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August 2, 2024

**VIA E-MAIL ONLY**

Bay Area Housing Finance Authority Board  
c/o Chair Alfredo Pedroza: [Alfredo.Pedroza@countyofnapa.org](mailto:Alfredo.Pedroza@countyofnapa.org)  
c/o Executive Director Andrew B. Fremier: [afremier@bayareametro.gov](mailto:afremier@bayareametro.gov)  
c/o Clerk Kimberly Ward: [kward@bayareametro.gov](mailto:kward@bayareametro.gov)  
c/o Kate Hartley, BAHFA Director: [khartley@bayareametro.gov](mailto:khartley@bayareametro.gov)  
c/o BAHFA Counsel Kathleen Kane: [kkane@bayareametro.gov](mailto:kkane@bayareametro.gov)

Association of Bay Area Governments Executive Board  
c/o Board President Belia Ramos: [Belia.Ramos@countyofnapa.org](mailto:Belia.Ramos@countyofnapa.org)  
c/o Board Vice President Jesse Arreguin: [mayor@berkeleyca.gov](mailto:mayor@berkeleyca.gov)  
c/o Board Clerk Wally Charles: [WCharles@bayareametro.gov](mailto:WCharles@bayareametro.gov)

Re: Pre-Litigation Demand Letter Demanding Immediate Amendment of Regional Measure 4 (RM4) Ballot Question and Ballot Measure Text, With Response By Monday, August 5 at 5:00 p.m.

To the Bay Area Housing Finance Authority (BAHFA) Board and the Association of Bay Area Governments (ABAG) Executive Board:

This letter is to serve as a pre-litigation demand letter. Registered voters in the BAHFA district are prepared to file a lawsuit next week as Plaintiffs challenging the ballot question and ballot measure text for Regional Measure 4 (RM4), as approved by the BAHFA Board and ABAG Executive Board on June 26, 2024, pursuant to Elections Code sections 9051, 9190, 9380, 13119 and/or 13314.

Elections Code section 10403<sup>1</sup> requires a ballot question (also called “ballot label” or “summary of the measure”) to “conform to this code governing the wording of propositions submitted to the voters at a statewide election.” Elections Code section 9051 provides that in a statewide election the ballot title and summary of an initiative or referendum must be a “true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.”<sup>2</sup>

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<sup>1</sup> BAHFA’s enabling act expressly refers to Section 10403, “The authority shall file with the board of supervisors of each county in which the measure shall appear on the ballot a resolution of the authority board requesting consolidation and setting forth the exact form of the ballot question, in accordance with Section 10403 of the Elections Code.” (Government Code § 64521(c).)

<sup>2</sup> In *McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169, the court altered a local ballot question/ballot label based upon violation of Section 9051 through Section

Elections Code section 13119(c) is the legal standard for all local ballot questions/ballot labels.<sup>3</sup> Section 13119(c) states, “The statement of the measure shall be a **true and impartial synopsis** of the purpose of the proposed measure, and shall be in language that is neither **argumentative** nor **likely to create prejudice for** or against the measure.” (Emphasis added.)

The RM4 ballot question is inherently prejudicial. BAHFA tested the RM4 ballot question in voter surveys and determined wording that most appealed to voters.

As a threshold matter, Plaintiffs note that BAHFA may “[s]ue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.” (Government Code section 64520(e).)

Plaintiffs are informed and believe that the BAHFA Board and ABAG Executive Board have legal authority to amend the RM4 ballot question up to Friday, August 9, the 88<sup>th</sup> day before the November 2024 election.

Plaintiffs hereby demand that the BAHFA Board and/or ABAG Executive Board convene special meetings before Monday, August 5 at 5:00 p.m. to approve the following amendments to the RM4 ballot question:

**I. Amend ballot question title to read “BAY AREA AFFORDABLE HOUSING BOND.”**

There is considerable ambiguity as to the title of RM4. The “Notice of Election” that appeared in the *San Jose Post-Record* newspaper on July 18, 2024 stated that the measure title is “REGIONAL MEASURE 4 BAY AREA AFFORDABLE PLAN.” (See attached Exhibit A.) The RM4 “Notice of Election” is posted on BAHFA’s website through the following URL: <https://mtc.ca.gov/digital-library/5032302-notice-election>

The URL for the direct link to the RM4 “Notice of Election” as a PDF document on the BAHFA website is: <https://mtc.ca.gov/sites/default/files/documents/2024->

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10403 (via Section 9295). These same standard applies to regional measures like RM4 through Sections 9190 and/or 9380.

<sup>3</sup> BAHFA is a local “district” pursuant to Elections Code § 9300 et seq. for purposes of RM4. “For the purpose of placement of a measure on the ballot, the authority is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the authority that requires voter approval shall be submitted to the voters of the counties, as determined by the authority, in accordance with the provisions of the Elections Code applicable to districts, including the provisions of Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.” (Government Code § 64521(b)(1).)

[07/Notice of Election BAHFA Measure November 5 2024 General Election Updated.pdf](#) A copy of that RM4 “Notice of Election” that appears on the BAHFA website is attached to this demand letter as Exhibit B. Note that the RM4 “Notice of Election” on the BAHFA website, like the “Notice of Election” published in the newspaper, states that the title is “REGIONAL MEASURE 4 BAY AREA AFFORDABLE PLAN.”

In contrast, BAHFA Resolution No. 34 refers to the title as “BAY AREA AFFORDABILITY PLAN.” RM4 electors have been given formal public notice of the “BAY AREA AFFORDABLE PLAN” title. Therefore, a lawsuit is necessary pursuant to Elections Code section 9190, 9380, and/or 13314 to ensure that the correct ballot title (whatever it is) actually is printed onto ballots.

Regardless, of whether “BAY AREA AFFORDABLE PLAN” or “BAY AREA AFFORDABILITY PLAN” is the current official title, Plaintiffs believe that title must be amended because:

- (1) both titles are false and/or misleading in violation of Elections Code sections 9190 and/or 9380 and the *Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417 (“*Huntington Beach*”) and *McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169 (“*McDonough*”) standards and/or
- (2) both titles are not “true,” not “impartial,” “argumentative” and/or “likely to create prejudice for ... the measure” in violation of Elections Code section 13119(c).

In both *Huntington Beach* and *McDonough*, the courts of appeal required ballot titles to be re-written. In *Huntington Beach*, the ballot question title originally read, “Amendment of Utility Tax by Removing Electric Power Plant Exemption.” (*Id.* at p. 1434.) The *Huntington Beach* court stated, “The question in this case, then, is whether the word ‘exemption’ is insufficiently neutral to appear in the title of the measure on the ballot.” (*Id.* at p. 1433.) The court altered the ballot question title to read, “Amendment of Utility Tax by Removing Electric Power Plant Exclusion.” (*Id.* at p. 1434.)

In *McDonough*, the Court altered the “PENSION REFORM” ballot title was amended to read “PENSION MODIFICATION” in order “to eliminate the use of the argumentative word ‘reform.’” (*Id.* at p. 1175.)

A court is likely to re-write the RM4 ballot question title because it violates the aforementioned legal standards. The RM4 ballot question title “BAY AREA AFFORDABILITY PLAN” (or “BAY AREA AFFORDABLE PLAN”) is misleading, argumentative, and/or likely to create prejudice for RM4, as set forth below:

- (A) The plain word “AFFORDABILITY” or “AFFORDABLE” (without the accompanying word “housing”) in the ballot question title is misleading, argumentative, and/or likely to create prejudice for RM4.

First, the word “AFFORDABILITY” (or “AFFORDABLE”, without the accompanying word “housing”) is misleading, argumentative, and/or likely to create prejudice for RM4 because it implies to voters that RM4 generally addresses the cost of living in the Bay Area, such as “affordable health care,” “affordable transit,” and/or “affordable utilities.”

RM4 is narrowly focused on the topic of housing. The title of the three-page “Ballot Measure” is “Authorization for Affordable Housing General Obligation Bond...” The authorization is for “Affordable Housing.” Therefore, the term “Affordable Housing” belongs in the ballot question title.

The word “AFFORDABILITY” is misleading, not true, argumentative, and/or likely to create prejudice for RM4. Nowhere does the three-page “BALLOT MEASURE” text use the term “affordability.”

(B) The word “PLAN” in the ballot question title is misleading, not true, argumentative, and/or likely to create prejudice for RM4.

Second, the word “PLAN” is misleading, not true, argumentative, and/or likely to create prejudice for RM4 because RM4 is not a “Plan.” RM4 is a “Bond.” BAHFA refers to RM4 as “Bay Area Affordable Housing Bond” in its so-called public information materials concerning RM4. (See attached Exhibit C, found on the BAHFA website at the following URL: <https://mtc.ca.gov/about-mtc/authorities/bay-area-housing-finance-authority/bay-area-affordable-housing-bond>) Hence, Plaintiffs would find “BAY AREA AFFORDABLE HOUSING BOND” to be an acceptable ballot question title.

The text of the three-page “BALLOT MEASURE” supports Plaintiffs’ argument. The word “plan” appears four times in the three-page “BALLOT MEASURE,” all in a single paragraph:

BAHFA must adopt an expenditure **plan** regarding how to allocate its portion of the bond proceeds after it engages in public outreach and public participation. The counties, cities, and city and county receiving a direct allocation of the bond proceeds shall adopt their own expenditure **plans** for their allocations of bond proceeds after public outreach and public participation. All expenditure **plans** must be revised on a regular basis after public outreach and public participation as required by state law<sup>3</sup> and must comply with Government Code<sup>4</sup> Section 64650. Expenditure **plans** may include labor standards for projects receiving bond proceeds. (Emphasis added.)

Note well that any “Plan” pursuant to RM4 really is a set of separate plans to be developed by myriad government entities, “after [] public outreach and public participation,” *after* the RM4 election.

Furthermore, the paragraph quoted above is under a heading titled, “DESCRIPTION OF THE PROGRAM.” “Program” would be a more accurate description of RM4 than “Plan.”

Therefore, Plaintiffs demand that the ballot question title be altered to read “BAY AREA AFFORDABLE HOUSING BOND.”

## **II. Strike “reduce” in “reduce homelessness”.**

The ballot question cannot permissibly assert that RM4 would “reduce homelessness.” That is not a “true and impartial synopsis” or “summary” of RM4. The three-page “BALLOT MEASURE” mentions “homelessness” just once in its operative text (pages 2-3): the reference to “programs to address homelessness” on page 2 in the “Purpose and Goal” section (emphasis added). Note well that the “Purpose and Goal” of RM4 in the “BALLOT MEASURE” text expressly states “address homelessness” (not “reduce” homelessness). The words “reduce” and “reducing” appear nowhere in the three-page “BALLOT MEASURE.”

Therefore, the ballot question would be false, misleading, and/or not true if it claimed to “reduce homelessness” because RM4 has no express provision to “reduce homelessness.”

The assertion that RM4 would “reduce homelessness” is impermissibly “argumentative.” Whether or not the “program” in the three-page “BALLOT MEASURE” actually would “reduce homelessness” is subject to considerable debate. How is “homelessness” defined? What does the verb “reduce” actually mean? Does “reduce homelessness” refer to a reduction in the quantity of “homeless” individuals? What if the existence any RM4 “homeless” program attracted more “homeless” individuals to the nine county Bay Area?

Finally, the phrase “reduce homelessness” is likely to create prejudice for RM4. Voters would be more inclined to support RM4 if it had an actual express purpose to “reduce homelessness,” which it does not.

## **III. Amend “estimated 70,000” to “up to 90,000”.**

The number “70,000” appears nowhere in the text of the three-page “BALLOT MEASURE.” Neither does any number in close proximity to “70,000” appear in the three-page “BALLOT MEASURE.” The phrase “estimated 70,000 affordable apartments/ homes” is not a “true and impartial synopsis” or “summary” of RM4.

The only number that appears in the three-page “BALLOT MEASURE” is “up to 90,000 affordable housing units.” That phrase appears prominently in the title of the “BALLOT MEASURE.” It also appears in Section V (“Estimated Number of Affordable Housing Units to be Built and Preserved”): “For purposes of compliance with Article XXXIV of the California Constitution, bond proceeds will be used for **up to 90,000** affordable housing

units throughout the Bay Area.” (Emphasis added.) In other words, RM4 provides no guarantee of any minimum number of affordable housing units. RM4 could provide 90,000 units ... or it could produce zero units.

The assertion in the ballot question that RM4 would be “providing an estimated 70,000 affordable apartments/ homes” is not supported by the RM4 ballot materials. Therefore, that assertion is false, misleading, and/or not true. Use of the phrase “providing an estimated 70,000 affordable apartments/ homes” is “argumentative” because the term “estimated” is subject to various interpretations. Use of the phrase “providing an estimated 70,000 affordable apartments/ homes” is likely to create prejudice for RM4 because voters incorrectly will assume that RM4 very likely would provide around 70,000 affordable housing units. BAHFA and ABAG offer no support whatsoever for that assertion anywhere in the RM4 ballot materials.

Therefore, Plaintiffs demand that BAHFA and ABAG alter the ballot question to delete “estimated 70,000” and replace it with “up to 90,000”.

#### **IV. Amend “apartments/ homes” and “homes” to “housing units”.**

Use of the word “apartments” in the ballot question is not a “true and impartial synopsis” or “summary” of RM4. In the three-page “BALLOT MEASURE,” the word “apartments” appears nowhere. The word “apartments” also does not appear in BAHFA’s enabling act. The word “apartments” should not appear in the ballot question because it appears nowhere in the three-page “BALLOT MEASURE” or in BAHFA’s enabling act.

The word “homes” appears two times in the ballot question, in the first and second bullet points. Both references to “homes” should be stricken and replaced with “housing units.” The word “home” or “homes” appears twice in the three-page “BALLOT MEASURE.” The first reference, “demand for more homes” (p. 1), is in the preface. The second reference, “home ownership” (p. 2), is the only reference to “home” or “homes” in the operative language of the “BALLOT MEASURE.” The word “homes” does not appear in BAHFA’s enabling act. The word “home” appears twice in BAHFA’s enabling act: (1) “home builder representatives” (§ 64511) and (2) “manufactured home community” (§ 64650). None of those references in the three-page “BALLOT MEASURE” and BAHFA enabling act supports the use of the word “homes” in the RM4 ballot question.

In stark contrast, the term “housing units” appears eight times in the three-page “BALLOT MEASURE,” including in the title: “UP TO 90,000 AFFORDABLE HOUSING UNITS.” The three-page “BALLOT MEASURE” does not define the term “housing units.” BAHFA’s enabling act uses the terms “housing units” and “units” (including in sections 64511, 64521, and 64650) but also does not define those terms. The ballot question is impermissibly “argumentative” in that it defines “housing units” exclusively as “apartments/ homes”.

The word “home” is prejudicial in favor of RM4 because it connotes a cozy abode. “Home” is not a neutral word. “Housing units” is more accurately descriptive based upon the references to “housing units” in BAHFA’s enabling act and in the three-page “BALLOT MEASURE” text.

Therefore, Plaintiffs demand that:

- (A) the reference to “apartments/ homes” in the first bullet point of the ballot question be altered to read “housing units” and
- (B) the reference to “homes” in the second bullet point of the ballot question be altered to read “housing units”.

**V. Strike “near transit, jobs, and stores”.**

The phrase “near transit, jobs, and stores” in the ballot question is not a “true and impartial synopsis” or “summary” of RM4. Nowhere in the three-page “BALLOT MEASURE” are the words “transit,” “jobs” or “stores” used. RM4 does not require any form of “transit-oriented development.” Hence, use of the phrase “near transit, jobs, and stores” in the ballot question is false, misleading, and/or not true.

In addition, that phrase is likely to create prejudice for RM4. Voters will incorrectly assume that RM4 will require or prefer projects predominately or exclusively “near transit, jobs, and stores.” Voters who do not reside adjacent to or near “transit, jobs, and stores” might support RM4 if it supports projects outside of their neighborhoods, but oppose it if they knew that RM4 actually contains no such requirement or preference.

**VI. Strike “vacant lots/ blighted”.**

The phrase “vacant lots/ blighted” in the ballot question is not a “true and impartial synopsis” or “summary” of RM4. Nowhere does the three-page “BALLOT MEASURE” use the words “vacant,” “lots,” and/or “blighted.” Hence, use of the phrase “vacant lots/ blighted” in the ballot question is false, misleading, and/or not true.

In addition, that phrase is likely to create prejudice for RM4. Voters will incorrectly assume that RM4 will require or prefer projects predominately or exclusively on “vacant lots/ blighted properties.” Voters who do not reside adjacent to or near “vacant lots/ blighted properties” might support RM4 if it supports projects outside of their neighborhoods, but oppose it if they knew that RM4 actually contains no such requirement or preference. Many voters might assume that RM4 would target “brownfield” sites (which tend to be “vacant lots/ blighted properties”) for re-development and therefore provide environmental benefits through site clean-up and remediation.

Furthermore, “vacant lots/ blighted properties” is a phrase often associated with “redevelopment areas.” Voters will incorrectly assume that RM4 requires or prefers that RM4 projects be located in “redevelopment areas,” which before their abolition required

20 percent of tax increment revenues to be allocated to a Low and Moderate Income Housing Fund. That impermissibly creates prejudice in favor of RM4.

**VII. Strike “providing first-time homebuyer assistance”.**

The phrase “providing first-time homebuyer assistance” is not a “true and impartial synopsis” or “summary” of RM4. The phrase “providing first-time homebuyer assistance” should be stricken as false, misleading, not true, not impartial, argumentative, and/or likely to create prejudice for RM4.

The three-page “BALLOT MEASURE” states in Section II (“Purpose and Goal”) that one “purpose of the bonds to be issued pursuant to this bond authorization” in the “Housing Related Uses” category is “home ownership programs to enable low- or moderate-income households to become or remain homeowners.” Section III states, “To the extent minimum allocations to the expenditure categories have been satisfied as required by Government Code Section 64650, the remaining bond proceeds may be expended on Housing Related Uses as allowed by the California Constitution and state law.”

Section IV (“Estimate of Minimum Funding Levels by Expenditure Category for Each County”) states in part:

Each county and any city receiving a direct allocation of bond proceeds shall allocate a minimum of its bond proceeds as follows:  
52% to Production, 15% to Preservation, and 5% to Tenant Protections, if allowed by state law. Bond proceeds shall be allocated in accordance with Government Code Section 64650.

Note well that the three-page “BALLOT MEASURE” does not require any minimum level of spending on “Housing Related Uses,” including “home ownership programs to enable low- or moderate-income households to become or remain homeowners.” Each county and any city could decide to spent nothing on “Housing Related Uses,” including “home ownership programs to enable low- or moderate-income households to become or remain homeowners.”

BAHFA’s enabling act (in Section 64650 and otherwise) does not require any spending for homebuyer assistance. The relevant provision of BAHFA’s enabling act states in full, “Programs to enable low- or moderate-income households to become or remain homeowners, including, but not limited to, below market rate ownership programs, downpayment assistance programs, residential rehabilitation loan programs, and grants or loans to assist in the rehabilitation or replacement of existing mobilehomes located in a mobilehome or manufactured home community.” (Government Code 64650(b)(2)(C)(iv).)



Since there is no guarantee of any funding on “home ownership programs to enable low- or moderate-income households to become or remain homeowners” in the three-page “BALLOT MEASURE,” the approved ballot measure question is false, misleading, untrue, argumentative, and/or likely to create prejudice for RM4 where it claims that RM4 would be “providing first-time homebuyer assistance.” That entire phrase must be stricken from the ballot question.

### **VIII. [Alternative to VII.] Strike “first-time”.**

As an alternative to the requested amendment directly above, if that requested amendment is not acceptable, Plaintiffs request that the phrase “first-time” be stricken. The phrase “first-time” is not a “true and impartial synopsis” or “summary” of RM4.

As stated in the section supra, the three-page “BALLOT MEASURE” does not restrict “[p]rograms to enable low- or moderate-income households to become or remain homeowners” to “first-time” homebuyers. Moreover, nowhere does the BAHFA enabling act specify “first-time” homebuyer assistance.

The assertion in the ballot question that RM4 is “providing first-time homebuyer assistance” is false, misleading, and/or not true. That assertion is likely to create prejudice for RM4 because non-homeowners will incorrectly assume that RM4 has guaranteed, dedicated revenues for “first-time homebuyer assistance.”

### **IX. Amend “\$670,000,000 annually” to “\$911,000,000 annually”.**

Elections Code section 13119(b) states, “If the proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the measure to be voted on the **amount of money to be raised annually** and the rate and duration of the tax to be levied.” (Emphasis added.)

The assertion in the ballot question that RM4 would generate “\$670,000,000 annually” is not a “true and impartial synopsis” or “summary” of RM4. That assertion is false, misleading, not true, and/or likely to create prejudice for RM4. The Tax Rate Statement in the Voter Information Guide states in relevant part:

The best estimate of the average annual tax rate required to be levied to fund the bonds is \$18.98 per \$100,000 of assessed valuation assuming a projection of assessed valuation based on experience within the jurisdiction. ... The final fiscal year in which the tax is anticipated to be collected is FY 2077-2078. The best estimate of total debt service, including principal and interest, if all the bonds are issued and sold is \$48,281,750,400.

The “\$18.98 per \$100,000” in the Tax Rate Statement matches the “estimated \$19 per \$100,000” in the RM ballot question. Assuming that the RM4 tax first will be assessed

and collected in FY 2025-2026, it will be collected for 53 years. Fifty-three (53) years divided into \$48,281,750,400 is \$910,976,422.64 (approximately \$911,000,000).

According to Plaintiffs' calculations, the actual "amount of money to be raised annually" is approximately \$911,000,000, which is nearly 36 percent higher than the \$670,000,000 figure now in the ballot question. A 36 percent difference is a material distinction. BAHFA and ABAG are dramatically understating the annual cost of RM4. That understatement is false, misleading, not true, and/or likely to create prejudice for RM4.

Therefore, Plaintiffs demand that BAHFA and ABAG correct this violation of Elections Code sections 9051, 9190, 9380, 13119(b) and 13119(c) by revising the ballot question to strike "\$670,000,000" and replace it with "\$910,000,000."

#### **X. BAHFA Board Has Violated Government Code § 64521(e)(1)(C)**

Government Code section 64521(e)(1) states in part, "The text of the ballot measure shall include, but is not limited to, all of the following: ... (C) An estimate of the **number** of affordable housing units to be built or preserved by household income category served, and a description of any specific projects planned to be funded." (Emphasis added.)

The three-page "BALLOT MEASURE" approved by your Board on June 26, 2024 is not in compliance with Government Code section 64521(e)(1)(C). Nowhere does that three-page "BALLOT MEASURE" provide "[a]n estimate of the **number** of affordable housing units to be built or preserved by household income category served." The three-page "BALLOT MEASURE" text twice refers to "up to 90,000 affordable housing units." The three-page "BALLOT MEASURE" text refers to three "income levels": (1) "Very Low-Income," (2) "Low-Income," and (3) "Moderate-Income." But the three-page "BALLOT MEASURE" text nowhere provides an estimate of the number of affordable housing units to be built or preserved by "Very Low-Income," "Low-Income," or "Moderate-Income." Each number for each household income category presumably is less than 90,000; the sum of those numbers presumably would be 90,000 or fewer.

"Page of [sic] 3" includes a table titled "Estimate of Affordable Housing Units by Category and Income Level." That table merely states percentages for "**Production** Estimated Percentages of Units by Income Level" and "**Preservation** Estimated Percentages of Units by Income Level." The Legislature expressly stated "estimate of the **number** of affordable housing units" (emphasis added on word "number"). A "percentage" is entirely different from a "number."

Therefore, the BAHFA Board must revise the "BALLOT MEASURE" to comply with section 64521(e)(1)(C). **If the BAHFA Board were to refuse to cure this deficiency before the election, one or more Plaintiffs likely would file a post-election reverse validation action pursuant to Government Code section 64636 and Code of Civil**

Procedure section 863 to invalidate RM4. BAHFA Board members also could incur personal liability under Code of Civil Procedure 526a for RM4 election expenses because they have chosen to proceed with an election while willfully ignoring this notification of violation of section 64521(e)(1)(C).

**Conclusion**

If the BAHFA Board or ABAG Executive Board were to fail to respond to this pre-litigation demand letter in a timely manner and Plaintiffs file a lawsuit, then Plaintiffs would claim attorneys' fees pursuant to Code of Civil Procedure section 1021.5 under a "catalyst theory" if the BAHFA Board and/or ABAG Executive Board were to change their positions after the commencement of the lawsuit.

Time is of the essence. Plaintiffs demand that BAHFA and ABAG respond as soon as possible, no later than **5:00 p.m. on Monday, August 5.**

Sincerely,

*/s/ Jason A. Bezis*

JASON A. BEZIS  
Attorney for Plaintiffs

Attachments: Exhibits A through C.

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# Exhibit A

# Exhibit A







(408) 287-4866

**LEGAL NOTICES**

FAX (408) 287-2544



BOARD OF SUPERVISORS COUNTY OF SANTA CLARA NOTICE TO BIDDERS NOTICE IS HEREBY GIVEN that sealed Bids will be accepted by the Clerk of the Board of Supervisors of the County of Santa Clara, State of California, in the Office of the Clerk of the Board of Supervisors, 10th Floor, East Wing of the County Government Center, 70 West Hedding Street, San Jose, CA 95110, before 2:00 p.m., on September 5, 2024 for the 263-CP22010-2 VMC-SLRH Air Handling Units Replacement - AH3 & AH4 Replacement at 9400 No Name Uno, Gilroy, CA 95020, in accordance with Bid Documents on file for the Work in the Office of the Clerk of the Board of Supervisors. Failure to specify the exact address may result in the Clerk of the Board of Supervisors not receiving the bid, or not receiving the bid by the deadline. All bids must be in the possession of the Clerk of the Board of Supervisors by the specified deadline. INSTRUCTIONS TO BIDDERS AND CONTRACT DOCUMENTS Bid Documents are available via PeriscopeS2G (www.bidsync.com), bid number ITB-FAF-FY25\_263-CP22010-2. Bid Documents will become available on July 15, 2024. Bidders may obtain copies of the Bid Documents from Prints Charles Reprographics at 1643 South Main St, Milpitas, CA 95035 or their Online Planroom at www.printscharlesplanroom.com. PRE-BID OPENING CONFERENCE A Mandatory Pre-Bid conference/site visit will be held July 22, 2024, at 9:00 a.m. at the Boardroom 9400 No Name Uno, Gilroy, CA 95020. INQUIRIES CONCERNING THIS BID shall be directed via PeriscopeS2G (www.bidsync.com), bid number ITB-FAF-FY25\_263-CP22010-2. BY ORDER OF THE BOARD OF SUPERVISORS OF THE County of Santa Clara, State of California, on June 4, 2024. BOARD OF SUPERVISORS CURTIS BOONE, ACTING CLERK OF THE BOARD  
7/11, 7/18/24

SJ-3831910#



BOARD OF SUPERVISORS COUNTY OF SANTA CLARA NOTICE TO BIDDERS NOTICE IS HEREBY GIVEN that sealed Bids will be accepted by the Clerk of the Board of Supervisors of the County of Santa Clara, State of California, in the Office of the Clerk of the Board of Supervisors, 10th Floor, East Wing of the County Government Center, 70 West Hedding Street, San Jose, CA 95110, before 2:00 p.m., on September 19, 2024 for the 263-CP20021 Oakland

Warehouse Improvements at 2144 Oakland Road, San Jose, CA 95131, in accordance with Bid Documents on file for the Work in the Office of the Clerk of the Board of Supervisors. Failure to specify the exact address may result in the Clerk of the Board of Supervisors not receiving the bid, or not receiving the bid by the deadline. All bids must be in the possession of the Clerk of the Board of Supervisors by the specified deadline. INSTRUCTIONS TO BIDDERS AND CONTRACT DOCUMENTS Bid Documents are available via Bidsync.com, www.bidsync.com, bid number ITB-FAF-FY25-263-CP20021. Bid Documents will become available at 9:00 a.m., on August 14, 2024. Bidders may obtain copies of the Bid Documents from Prints Charles Reprographics at 1643 South Main St, Milpitas, CA 95035 or their Online Planroom at www.printscharlesplanroom.com. PRE-BID OPENING CONFERENCE A Mandatory Pre-Bid Opening conference/site visit will be held Thursday, August 1, 2024, at 1:00 p.m. at 2144 Oakland Road, San Jose, CA 95131. INQUIRIES CONCERNING THIS BID shall be directed via Bidsync.com, www.bidsync.com, bid number ITB-FAF-FY25-263-CP20021. BY ORDER OF THE BOARD OF SUPERVISORS OF THE County of Santa Clara, State of California, on June 4, 2024. BOARD OF SUPERVISORS CURTIS BOONE, ACTING CLERK OF THE BOARD  
7/18, 7/25/24

SJ-3828699#

**PROBATE**

**NOTICE OF PETITION TO ADMINISTER ESTATE OF JURY VICTORORICH VANDYSHEV CASE NO. 24PR197558**

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: JURY VICTORORICH VANDYSHEV A PETITION FOR PROBATE has been filed by DMITRI LISSIN in the Superior Court of California, County of Santa Clara. THE PETITION FOR PROBATE requests that DMITRI LISSIN be appointed as personal representative to administer the estate of the decedent. THE PETITION requests the decedent's WILL and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court. THE PETITION requests authority to administer the estate under the Independent Administration of

Estates Act with full authority. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on 08/22/2024 at 09:01 am in Dept. 2 located at 191 NORTH FIRST ST. SAN JOSE CA 95113 DOWNTOWN SUPERIOR COURT. IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner: Pamela C. Bobowski, SBN: 226390  
Trusted Law Corporation  
104 De Anza Blvd  
San Mateo, CA 94402,  
Telephone: (650) 504-1995  
7/18, 7/19, 7/25/24

SJ-3834126#

**PUBLIC AUCTION/SALES****NOTICE OF SALE ABANDONED PERSONAL PROPERTY**

Notice is hereby given that the undersigned intends to sell the personal property described below to enforce a lien imposed on said property pursuant to the California Self Storage Act. Items will be sold at [www.storage-treasures.com](http://www.storage-treasures.com) by competitive bidding ending on **July 25th, 2024 at 11:00 am**. Property has been stored and is located at A-1 Self Storage, **131 Baroni Ave. San Jose, Ca 95136**. Sale subject to cancellation up to the time of sale, company reserves the right to refuse any online bids.

**Gregorio Hurtado**  
**Wendell Burgess**  
**Colleen Moises**  
**Maritza Mendez**  
Auction by [StorageTreasures.com](http://StorageTreasures.com)  
(480) 397-6503

7/11, 7/18/24

SJ-3831409#

**Notice of Public Lien Sale**

Notice is hereby given that pursuant to Sections 21700-21716 of the Business & Professions Code, Section 2328 of the Commercial Code, Section 535 of the Penal Code, that on July 25, 2024 @ 11:00 AM., Branham Self Storage, 1056 Branham Lane, San Jose, CA 95136, will sell the following by competitive bidding: Auction to be held at above address. Property to be sold as follows: Misc. household goods, computers, electronics, tools, personal items, furniture, clothing, office furniture & equipment, sporting goods, etc., belonging to the following: Melissa Tufo, Nathan Froust, Ernesto Arreola.

American Auctioneers  
License #FS863-20-14  
7/11, 7/18/24

SJ-3830021#

**TRUSTEE SALES**

File No.: 21-10201 APN: 477-71-031 NOTICE OF TRUSTEE'S SALE YOU ARE IN DEFAULT UNDER MILLS CORNER HOMEOWNERS ASSOCIATION (ASSOCIATION) COVENANTS, CONDITIONS AND RESTRICTIONS AND A NOTICE OF DELINQUENT ASSESSMENT (LIEN) DATED 09-13-2021. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER. On 07-31-2024 at 10:00 AM, At the Gated North Market Street entrance of

the Superior Courthouse located at 191 North 1st Street, San Jose, CA 95113, ALLIED TRUSTEE SERVICES (Trustee), 1601 Response Road, Suite 390, Sacramento, CA 95815, (877) 282-4991, under and pursuant to Lien, recorded 09-14-2021 as Instrument 25099268 Book - - Page - - of Official Records in the Office of the Recorder of SANTA CLARA County, CA, WILL CAUSE TO BE SOLD AT PUBLIC AUCTION to the highest bidder for cash, cashier's check/cash equivalent or other form of payment authorized by 2924h(b), (payable at time of sale) the property owned by CHIN KEONG LAM AND HUI CHEN, situated in said County, describing the land therein: APN: 477-71-031 The street address and other common designation, if any, of the real property described above is purported to be: 1779 IVY MILLS LANE, SAN JOSE, CA 95122 The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to satisfy the sums due under the Lien. The estimated total unpaid balance at the time of the initial publication of this Notice of Trustee's Sale is \$15,428.00. THE PROPERTY WILL BE SOLD SUBJECT TO THE 90-DAY POST-SALE RIGHT OF REDEMPTION AS SET FORTH IN CALIFORNIA CIVIL CODE SECTION 5715(B). THE RIGHT OF REDEMPTION BEGINS WHEN THE SALE IS FINALIZED PURSUANT TO CALIFORNIA CIVIL CODE SECTION 2924m. Association heretofore executed and delivered to the undersigned a written Declaration of Default. The undersigned caused a Notice of Default and Election to Sell to be recorded in the county where the real property is located, and more than three months have elapsed since such recordation. NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further

recourse. REPLACEMENT OF WINNING BIDDER CHECKS: Winning bid checks received at the public auction sale not payable directly to Allied Trustee Services (i.e. containing third-party endorsements) must be replaced within five business days after the sale. The winning bidder will be contacted at the phone number and/or email address provided for further instructions. NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the Association, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call (844) 477-7869, or visit this Internet Web site WWW.STOXPOSTING.COM for information, using the file number assigned to this case: 21-10201. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale. NOTICE TO TENANT: You may have a right to purchase this property after the trustee auction pursuant to Section 2924m of the California Civil Code. If you are an 'eligible tenant buyer,' you can purchase the property if you match the last and highest bid placed at the trustee auction. If you are an 'eligible bidder,' you may be able to purchase the property if you exceed the last and highest bid placed at the trustee auction. There are three steps to exercising this right of purchase. First, 48 hours after the date of the trustee sale, you can call (844) 477-7869, or visit this Internet Web site WWW.STOXPOSTING.COM for information, using the file number assigned to this case: 21-10201 to find the date on which the trustee's sale was held, the amount of the last and highest bid, and the address of the trustee. Second, you must send a written notice of intent to place a bid so that the trustee receives it no more than 15 days after the trustee's sale. Third, you must submit a bid so that the trustee receives it no more than 45 days after the trustee's sale. If you think you may qualify as an 'eligible tenant buyer' or 'eligible bidder,' you should consider contacting an attorney or appropriate real estate professional immediately for advice regarding this potential right to purchase. DATE: June 22, 2024 ALLIED TRUSTEE SERVICES, Trustee TANYA HALL, Authorized Signature  
7/11, 7/18, 7/25/24

SJ-3827227#

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# Exhibit B

# Exhibit B

**County of Santa Clara  
Office of the Registrar of Voters  
1555 Berger Drive, Building 2  
San Jose, California, 95112  
NOTICE OF ELECTION**

**NOTICE IS HEREBY GIVEN** to the qualified electors of **Bay Area Housing Finance Authority (BAHFA)** located in the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma, the cities within those counties, and the City and County of San Francisco (collectively referred to as the "Bay Area"), California, that in accordance with the provisions of the California Government Code and California Elections Code, an Election for purposes of a Regional Measure to be held on **November 5, 2024**, at which the following measure shall be submitted to and voted on by the qualified electors within the **BAHFA**.

**REGIONAL MEASURE 4**

**BAY AREA AFFORDABLE PLAN. To address housing affordability and reduce homelessness by:**

- **providing an estimated 70,000 affordable apartments/homes;**
- **creating homes near transit, jobs, and stores;**
- **converting vacant lots/blighted properties into affordable housing; and**
- **providing first-time homebuyer assistance;**

**shall the measure issuing \$20,000,000,000 in bonds at legal rates, levying an estimated \$19 per \$100,000 of assessed valuation generating \$670,000,000 annually while bonds are outstanding, and requiring public reporting, independent audits/citizen oversight, be adopted?**

**Bonds – Yes \_\_\_\_\_**

**Bonds – No \_\_\_\_\_**

**NOTICE IS ALSO GIVEN** that arguments for or against said measure may be submitted to the County of Santa Clara Registrar of Voters Office by electronic submittal to [candidateservices@rov.sccgov.org](mailto:candidateservices@rov.sccgov.org) or in-person at the address listed above at the Candidate Services Division, no later than 5:00 p.m. on **July 23, 2024**. The governing board or any member or members of the board, any individual voter who is eligible to vote on the measure, or a bona fide association of citizens, or a combination of such voters and associations may file a written argument for or against the Measure. No argument shall exceed 300 words in length. No more than five signatures shall appear with any argument submitted. Printed arguments submitted shall be titled either

"Argument in Favor of Measure" or "Argument Against Measure." Words used in the title shall not be counted when determining the length of any argument.

The County of Santa Clara Registrar of Voters Office shall make the arguments available for public examination during business hours for a period of 10-calendar days starting on **July 24, 2024**, and ending on **August 2, 2024**, immediately following the filing deadline for submission of arguments.

The County of Santa Clara Registrar of Voters Office will select an argument in favor and an argument against the measure to be printed and distributed in the County Voter Information Guides (CVIGs) of all nine counties.

The County of Santa Clara Registrar of Voters Office will send a copy of the selected argument in favor of the measure to the authors of the argument against, and a copy of the selected argument against to the authors of the argument in favor. The authors may prepare and submit a rebuttal argument not to exceed 250 words in length. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure," or "Rebuttal to Argument Against Measure." Words used in the title shall not be counted when determining the length of any rebuttal argument. The rebuttal arguments must be filed with the County of Santa Clara Registrar of Voters Office no later than 5:00 p.m. on **July 30, 2024**.

The County of Santa Clara Registrar of Voters Office shall make the rebuttal arguments available for public examination during business hours for a period of 10-calendar days starting on **July 31, 2024**, and ending **August 9, 2024**, immediately following the filing deadline for submission of rebuttal arguments.

All arguments and rebuttals filed pursuant to this notice shall be accompanied by the following form statement to be signed by each author:

The undersigned author(s) of the ARGUMENT/REBUTTAL TO ARGUMENT IN FAVOR OF/AGAINST Ballot Measure at the Election in the **BAHFA**, counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma, the cities within those counties, and the City and County of San Francisco (collectively referred to as the "Bay Area"), to be held **November 5, 2024**, hereby state that such argument is true and correct to the best of his/her/their knowledge and belief.

### **NOTICE FOR SANTA CLARA COUNTY VOTERS**

**NOTICE IS GIVEN** that all active registered voters in Santa Clara County will automatically be mailed a Vote by Mail ballot package by **October 7, 2024**, the vote centers for said election will be open starting on **October 26, 2024**, through **November 5, 2024**, for

varying hours of operations. Please see our List of Vote Centers hours of operation posted on our website at <https://www.sccvote.org/>. The vote centers will be open on Election Day, **November 5, 2024**, from 7:00 a.m. until 8:00 p.m. All ballots cast in said election will be counted centrally at the Office of the Registrar of Voters.

**NOTICE IS ALSO GIVEN** that, pursuant to Elections Code section 15101(b), Vote by Mail ballots will be opened and processed for counting beginning **October 7, 2024**, at the County of Santa Clara Registrar of Voters Office.

**Dated: July 16, 2024**

Matt Moreles, Acting Registrar of Voters for the County of Santa Clara

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# Exhibit C

# Exhibit C

Home / About MTC / Authorities / Bay Area Housing Finance Authority / Bay Area Affordable Housing Bond

Wednesday, July 31, 2024 Update

# Bay Area Affordable Housing Bond

The Bay Area Affordable Housing Bond, Regional Measure 4, will be on the November 2024 ballot, to invest \$20 billion in the production and preservation of affordable housing in the nine-county region.



Credit: Non-Profit Housing (NPH)

## Bay Area Affordable Housing Bond – Regional Funding for Local Solutions

A \$20 billion dollar bond could create 72,000 new affordable homes — more than double what would be possible without a bond.

**Read more in the Bond Report.**