ensure proper spending.

Hayward continues to move forward every year, becoming a more desirable place to live. This is happening because our city and community are taking steps together to grow responsibly and pay attention to protecting Hayward's quality of life. Let's keep the momentum going.

**Stand with us. You'll be in good company.**

**VOTE YES on Measure T.**

[www.ProtectHaywardsFuture.com](http://www.ProtectHaywardsFuture.com)

s/JUDITH HARRISON  
President, Friends of Hayward Library

s/JULIUS C. WILLIS, JR.  
Board Member, Eden Shores Homeowners Association

s/MINANE JAMESON  
Vice President, Fairway Park Neighborhood Association, HARD Director

s/RANDY J. WRIGHT  
Block Captain, Neighborhood Alert - Hayward Hills

s/ELISA MÁRQUEZ  
Mayor Pro Tem, City of Hayward, Lifelong Resident

**FULL TEXT OF MEASURE T**

ORDINANCE No. \_\_

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING SECTION 8-6.05 OF THE HAYWARD MUNICIPAL CODE RELATING TO REAL PROPERTY TRANSFER TAX

THE PEOPLE OF THE CITY OF HAYWARD DO ORDAIN AS FOLLOWS:

Section 1. Section 8-6.05 of the Hayward Municipal Code is hereby amended to read as follows:

**SEC. 8-6.05 - IMPOSITION OF TAX.**

A tax is hereby imposed on each transfer, by deed, instrument, or writing, by which any lands, tenements, or other real property located in the City are sold, granted, assigned, transferred, or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or any other person or persons at or by the direction of said purchaser or purchasers, when the value of the consideration exceeds one hundred dollars (\$100.00), said tax to be at the rate of ~~four dollars and fifty cents (\$4.50)~~ *eight dollars and fifty cents (\$8.50)* for each one thousand dollars (\$1,000.00) or fractional part of one thousand dollars (\$1,000.00) of the value of the consideration.

As used herein, ‘value of the consideration’ shall mean the total consideration, paid or delivered, or contracted to be paid or delivered, in return for the transfer of real property, including the amount of any indebtedness, existing immediately prior to the transfer which is secured by a lien, deed of trust or other encumbrance on the property conveyed and which continues to be secured by such lien, deed of trust, or encumbrance after said transfer, and also including the amount of any indebtedness which is secured by a lien, deed of trust, or encumbrance given or placed upon the property in connection with the transfer to secure the payment of the purchase price or any part thereof which remains unpaid at the time of the transfer. Value of the consideration also includes the amount of any special assessment levied or imposed upon the property by a public body, district, or agency, where said special assessment is a lien or encumbrance on the property and the purchaser or transferee agrees to pay such special assessment or takes the property subject to the lien of such special assessment. The value of any lien or encumbrance of a type, other than those which are hereinabove specifically included, existing immediately prior to the transfer and remaining after said transfer, shall not be included in determining the value of the consideration. If the value of the consideration cannot be definitely determined or is left open to be fixed by future contingencies, value of the consideration shall be deemed to mean the fair market value of the property at the time of transfer after deducting the amount of any lien or encumbrance, if any of a type which would be excluded in determining the value of the consideration pursuant to above provisions of this section.

Section 2. To the extent allowed under Article XIII C of the California Constitution, this Ordinance may be amended by the City Council without a vote of the people, except

that voter approval shall be required for any amendment that increases the tax, within the meaning of Government Code section 53750(h), beyond the levels authorized by this chapter.

Section 3. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 4. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 5. This Ordinance shall become effective 10 days after the certification of its approval by the voters at the Election pursuant to Elections Code section 9217.

Section 6. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

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