

MEMORANDUM OF LAW

DATE: October 17, 1990

TO: Sal Giametta, Assistant to the Mayor
FROM: City Attorney
SUBJECT: Distribution of HUD Letter Addressed to
Mayor/Proposition 73 "Mass Mailing"
Regulations

This is in response to your memorandum of October 16, 1990, in which you ask whether copies of a letter addressed to Mayor O'Connor from Mr. Robert De Monte of the Department of Housing and Urban Development (HUD) may be distributed to approximately 800 families without violating Proposition 73 "mass mailing" regulations.

Proposition 73 "mass mailing" regulations are indeed triggered by this proposal, because the letter issue "features" the Mayor's name in two places: the inside address and the salutation. Under Government Code sections 82041.5 and 89001, as interpreted by the Fair Political Practices Commission (FPPC), in its Regulation 18901, more than 200 substantially similar documents may not be delivered by any means to a person's residence or business address within a single calendar month. However, making available 800 copies of substantially similar documents at a public meeting for people to pick up would be permissible. FPPC Regulation 18901(a)(1).

Therefore, you may distribute 800 copies of the letter from Mr. De Monte to the Mayor at a meeting, but not deliver more than 200 of them to residences or business addresses.

Please call me if you have further questions about this.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire
Deputy City Attorney

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