

# STABLE RENTS, ROOTED COMMUNITIES

AUGUST 2023

**A PRACTICAL GUIDE FOR BUILDING A LOCAL RENT STABILIZATION POLICY**

# ACKNOWLEDGMENTS

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**Local Progress Impact Lab** brings together local leaders, partners, and experts to build the knowledge, skills, and leadership needed to advance racial and economic justice at the local level.

**PowerSwitch Action** is a national network of leaders, organizers, and strategists forging multi-racial feminist democracy and economies in our cities and towns. Our 21 grassroots affiliates weave strategic alliances and alignments amongst labor, neighborhood, housing, racial justice, faith, ethnic-based, and environmental organizations. Together, we're building people power and people's institutions. We win innovative public policy and rein in greedy corporations to realize our collective freedom and liberation.



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**thriving community is one where children can be stably housed as they learn and grow**, where elders can age in place, surrounded by a supportive community, and where all residents can live in communities without fear of being uprooted by rent hikes. We know that achieving this vision will take a multitude of policy tools and change at every level of government.



As leaders in your community, you see everyday the impact of the housing crisis and the unjust housing system on renters, their families, and our broader communities. Renters struggle with habitability issues they can do little about, rent hikes, lease non-renewals, and property sales in which residents have no say. Local communities are looking to their local leaders for protections and relief. And as we've seen, especially over the last few years, local governments are stepping up to care for their communities: preserving public health, creating safe places to play and work, and providing relief during crises.

### **RENT STABILIZATION IS A PROTECTION ALL RENTERS NEED**

Rent stabilization is an essential tool to protect renters during this unprecedented time of tenant exploitation. It is also a foundational safeguard against unscrupulous landlords who are looking for an easy way to kick someone out of their home. Similar to eviction protections, rent stabilization is a check on landlords' tactic of raising rents to force out a tenant, whether it is motivated by discrimination, interpersonal conflict, or excessive profit.

### **COUNTERING THE CONCERN AND PUSHBACK**

The discourse about the affordable housing crisis is complex and industry interests have been at the forefront of naming and forming solutions. It's no wonder. Real estate and property management corporations have lobby groups writing the rules for localities across the country. It's time to center people and community in responding to rising rents and displacement and build a more just housing system.

Stabilizing rent keeps people safe from unmanageable rent hikes. It keeps families housed, kids rooted in their community schools, and is a common-sense response when production of new housing can take years to meet the current demand and people need relief now. Rent stabilization is just one of the essential protections that can keep residents housed.

### **LET'S BUILD A RENT STABILIZATION POLICY**

Crafting a rent stabilization ordinance can seem intimidating. There are a lot of factors to consider, and some of them are points of contention, which you will find yourself negotiating with industry groups and even allies. This toolkit walks you through the choices and trade-offs you'll have to consider while also keeping in mind the policy goal: protecting renters from disruptive and devastating rent hikes.

The policy you draft will have many pieces to it – rent caps, exemptions, administrative bodies, implementation procedures – but considering each piece on its own and what it means in relation to all the other pieces will help ensure that your rent stabilization policy will meet the needs of your community. A Rent Stabilization Ordinance (RSO) is just one important policy to support tenant stability; we've included in this toolkit programs and policies that support successful implementation and further strengthen tenant protections. You have likely come across this toolkit in hopes that you can find a way to do your part to care for your community. That foundational goal is the basis of this toolkit.

### **UNDERSTANDING THE STATE LAW LANDSCAPE**

One of the first steps you should take when considering a rent stabilization policy is to survey and understand how the law in your state might impact the type of policy you can adopt and determine whether you might be able to adopt a policy at all. In many states, [the influence of industry groups](#) such as apartment and realtor associations – most of which are led by leaders of large corporations – have

**Rent stabilization is a check on landlords' tactic of raising rents to force out a tenant, whether it is motivated by discrimination, interpersonal conflict, or excessive profit.**

led to state interference with local control of rents. It is often majority white state legislatures beholden to corporate interests that are behind blocking local communities from addressing discrimination, worker protections, and renters’ rights.

As such, state law generally prevents local governments from regulating rents in [33 states](#). It is important, even if you are in one of those 33 states, to consult an attorney who is familiar with state housing laws to understand whether there might be any workarounds to nonetheless protect renters from rent hikes. For example, [Minnesota law](#) preempts local rent stabilization generally unless the policy is approved by voters in a general election, paving the way for local ballot initiatives to establish a rent stabilization policy. Efforts to repeal preemption of local rent regulation are also underway in several states.

Even in states where the state law does not prevent local governments from enacting rent stabilization policies entirely, state law may preempt certain aspects of your policy. For example, [California law](#) requires local governments to exempt certain types of housing and units constructed after a certain date and prohibits localities from establishing vacancy control. And state law regulating manufactured housing may impact efforts to include manufactured housing in your proposed policy.

Additionally, some states that preempt rent stabilization in general, such as North Carolina, have narrow exceptions for policies that apply to properties owned by a municipality, instances where a landlord agrees to rent stabilization by contract, or properties that are assisted with Community Development Block Grants.

## CHECKLIST: WHAT MAKES A RENT STABILIZATION ORDINANCE WORK?

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## PART I. WHO'S COVERED?

**Among the first questions you'll have to ask yourself** when crafting a rent stabilization policy is which units are covered and which ones are exempt. To put it even more simply, who gets protection from rent hikes, and who doesn't? The more exemptions, the smaller the number of renters that will be protected from excessive rent increases. The more units covered, the greater number of people will be protected. Unfortunately, the greater number of people protected from exorbitant rent increases, the tougher a rent stabilization ordinance is to pass in the face of industry pressure and other community opposition. Here are some common considerations and what you should know about them.

**If your rent stabilization policy includes an exemption period, use rolling dates, rather than one cutoff date.**



### **EXEMPTION PERIODS**

It's quite common for rent stabilization policies to exempt newly-constructed rental units for some period of time. The belief is that this exemption helps quell the fear of disincentivizing developers and investors from building new units. An example of a short exemption period can be found in [Takoma Park, MD](#), where newly constructed buildings with two or more units can apply to be exempted from the city's RSO for the first 5 years after receiving a rental license. Exemption periods can extend much longer – 20 years as in St. Paul, MN.

When the real estate lobby demands a new construction exemption, challenge them and ask them to justify the number they're advocating for with actual data in the form of real estate pro-formas or financial calculations. Why 20 years over 15 years? Why 15 years over 7 years? What about the new buildings' financing and/or capital stack require the new construction exemption to be the number they demand? Usually, they just demand the highest number they think they can win.

If your rent stabilization policy includes an exemption period, use rolling dates, rather than one cutoff date. So, if you pass a rent stabilization ordinance in 2025 that exempts new units under 5 years old, say that, rather than "units built before August 1, 2030." In the long term, rolling exemptions result in a higher proportion of housing units in your jurisdiction being covered by rent stabilization.

### **MINIMUM UNITS EXEMPTION**

Some RSO policies only apply to buildings of a certain number of units or more; other RSO policies have exempted units when the property owner owns just a few units. These exemptions usually result from industry groups claiming that rent stabilization ordinances hurt small business owners, what industry groups call mom-and-pop landlords. While, in general, rent stabilization policies include ways for property owners to seek exceptions if there is hardship, some local ordinances additionally carve out exemptions for property owners who own four or sometimes two units or fewer. For example, [Washington D.C.](#) exempts buildings that are owned by a natural person (not a corporation), who owns no more than four rental units in that jurisdiction.

Before carving out any exemption on minimum units, it's important to understand the ownership landscape of your local housing stock. Many rental housing businesses have portfolios with many small buildings, so exemptions for building size may leave many renters unprotected while benefiting many larger businesses anyway.



## PUBLIC AND SUBSIDIZED HOUSING

Public housing, subsidized units, and apartments built through affordable housing programs are typically excluded from rent stabilization ordinances. This is because the rent is already stabilized through state or federal laws.

However, tenant protections and affordability requirements on Low Income Housing Tax Credit properties expire. Additionally, operators of LIHTC properties often increase rents well above reasonable rates because the federal government's (U.S. Department of Housing and Urban Development) annually updated maximum rent can grow rapidly, therefore while the maximum rent is regulated, the rate at which rent increases is not regulated. Some state housing finance agencies have created specific [rent stabilization policies for LIHTC units](#). The [Antioch, CA rent stabilization ordinance](#) notably exempted government managed units and did not exempt units built through affordable housing programs, such as LIHTC.

## MANUFACTURED HOMES

If your local community doesn't stabilize rent for manufactured housing, consider including it in your ordinance. In some states, like [California](#), manufactured homes or the lots on which they sit are covered under a different set of laws. However, New York State limits rent increases for manufactured home renters to 3% as well as fees for late payments. Some states allow local governments more flexibility to impose rent stabilization on manufactured homes than they do for other types of housing due to the often impossible financial burden of relocating a manufactured housing unit to a different park.

# RECOMMENDATIONS FROM THE FIELD

The considerations we list above are focused on who gets protection. Ultimately, all renters should have some kind of shield from rent increases that put them at risk of displacement or forces them to make trade-offs like forgoing food, child care, or health care. Here's a summary of recommendations to help achieve that goal:

**>> Cover as many units as possible.**

Ideally all units that are legally able to be stabilized should be covered. Limit exemptions for new construction and for property owners with only a handful of units. If challenged by opposition, request data from them that supports their counterproposal.

**>> If exempting newly-constructed units,** use a rolling date rather than a cutoff date. This will help ensure that more renters are covered over the years as properties age. Take stock of your housing.

**>> Before carving out exemptions in the course of negotiations,** know how various exemptions impact your goal of protecting all renters from excessive rent increases.

**>> If your state or local laws** leave residents of manufactured housing unprotected from rent increases, consider extending rent stabilization to cover manufactured housing as well. rent increases, consider extending rent stabilization to manufactured housing.

# CASES FROM THE FIELD

## CELINA BENITEZ

### MAYOR, MOUNT RAINIER, MARYLAND

Celina advanced rent stabilization as part of her work to make Mount Rainier an inclusive and welcoming place for all residents.

#### KEY THINGS TO KNOW ABOUT MOUNT RAINIER'S RENT STABILIZATION POLICY

- Adopted in mid-February 2023, Mount Rainier's policy set a rent increase limit at 60% of CPI with a rolling 15 year new construction exemption.
- The legislation also requires the establishment of a rent stabilization board consisting of tenants, landlords and homeowners.
- Shortly after Mount Rainier adopted rent stabilization, Prince George's County (home to Mount Rainier) adopted a temporary (one-year) rent stabilization policy which included a rent increase limit of 3%.



#### ON HOW THE COMMUNITY PUSHED FOR RENT STABILIZATION

Our rent stabilization policy is the result of the people working with a council that understood the call to act. Our city is 77% renter, and we also have half-million dollar homes. Our community is predominantly composed of Black, brown and immigrant community members. CASA, our leading immigrant rights group, was extremely helpful in organizing people to attend council meetings and help residents share their stories. They are a trusted partner in the community. Most of our council meetings occur with some community presence, but when the community packs the room to share what they are experiencing, it brings focus to the issue. The council members saw this policy was important to the community, which got them to dig in and figure out how to make it work for Mount Rainier.

#### ON CRAFTING A RENT STABILIZATION POLICY THAT WOULD BE IMPACTFUL

I worked closely with members of my council and the leading immigrant advocacy group, CASA, to craft the proposed legislation. We reached out to other local elected officials in communities that had a rent stabilization policy, in effect to learn about how the policy was working for their communities. CASA connected me to experts in the field, such as PolicyLink. We also worked with the Prince George's County Municipal Association and elected officials in other cities who were also fighting for rent stabilization. Through these conversations, we identified the most important components of a successful policy for our community. We also identified some complementary policies; for example, a rental registry to track more information about apartment units in our city. I was flexible on some parts of the policy.

I was willing to go up to 15 years for a new construction exemption, and I was open to creating a rent stabilization board (instead of having it managed entirely by city staff).

### **ON CUTTING THROUGH MISCONCEPTIONS AND INERTIA**

We knew it was going to be an uphill battle to break through the misinformation and ensure a cap on rent increases as a top priority for the city. Many residents agree that unaffordable rising rents is an issue and say the city should do something, but they are not sure what the city should do. We had to educate the public on the policy, and we had to show the urgency of the situation. There were people who tried to mislead fellow elected officials and community members on the proposal. We brought in experts and showed how rent stabilization is already protecting renters in many communities. We gathered data on average rents and built our case for the policy and to prepare for any future litigation. On the community side, we wanted to make sure that community members understood that rent stabilization limits rent increases and does not mean a permanent rent freeze. We also pushed back on the misconception that rent stabilization means deteriorating buildings and no economic growth. The legislation allows for the owners to appeal when undertaking major improvements and in doing so, makes them accountable for improving building quality, since they will now have to provide evidence to justify an increase above the rent cap.

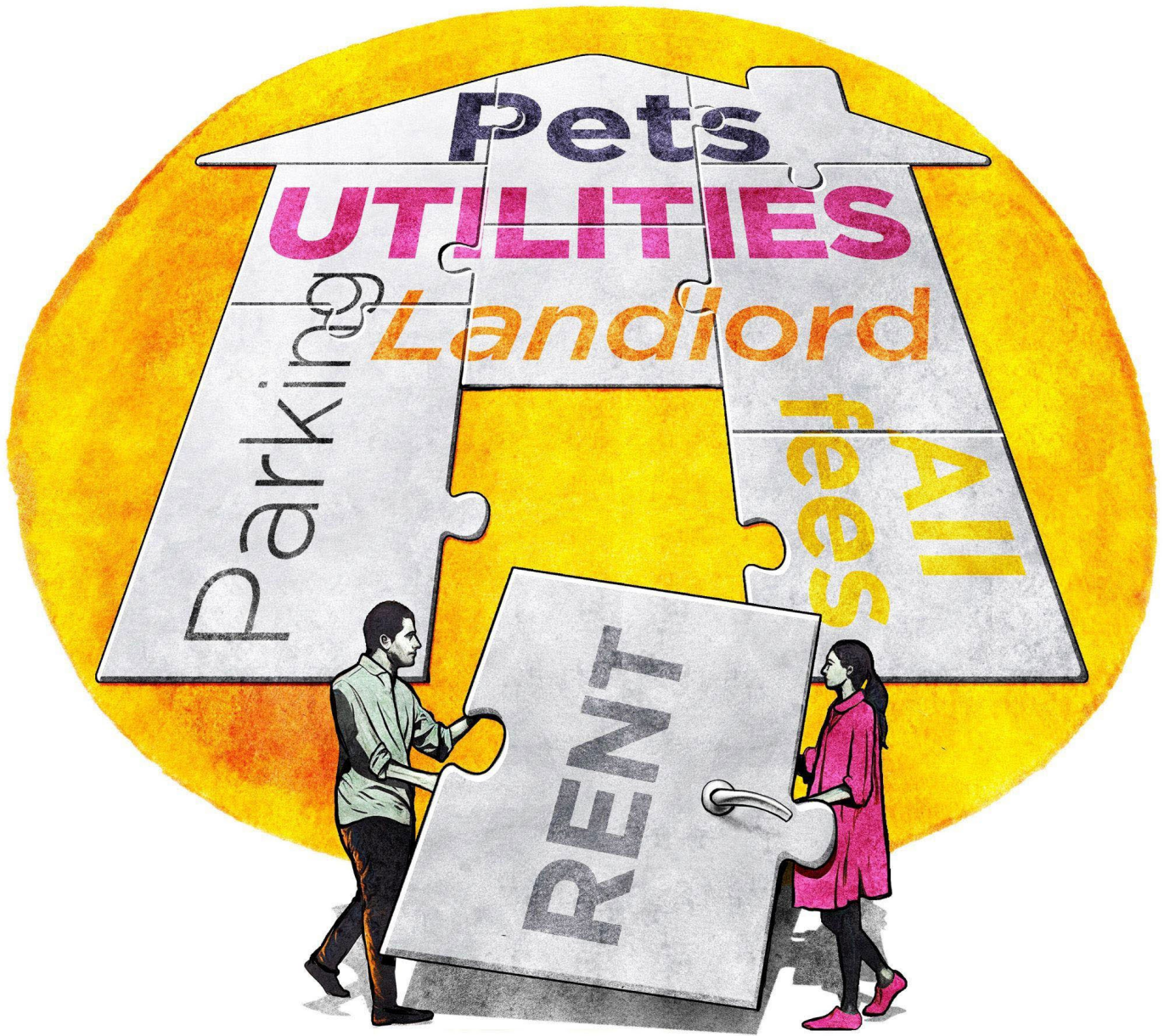
Community testimony demonstrated the urgency of the housing crisis and the need for rent stabilization in Mount Rainier. Many residents shared their stories of living in their apartments for years and now facing the danger of becoming homeless even though they work several jobs and pay their rent on time. Others shared their experiences working hard to catch up financially after enduring COVID and finding that because of recent increases, they may have to leave the community they love. We consider ourselves a very welcoming city, but we now have residents who love this community and have invested in this community and now have to leave. It became clear to the council that rent stabilization was one of our core policies as a welcoming city.

### **ON BUILDING MOMENTUM IN A REGION**

We supported Prince George's County taking up rent stabilization. Right now, we have paused our policy because the county's temporary policy is stronger. The County will likely consider a permanent rent stabilization policy in the coming months, and I plan for Mount Rainier to play an active role in supporting a countywide policy. We will continue working with other cities to make sure their communities are also protected.

### **KEY TAKEAWAYS**

- Getting connected with organizers and building relationships as a local elected official builds up the capacity to advance critical policies like rent stabilization.
- Getting clear on the policy pieces that are most important to the community helps policy negotiations stay focused.
- Connecting with policy experts and electeds in places where the policy already exists or they are taking on your same battles can be helpful for informing decisions, planning education efforts and identifying complementary strategies that help rent stabilization succeed.



## PART II. ALLOWABLE RENT INCREASES

Once you've thought through who is covered by the policy, next you'll need to consider how the policy will ensure stable housing costs for renters. RSO policies must balance the need to protect renters from egregious rent hikes and the need to heed legal limitations that may impact how much an ordinance can diminish the property's value and earning potential.

### 1. The first step is defining rent.

Local communities use different language for this. In some cities, like [Santa Ana, CA](#), rent includes all fees associated with the housing unit, including parking, pet fees, and utilities covered by the property owner. In [St. Paul](#), rent is named simply as “monetary consideration charged or received by a Landlord concerning the use or occupancy of a Rental Unit pursuant to a Rental Agreement.”

### 2. How often can property owners raise the rent?

Next you’ll determine how often owners can raise the rent per year. Typically most ordinances limit the frequency to once every 12 months.

### 3. What is the maximum rent increase allowed?

This third part is the decision point in your ordinance that will draw the most attention. But it’s quite simple, even if the negotiation around this number is not. How stable do you want renters’ housing costs to be and how will you express that stability? Ordinances can be tied to the **consumer price index**, tied to a percentage of the base rent (original amount the renter is paying), or a combination of both:

- In [St. Paul](#), MN, rent increases are capped at 3% of the base rent.
- In [Takoma Park, MD](#), rent increases can’t exceed the change in the consumer price index.
- An example of using both indicators can be found in [Oakland, CA](#), where the limit on rent increases is 60% of the change in consumer price index or 3%, whichever is lower. This is useful in times when inflation is high and renters are already struggling with high prices in groceries and services.

## CONSUMER PRICE INDEX:

An aggregate of the prices of a relatively fixed basket of goods, which is used as a standard gauge of inflation and the cost of living.

### STRONGER PROTECTIONS FOR VULNERABLE POPULATIONS

Another approach is to ensure that the most vulnerable renters are even more insulated from rent increases. In [Washington D.C.](#), rent increases for older adults with fixed incomes or people with disabilities are limited to 5%, the change in the consumer price index, or the Social Security cost-of-living adjustment, whichever is lower.

### BANKED RENT INCREASES

Some local ordinances include a provision for banking annual rent increases. This means that if a property owner decides not to increase rent for a year or two, they would be allowed to combine the allowable increase all at once in one year. The advantage of allowing banked rent increases is that property owners might be less inclined to raise the rent up to the maximum allowed under the rent stabilization policy every single year. The disadvantage is that renters might end up with unmanageable increases if there is no limit to the amount of times owners can bank those rent hikes. [San Francisco, CA](#) allows property owners to bank their allowable rent increases with no limits on the amounts. Meanwhile, [West Hollywood, CA](#) does not allow banked increases.

If your ordinance allows banking, ensure that any banked increases imposed on renters are not so large that renters are at risk of displacement. Consider putting a limit on the number of years increases can be saved for later or number of times per tenancy. Oakland, CA [limits banking to 10 years](#) and also sets an [annual rent increase ceiling](#), *a total rent increase that can be imposed in any one rent increase and may not exceed the total of three times the allowable CPI increase and may not be greater than the lower of 10% or 5% plus the percent change in cost of living (set by State of California).*

The goal of your rent stabilization ordinance is to protect renters from jarring rent hikes. Typically, the larger the allowable increase in rent is, the greater impact banking will have on renters; therefore controlling for that is key in your decision whether to allow banking or not.



## RECOMMENDATIONS FROM THE FIELD

This section focuses on the stability your ordinance provides to renters. The goal is to make renters' housing costs as predictable as possible while balancing the need for property owners to earn a fair return on their property. To that end, here are some recommendations to help achieve that goal with your ordinance:

**>> Keep the maximum rent increases as low as possible** and make that amount responsive to inflation. Having language in the policy that ties the increase to the lower of the consumer price index or a capped amount, as is the case in Oakland, CA, achieves both of those objectives, and is critical to preventing large allowable increases during periods of high inflation.

**>> You can carve out specific exemptions** for people vulnerable to even moderate rent increases, such as renters with fixed incomes.

**>> Determine whether banking rent increases is right for you.** If this is included in your policy, place a cap on the total amount of the rent increase, for example, two times the increase in the consumer price index. You can also place a cap on the number of times a property owner can save their rent increase for later.

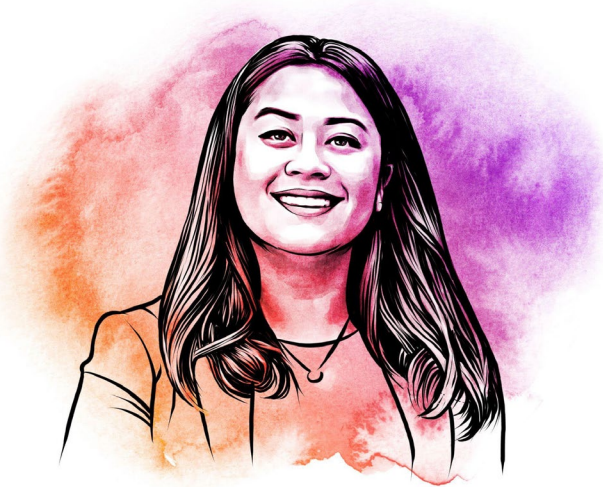
# NOTES

# CASES FROM THE FIELD

## MITRA JALALI

### CITY COUNCIL, ST. PAUL, MN

Former teacher and renter advocate, and council member since 2018, Mitra has authored tenant protection ordinances and been a leader on rent stabilization.



#### THINGS TO KNOW ABOUT ST. PAUL'S RENT STABILIZATION ORDINANCE

- Passed via a ballot initiative in 2021, St. Paul became the first city in the Midwest to adopt rent stabilization. Tenant organizers and advocates put forth a tenant protection proposal that resonated with residents and moved them to the polls despite being significantly outspent by opposition.
- The ballot-approved policy was notable for setting a hard 3% annual increase cap, full vacancy control and the lack of exemption for any newly constructed housing.
- The ordinance was modified in fall 2022 to provide a 20-year exemption for new construction and to allow a higher increase (CPI+8%) for new tenants if the tenant turnover is due to just cause.

#### ON THE ROLE OF LOCAL ELECTEDS AFTER THE POLICY IS ADOPTED

As a local elected official, my role was to shape the implementation and preserve the goals that the voters had given to us: protecting residents from drastic rent increases that disrupt housing stability in our city. After the rent stabilization ordinance was passed via a ballot initiative, the city had to move to implement by developing rules and standing up administrative and enforcement processes. I dug into policy details and meetings with city staff to figure out implementation. Government systems setting up administrative processes are closed off to the community. By engaging deeply with city staff I was able to serve as a bridge to the community and use my role as the elected representative to bring more transparency to the bureaucratic process. And when it came to codifying the implementation, I made sure our definitions didn't undermine the intent of the ordinance that was adopted, and I authored budget amendments to ensure staffing for administration and enforcement.

#### ON THE NEED FOR CONTINUED TENANT REPRESENTATION

Bringing tenant voices to the implementation of a RSO policy is just as important as the campaign to get the policy passed. Soon after the policy was approved by voters, some elected officials signaled they would consider amendments to the ordinance amid strong pushback from housing developers for a new construction exemption. My top priority was



to ensure the city included renters in all discussions considering any modifications. The mayor's office set up a stakeholder committee and I pushed hard for tenant representation and was able to secure multiple seats for tenant organizations. They were able to shape the recommendations that came out of the stakeholder committee and influenced the policy amendments that council adopted.

### **ON TOUGH DECISIONS**

Creating space for nuance in a hotly contested policy debate is always a challenge. While I wanted to keep the original policy for a year and conduct a strong evaluation, there was immediate interest among my colleagues to amend the ordinance. Recognizing that this was going to happen, I fell back on my charge as an elected—fighting for the people who need government on their side. When the change to allow landlords to raise rent above 3% for new tenants was brought up, I successfully pushed to tie it to just cause.

When colleagues proposed exemptions for new construction, I pushed for the city to make sure tenants in these newly-constructed buildings had other tenant protections. While we didn't accomplish this in the amendments to the RSO, I am planning to introduce a tenant protection ordinance in 2023 so that tenants in both newly-constructed and rent-stabilized units can have comprehensive protections.

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**Bringing tenant voices to the implementation of a RSO policy is just as important as the campaign to get the policy passed.**

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### **ON THE FUTURE OF TENANT PROTECTIONS AFTER THE RSO WIN**

The ballot win shows the progress we made towards becoming a city that values our renter residents. We've come a long way since 2018 when I was the first renter elected to the council. Rent stabilization is just one policy protection and we've been slowly building out a full suite of strategies including increasing funding for affordable housing. We still have a long way to go, especially in the face of the opposition's continued effort to paint this policy as a failure and discredit the tenant movement. Our next step is to strengthen and revamp our enforcement of the RSO policy, while continuing to build out the city's housing stability strategies that center the experiences of tenants.

### **KEY TAKEAWAYS**

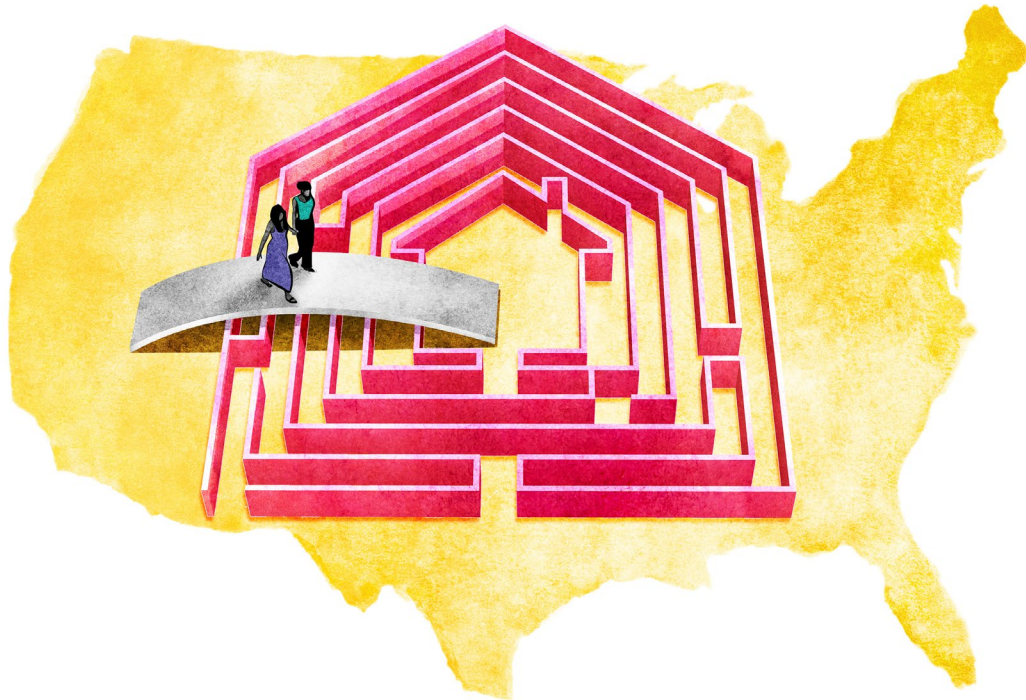
- Local electeds need to fight for renter voices to be centered when setting up administration of a rent stabilization policy.
- Be prepared for opposition even after an ordinance or ballot measure is adopted. Rent stabilization is a renter protection policy. Keep renter protections central when entering policy debates and negotiations and look to expand protections or tie amendments to other renter protections.
- Local elected officials should use their position to support successful implementation; for example, by championing funding for administration and enforcement and monitoring implementation to identify areas of improvement.



## PART III. VACANCY CONTROL

### HOW RENT PRICES ARE SET WHEN A RENTER MOVES OUT

**Rent stabilization ordinances set the rules for how much a property owner can charge a new renter.** Some RSO's have vacancy control which means there isn't a change in rental price just because there is a change in renter. Other RSO's have vacancy decontrol which is a mechanism that allows property owners to increase the rent as much as they want when a renter moves out and a new renter moves in. And lastly, there is partial vacancy control that allows a greater increase than the annual increase, but still provides a stabilizing cap. In all situations though, once a new tenant moves in that initial rent will be subject to rent stabilization regulations.



### **STRONGLY RECOMMENDED VACANCY CONTROL**

If legally allowed, you should include vacancy control in your ordinance. Without any vacancy control, the rent levels of rent stabilized units can increase drastically between tenancies to the point that they are only affordable to higher-earning renters. Additionally, vacancy decontrol can create a strong incentive for property owners to push current renters out of their housing in order to drastically increase rents. Some examples of vacancy control include:

- **No change in base rent:** In 2019, a series of amendments to [New York City's](#) policy eliminated vacancy decontrol. Rents between and during tenancies are now subject to the same rent increase regulations.
- **An increase cap (higher than annual cap):** In [Washington, D.C.](#), when an apartment is vacated, property owners may raise rents by 10% of the prior rent or to the level of the rent charged for comparable units in the area, but the amount cannot exceed 30% of the previous rent. In [Saint Paul, MN](#), property owners can increase the rent by CPI plus 8% of the previous rent if they prove that the unit was vacated due to just cause.

### **PREEMPTION NOTE**

Unfortunately, some jurisdictions have laws that preempt vacancy control (e.g., California Costa-Hawkins Act). Be on the lookout for state action that prevents strong tenant protections. Consider engaging state legislators early on and explain why protections like vacancy control—and rent stabilization as a whole—are important, so legislators are prepared to defend rent stabilization and fight against preemption. For more information on preemption, see the appendix.

### **IF VACANCY DECONTROL ENDS UP IN YOUR RSO**

It is particularly important to adopt a just cause eviction policy (addressed in the following section of this toolkit). A just cause eviction policy protects renters from unfair evictions by limiting the reasons a landlord can evict. A just cause policy can help prevent a property owner from pushing a tenant out in order to drastically increase the rental price.

# CASES FROM THE FIELD

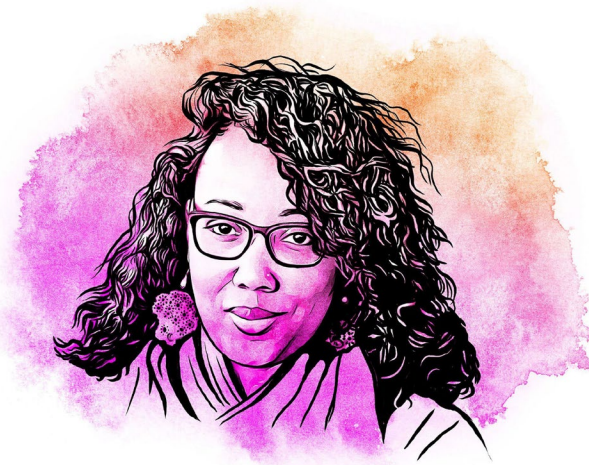
## TAMISHA TORRES-WALKER

**COUNCIL MEMBER, DISTRICT 1  
ANTIOCH, CALIFORNIA**

With 10+ years of organizing experience, Tamisha ran for office championing renter protections.

### **KEY THINGS TO KNOW ABOUT ANTIOCH'S RENT STABILIZATION ORDINANCE**

- The ordinance caps rent increases at 3% of rent or 60% of the consumer price index, whichever is lower.
- Notably, the ordinance does not exempt government-funded, low-income housing. It does exempt government-owned housing.
- A mostly suburban and rural community, Antioch has been experiencing increasing housing costs as residents move to this eastern part of the Bay Area for more affordable housing.



### **ON CHAMPIONING RENTER ISSUES**

Antioch is one of the most affordable communities in the Bay Area, however rents are going up steadily and [recent reports](#) have [documented](#) the high level of housing insecurity, segregation and racial inequities. When I ran for office, the city wasn't engaging tenants – I met people who were facing evictions and didn't feel supported. Many people brought up landlord harassment and housing conditions as their main concerns along with rent prices. We identified rent stabilization, just cause for eviction, anti-harassment protection and revamping housing inspections as our housing priorities. We've started to make some changes to housing inspections like establishing a rental registry and as rent stabilization moved forward we increased the budget for staffing in the City Attorney's office to support implementation and enforcement.

### **ON THE OTHER HARD STUFF ABOUT MOVING POLICY**

I have deep experience working with advocates and electeds to move policy from the outside. However, now as an elected official, I manage the challenges from the inside. Some of the challenges have to do with specific policy components, but there are also challenges in getting local governments to do something new or different. In my experience, there is often enthusiasm at the idea of doing something new, necessary and values-based. However, there is also anxiety around local governments having to do more work. There were concerns about asking staff to do more, and concerns about some departments growing their staff. It should be pretty straightforward – if there is more work and we need more staff to be successful,

then let's find a way to fund it – but it was a struggle.

I used my relationship building skills to work through this challenge. As an organizer, I know the value of strong relationships to build knowledge and insight. Surprisingly, this isn't a common value among local elected officials. When I first took office I demanded to meet with every department head and understand their staff and needs. The City Manager was surprised and said that no council member has ever made such a request before. All of the department heads were excited to meet with me. I think they appreciated having an elected official interested in their work instead of only giving them work to do. These relationships gave me the insight to be able to advocate for both the policy the community wanted and what staff needed to effectively implement the policy.

### **ON THE DECISION TO PURSUE RENT STABILIZATION**

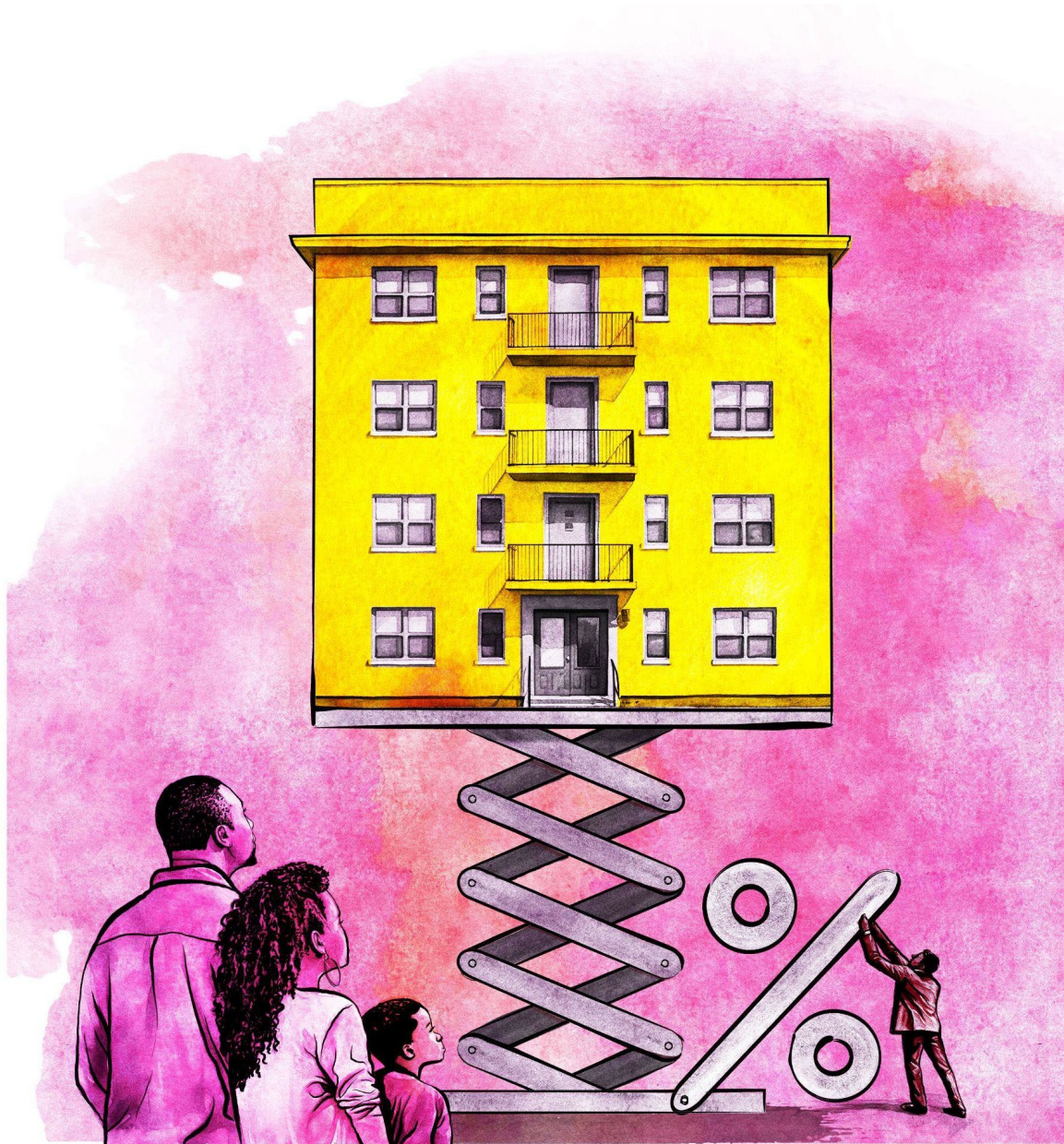
My toughest decision came when we ultimately decided not to push the full renter protection package. Monica Wilson, a fellow council member, and I wanted to adopt a bigger tenant protection package that included just cause, protection against landlord harassment, revamping the housing inspections and rent stabilization all at once. We worked with four tenant rights organizations and they helped get people turned out for community meetings and hearings. However, through discussion on the dais and through the public hearings it became clear we didn't have the votes for the full package. We thought it best to advance the policy that would have the most impact and then come back and pursue the other policies.

Adopting rent stabilization was bittersweet because while we are happy this policy passed, we know our residents deserve more. We ask them to come to meetings and pack the hearings – but they shouldn't have to come and tell their stories of trauma so electeds can do the thing they know will help them. I pushed my fellow council members, if you don't have the political will to support these policies then do you really have the best interest of the people? We are now working on just cause and anti-harassment policies and hope to have them adopted this Fall.

### **KEY TAKEAWAYS**

- Rent stabilization is just one important renter protection among others. Renters in your community likely need additional protections to provide stability. However, sometimes it isn't possible to adopt them all at once, and adopting rent stabilization can help build momentum for future renter protections.
- In addition to policy, local elected officials have an important role in assessing and building the capacity for implementation. Building relationships and a shared understanding of the needs of local government staff is an important step in developing effective enforcement strategies.

**As an organizer,  
I know the  
value of strong  
relationships to  
build knowledge  
and insight.**



## PART IV. EXCEPTIONS

### WHEN RENT INCREASES ABOVE THE ANNUAL RENT INCREASE CAP ARE ALLOWED

Now that you've determined who will be covered by rent stabilization protection and how the annual rent increase will be set, it's time to consider how to allow exceptions for property owners to raise rents above the permitted annual increase. Rent stabilization is an important tenant protection policy, and for it to be workable it must include pathways for property owners to obtain exceptions for special circumstances. These exceptions exist in all rent stabilization policies but it is important to structure the ordinance and set up an administration process that is fair and minimizes sudden and excessive costs pushed onto renters.

## HARDSHIP/FAIR-RETURN EXCEPTIONS

These types of exceptions ensure a property owner is able to receive a “fair return” on their rental property. Although annual increases typically take into account the fair return principle, there could be situations where operating expenses increase to an extent that a property owner may not be able to maintain the fair return. Fair-return exceptions are generally found in all ordinances to minimize the likelihood of a successful legal challenge.” Rent stabilization policies vary in how they define fair-return, for example in [Washington D.C.](#) it is [12% rate of return](#), while other places, such as [Mount Rainier, MD](#), do not set a specific number but rather evaluate the property owner’s ability to make mortgage payments and cover costs. The [St. Paul, MN](#) current ordinance established a presumption that the maintenance net operating income of the base year (established in ordinance as 2019) provided a reasonable return, adjusted for CPI.

If the annual increase prevents a property owner from receiving the fair return, they may petition for a higher increase. In [San Francisco](#), property owners may claim in a petition that the annual increase does not cover the increased cost of operating and maintenance expenses for a property and request up to a 7% additional base rent increase.

## INSIGHT FROM THE FIELD

Evaluation of operating costs are based on the entire property, not the unit. Therefore communities that have partial or full vacancy decontrol, where units are allowed to be priced at “market-rate” for new renters, may find hardship petitions less common since properties with low-rent units (due to long-term renters) can be offset by other units that have experienced turnover and therefore higher rents.

## CAPITAL IMPROVEMENTS

If property owners conduct renovations to a unit or the entire building that significantly improves the building or significantly extends the use of the property, this is called a capital improvement, and rent stabilization ordinances often allow property owners to pass some of that cost to renters. To prevent any excessive pass-through costs to renters, an ordinance can 1) make passthrough costs temporary and not a part of the base rent, 2) place a cap on passthrough costs, and 3) allow renters to pay the passthrough cost over an extended period of time. Example:

- In [New York City](#), property owners can recover costs for building-wide capital improvement costs, but the excess charge is capped at 2% per year and added to the renter’s payment over a period of 12 to 12.5 years depending on the building’s size. Individual unit improvement costs must have written consent from the renter if the unit is occupied. A maximum of 3 improvements can be issued over a period of 15 years and the cost cannot exceed \$15,000.
- In 2018, [San Francisco](#) joined Oakland, Berkeley, and San Jose in eliminating a loophole which previously allowed landlords to pass through increases in debt service and property taxes to rent-stabilized tenants, resulting in large rent increases when owners bought rent-stabilized buildings.

If the annual increase prevents a property owner from receiving the fair return, they may petition for a higher increase.



## ADMINISTRATION OF THESE EXCEPTIONS

The process for requesting and evaluating rent increases above the annual limit should have strong oversight so that the exceptions process isn't abused. Renters should have the right to be notified and appeal decisions. The local government will likely need to increase its capacity in order to ensure the administration of these exceptions functions smoothly. Below are some examples of how governments manage property owners' requests, however you can read more about setting up a rent stabilization ordinance for success in the Implementation section of this guide.

Typically, jurisdictions require that property owners wanting to increase rents beyond what is annually allowed submit their requests to the administrative body overlooking the rent stabilization ordinance with reasons and evidence supporting their requests. There are various ways these administrative bodies then assess these types of requests from property owners.

- [St. Paul, MN](#) has a two-tier system. If the additional rent increase falls between 3% to 8%, the request is approved via "self-certification" without thorough review by city staff. If the rent increase is larger than 8%, the process of assessing the request is longer, requires property owners to discuss their request with staff and provide more detailed evidence supporting their request. In both situations, renters are notified and have the right to appeal the decision.
- In many other jurisdictions, rent boards hold hearings for all requests regardless of the amount property owners are requesting to increase rents beyond what is annually allowed. For example, [Berkeley, CA](#) requires that property owners petition the rent board for any type of additional rent increase. The rent board then holds hearings where it assesses the property owner's request and in which renters are allowed to participate.

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**Typically, jurisdictions require that property owners wanting to increase rents beyond what is annually allowed submit their requests to the administrative body overlooking the rent stabilization ordinance with reasons and evidence supporting their requests.**

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## SOME POLICIES HAVE EXCEPTIONS WHERE RENT INCREASES ARE REQUIRED TO BE LOWER THAN THE ALLOWED CAP

Some rent stabilization ordinances have a hardship procedure to protect renters who cannot afford to pay their passthrough charges or allow renters to request a decrease in rent because of a reduction or loss of a housing service like parking or laundry, code violations and other habitability problems. For example:

- In [San Francisco, CA](#), a renter can request an exemption for the capital improvement and operating and maintenance passthrough costs. The Rent Board will consider a series of factors to assess the renter's income and need. Renters can also petition the Rent Board to decrease their rent if the property owner has failed to provide an agreed upon or legally required service or the property owner fails to maintain the premises as safe and habitable.
- In [Berkeley, CA](#), a property owner cannot issue an allowable rent increase if the Rent Board has found the owner decreased their services to a renter or their unit has habitability issues and if there are serious code violations.



# NOTES

# CASES FROM THE FIELD

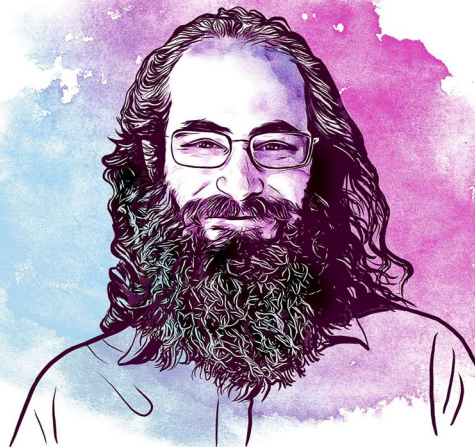
## SOLI ALPERT

### RENT BOARD VICE CHAIR, BERKELEY, CALIFORNIA

Soli is a Bay Area official, elected in 2018 as a student to Berkeley's Rent Board.

#### KEY THINGS TO KNOW ABOUT BERKELEY'S RENT STABILIZATION ORDINANCE:

- Berkeley's rent stabilization policy took effect in 1980, and most rental units in the city are covered by rent stabilization.
- Berkeley has citywide elections for all rent board members (one of only 2 elected rent boards in the country).
- Berkeley's rent stabilization policy is paired with a strong good cause protection which protects most renters even if they do not reside in a home covered by rent stabilization.
- Berkeley's policy sets the annual rent increase at  $\frac{2}{3}$  of the Consumer Price Index.



#### ON THE IMPORTANCE OF RENT STABILIZATION AS A TENANT PROTECTION

Whenever other communities reach out about rent stabilization, I tell them that rent stabilization is an essential and common sense protection to protect tenants from price gouging. It supports eviction prevention, anti-discrimination, and creates a system that makes it undesirable for slumlords to operate. Without rent stabilization, it is easy [for landlords] to get around anti-discrimination and retaliation protections by raising the rent to a rate that pushes the tenant out.

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**Since 1994, tenants unions have had a strong presence on the rent stabilization board. This structure ensures tenants have an active voice in their community which is important – just because you rent doesn't mean you shouldn't have a say in your housing.**

### **ON THE BENEFITS OF AN INDEPENDENT RENT BOARD**

I think it is ideal to have an independently elected and staffed rent stabilization board. The Berkeley rent stabilization board is independent, the board is elected citywide and also has staffing to support operations. Berkeley is one of two places in the country with an elected rent stabilization board. Since 1994, tenants unions have had a strong presence on the rent stabilization board. This structure ensures tenants have an active voice in their community which is important – just because you rent doesn't mean you shouldn't have a say in your housing.

### **ON THE IMPACT OF STATE PREEMPTION (CALIFORNIA'S COSTA-HAWKINS ACT)**

There are a lot of bad outcomes that have resulted from the Costa-Hawkins Act which was adopted in 1995. First, the legislation removed all vacancy controls. Vacancy control is important because it keeps the rental unit affordable when there is resident turnover, thereby preserving affordable units for the community, not just current tenants. The second issue is that Costa-Hawkins exempts housing units built after 1980 in Berkeley. Due to Costa-Hawkins, newly constructed units will never be subject to rent stabilization and therefore tenants in those units are not protected. Additionally, new construction becomes more polarizing and controversial as the community knows the future residents of the proposed housing will not be protected.

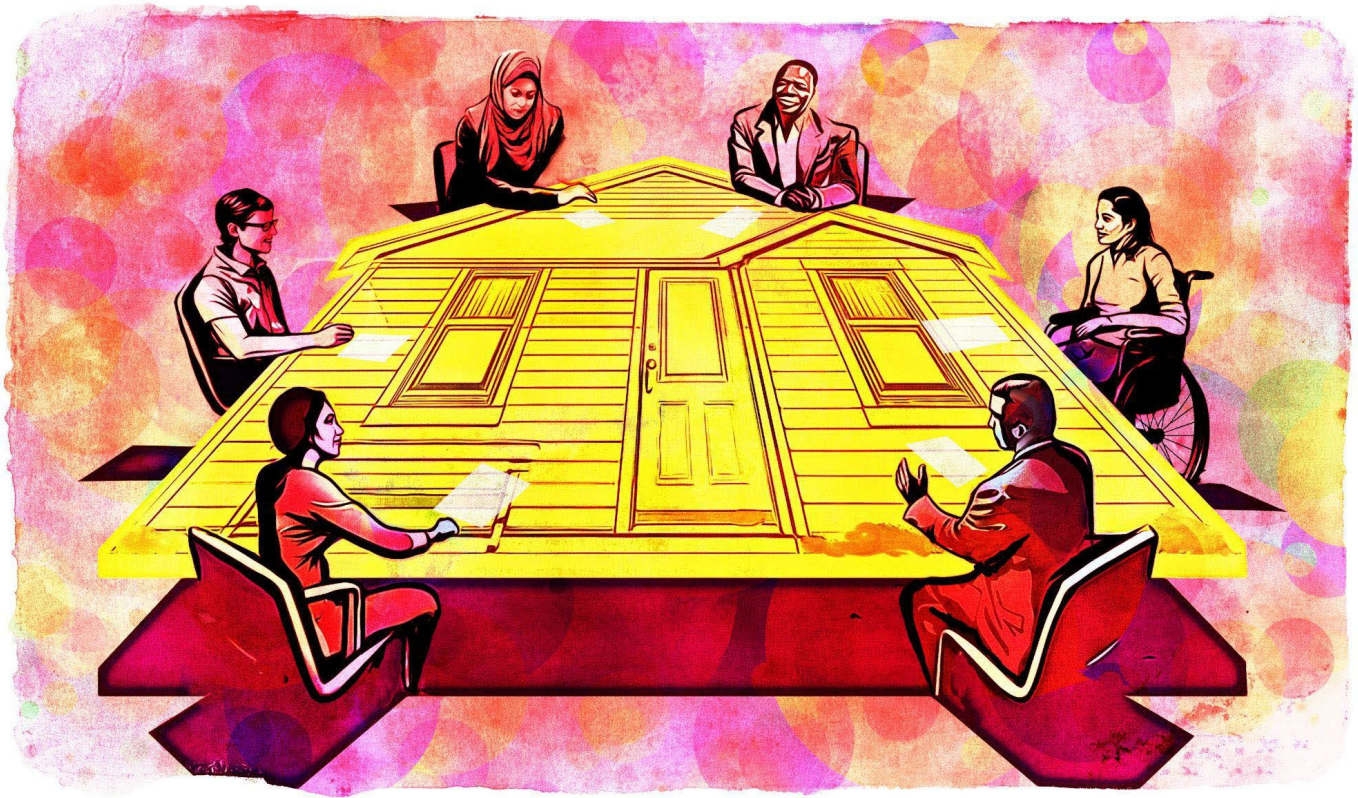
### **ON BEING A COLLEGE TOWN WITH RENT STABILIZATION**

It is so important to consider the local population and dynamics. Berkeley is a college town – a third of our population is students – which means there is a consistently high rate of turnover in our rental community. This high turnover – combined with the lack of vacancy control – means that the price of rental units have increased at a higher rate, since property owners are free to set the new rent as high as possible, exploiting students and other residents.

### **KEY TAKEAWAYS**

- Rent stabilization is a tenant protection that bolsters protections against eviction, retaliation, and more.
- Having renters in governing boards like Berkeley's rent control board supports strong policy oversight and implementation.
- State preemption can be harmful – educating community and state representatives on the local impact is necessary to ensure local policies are crafted to fully meet community needs.

**Due to Costa-Hawkins, newly constructed units will never be subject to rent stabilization and therefore tenants in those units are not protected.**



# PART V. IMPLEMENTATION

## MAKING IT ALL WORK

**The previous sections help you consider who gets protected with your ordinance and to what degree.** One more facet to consider is how it will work. How will the protection of renters from excessive rent hikes be practiced day to day? How will renters know they're protected from excessive rent hikes and who can they look to for support if property owners raise rent in violation of the protections you have crafted? Implementation is the work of practicing the care you are trying to extend to renters, so attention to detail from the outset will improve the success of your policy.

### **CONSIDER ROLLBACK DATES**

One of the first steps for implementation is choosing when your policy goes into effect. As a way to get ahead of a rent stabilization policy, some property owners might raise rent in anticipation of not being able to do so after the ordinance is passed. It's helpful to anticipate this and extend protection retroactively a few months before the effective date. One example of this is in [Santa Monica, CA](#), where a rent stabilization ordinance went into effect August 8, 1979 but covered units subject to the RSO as of April 10, 1978.

### **NOTIFY RENTERS THAT THEY'RE COVERED**

The more renters who know they're protected from excessive rent increases, the more effective your ordinance will be at keeping them rooted in their homes. Some cities have included a requirement

that property owners of stabilized units inform renters that they are covered under their local rent stabilization ordinance. The [City of Oakland](#) requires that this notice be provided to renters every time there is a rent increase and that the notice be in English, Spanish and Chinese. In the event that an owner does not provide this information, they must wait at least six months after providing the notice before they impose a rent increase.

## **ENFORCE YOUR POLICY**

You may have crafted a strong ordinance that protects renters and balances industry expectations for profit. You have put together the plan for implementation. The next hurdle is enforcing your policy. You'll want to make clear the consequences for property owners who violate your policy. Here are some examples of consequences for violations:

- In New York City and State, if a property owner is found to be charging above the allowable rents, the affected renter may be eligible for damages that can amount to three times the original amount overcharged. Additionally, if a property owner is proven to have intentionally forced a renter to vacate an apartment, they may lose the right to lawful rent increases and receive civil and criminal penalties.
- In Berkeley, CA, a property owner can't issue an allowable rent increase if they haven't fully paid the Rent Board registration fee, there is a decrease in services, or there are issues with habitability or code violations.
- In Santa Monica, CA, renters can file complaints with the rent board to contest possible overcharging of rent beyond what is allowed. If property owners are found guilty of overcharging, they must pay renters the excess amount charged in addition to simple interest and a fine, determined by the amount overcharged.

## **WHO MAKES AND ENFORCES THE RULES?**

Consider who will be the stewards of the policy you have crafted to protect renters. Many jurisdictions create rent boards to administer the policy, determine exemptions or consequences for violations, and even to provide support to renters.

Your rent board can comprise both members appointed by elected officials or they can be elected themselves. They can be paid or volunteers, and the board can consist of both renters and property owners. If you look at rent boards across the country, five to nine members serving two-year terms on a board is typical.

When deciding how the rent board members will be elected and appointed, keep in mind your goals you've carefully planned for in the drafting of your policy. The board's mission should be to apply the policy fairly so that the goals of keeping renters housed, especially renters most vulnerable to displacement, remain central.

Whether you require members to be elected or appointed, consider the advantages and disadvantages of both. If members are elected, there is a democratic process and renters can ensure they are represented well, while the same goes with property owners, who typically have industry groups with significant political power and resources. If members are appointed, you'd be relying on elected officials, sometimes aligned with your goal and other times not, to decide on who is administering rent stabilization in the community. However, it could be important to have local officials bought in and collaborating with the rent board and their appointments can further that process. You can require a mix of both elected and appointed board members to manage both the advantages and disadvantages of both methods.

Whether the rent board is appointed or elected, this body is likely to be made up of volunteers and not city staff with the devoted mission of understanding the breadth of resources available to renters and property owners.



Some examples:

- **Elected:** [Berkeley, CA](#) has a rent board of nine elected members and [Santa Monica, CA](#) has a rent board of five elected members.
- **Appointed:** [New York City](#) has a rent board of 9 members appointed by the Mayor. In [Kingston, NY](#), the Common Council nominates the members and [Oakland, CA](#) has a rent board of 7 members appointed by the Mayor and confirmed by the City Council.

#### **PAYING FOR THE ADMINISTRATION OF YOUR ORDINANCE**

You can staff and fund the rent board and its functions through a per unit fee on property owners that can be partially passed through to renters.

- For example, [Santa Monica](#)'s rent board, which has a full-time staff of 26 and overlooks more than 27,000 units, raised its full 2018 budget of over \$5 million by charging owners of rental properties a monthly registration fee of \$16.50 per unit.

Restrictions can be placed on the passthrough fee to ensure it is not overwhelmingly burdensome for residents.

- For example, in [West Hollywood, CA](#), half of the fee may be passed through to renters in 12 monthly equal portions in addition to the allowable annual rent increase.

#### **STAFFING THE RENT BOARD**

Whether the rent board is appointed or elected, this body is likely to be made up of volunteers and not city staff with the devoted mission of understanding the breadth of resources available to renters and property owners. These volunteers also might not have the necessary mastery of all of the technical and legal aspects of the rent stabilization ordinance policy. Just as you would staff boards and commissions, you should plan to have dedicated staff, including legal counsel, available to support the work of the Board.

Staff of the rent board can keep records of rental properties registered, connect renters with legal services or mediation services, receive and manage petitions, schedule hearings, or answer daily questions from renters and property owners. Examples of staff structures:

- The City of [West Hollywood, CA](#) has an appointed Rent Stabilization Commission staffed by a staff liaison and an administrative specialist.
- The [City of Verona, New Jersey](#) employs an administrator as well as a staff attorney for their rent control board.
- The [City of Berkeley, CA](#)'s elected rent board is staffed by several department employees, including an executive director, administrators, attorneys, counselors, and community outreach specialists.

## STAFFING ENFORCEMENT

If you're building out the implementation infrastructure of your rent stabilization ordinance, you might be starting with only a few resources to help you enforce your policy. Some cities that do not have rent boards or a staff to help carry out the work of the rent board use city agencies or offices to do the enforcement work. These might include the housing department, code department or department of safety and inspections. It is important that whatever resources and infrastructure you have to ensure the effectiveness of your policy, you practice regular monitoring and evaluation. This means making access to data on rental registries, complaints, and inspections as well as records of appeals and filings for exemptions, as streamlined as possible for city staff and the public.

It may take time to staff up and design an effective implementation infrastructure. Be sure to build meaningful relationships with local tenant organizations or public interest attorneys to help design or even take up some of the work of implementation at first. Groups like legal aid or tenant advocacy groups can create an added layer of tenant education and provide support for tenants who are receiving illegal rent hikes.

## RECOMMENDATIONS FROM THE FIELD

**>> Property owners might raise the rent in anticipation of rent being stabilized.** You should strongly consider making the rent stabilization ordinance effective to a date before the passage of the ordinance, such as in [Santa Monica](#).

**>> Notify renters of the protections under the ordinance** using the just-in-time method: when they make their decisions about their housing – when they sign a lease; and when property owners impose a rent increase. You can require that property owners do the informing, as is required by the [City of Oakland](#).

**>> Put in place serious consequences** for property owners who violate the rent stabilization ordinance. This can include fines, denials of rent increase by a rent board, or a reduction in rent.

**>> Establish a rent board** and ensure that renters are well-represented in the composition of the board. A mix of both elected and council-appointed board members would help ensure that the interests of renters are a focus, while also facilitating the cooperation of local elected officials.

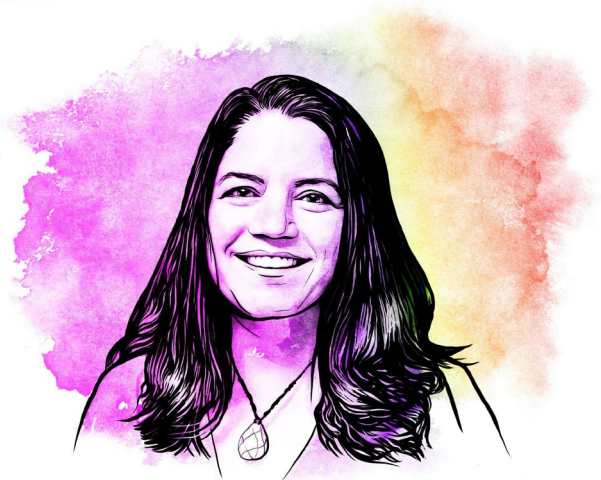
**>> Regardless of whether a rent board is established** or implementation is assigned to a local government department, additional staffing will be needed to support successful implementation and enforcement. A rent board fee on each unit property owners are renting out can help fund this infrastructure.

# CASES FROM THE FIELD

## MICHELE HIRSCH

### ALDERPERSON, KINGSTON, NEW YORK

Having worked with families as a Family Peer Advocate and finding housing a major barrier to family stabilization, Michele ran for office as a housing advocate.



#### THINGS TO KNOW ABOUT KINGSTON'S RENT STABILIZATION POLICY

- In 2022, Kingston became the first upstate city in 20 years to enact a rent stabilization policy after NY state law changed to allow any community in the state to enact rent stabilization.
- New York State law requires communities to complete a vacancy study to demonstrate a low vacancy rate (below 5%) in order to declare a Housing Emergency and opt into the Emergency Tenant Protection Act (ETPA).
- ETPA applies to buildings of six or more units built before 1974.
- A local Rent Guidelines Board sets the annual rent increase as outlined by ETPA.

#### ON THE URGENCY FOR RENT STABILIZATION AND OTHER POLICIES

For a long time, Kingston was a very inexpensive place to live and, as a county seat, there has been greater access to social services. Kingston has been a great place for working class families. Over the last few years, the population has grown and during the pandemic much higher earning residents have moved here. I had worked with families with mental health issues and their number one issue was housing. Many of their families were being pushed out of the city into emergency shelters and so they needed to get bused into the city for services. I also encountered an apartment complex that had seniors who were in a complete panic over rising rents. Housing became the focal point during the pandemic. I tried to bring an eviction moratorium at the local level but received a lot of pushback. However, the growing movement for housing justice and concern about displacement has pushed the conversation at City Hall.

#### ON LEADING THE PROCESS WHEN YOU ARE THE FIRST

For many people, the challenges in the rental housing market are painfully clear. We saw how hard it was to find an affordable unit and wanted to stabilize rents right away but state law laid out a process which required a vacancy study first. The city initially went with an outside consultant that in the end provided a report with so many gaps that it was useless. I think it often seems like a faster and easy choice to hire an outside contractor, but Kingston's



building department maintains its own rental registry and we should have utilized that asset in the first place. The city then did a second study; this time utilizing city staff and resources including the rental registry list.

With the second study we were able to move forward, however after I reread the statute I realized we needed a public hearing before we could vote on it. This could have been a real procedural misfire and although multiple people had reviewed the new state language, that requirement had been missed. I alerted the Council President and we worked to schedule the hearing. We were the first small city to opt into ETPA and so rereading, double-checking and making sure you are using all your resources is so important to making it through the process. We knew we would be challenged legally, and thankfully, the courts have upheld our vacancy study and rent stabilization protection.

#### **ON KEEPING TENANT ISSUES THE FOCUS IN IMPLEMENTATION**

State law lays out the makeup of the board but localities need to find and nominate people to fill specific positions within 30 days of declaring a Housing Emergency. Local tenant organizing groups did a really great job of getting the word out about this opportunity and encouraging people to apply for the Rent Guidelines Board. As we reviewed potential candidates, I was on the lookout for folks who are able to keep Kingston families who are renting homes at the forefront of the decisions they would be making.

#### **KEY TAKEAWAYS**

- Work with tenant groups to get renters out to testify and give testimony at Public Hearings in front of your Rent Guideline Boards. Encourage tenants who don't speak to come out and show support to the tenants that do speak. Just being a support is an important role because it's scary for tenants to speak up.
- Being a small city and "the first" can present many procedural challenges. Being brave and triple-checking the rules is necessary for successful implementation. Look at the existing resources in your city; rental registries can help in the development of rent stabilization policies.
- Make sure tenants are equal in number to property representatives when establishing an oversight board.
- The difference between who appoints the board—the mayor vs the legislative body – can make huge differences in the board make-up and outcomes when setting yearly rent increases.

**Housing became the focal point during the pandemic. I tried to bring an eviction moratorium at the local level but received a lot of pushback. However, the growing movement for housing justice and concern about displacement has pushed the conversation at City Hall.**

# PART VI. WHAT'S NEXT?

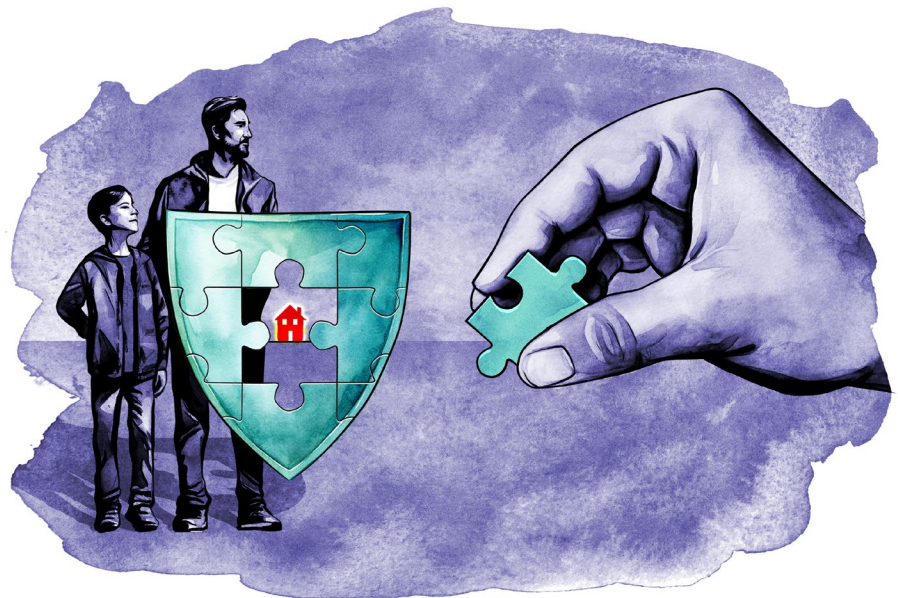
## ADVANCING RENT STABILIZATION POLICIES

**Engage with residents who rent their homes to craft the communities rent stabilization policy.** As illustrated in the examples shared by local electeds throughout this toolkit, local organizations that lead on this issue may come from a variety of mission backgrounds such as immigrant rights, criminal justice and more. Think broadly about who may be interested in this issue and grow from there.

### PULL THE RESEARCH AND BUILD THE CASE

Understanding the local housing landscape will help inform your policy. It is also very important to document all the data and research informing the policy to best defend the policy both at the dais and in the courtroom if there are any legal challenges. Here are some ideas for where to go for data:

- Check to see what systems exist in your local government that collect housing data. Is there a rental registry? Does your locality have access to rental data through a third-party (for example, CoStar)? Is there a staffer in your locality or another government (such as county to state) that could help gather data?
- Check with local housing partners and direct service providers who may have data and reports they can share.



Consider what other institutions, such as a university, may also research housing and have data to share.

- [American Community Survey and Census data](#) is a commonly used source of data on housing. Other organizations and institutions that regularly research housing include: [National Low Income Housing Coalition](#), [Urban Displacement Project](#), [Harvard Joint Center for Housing Studies](#), [Eviction Lab](#), [PolicyLink](#).

### RESEARCH YOUR STATE LAWS AND PROCEDURES

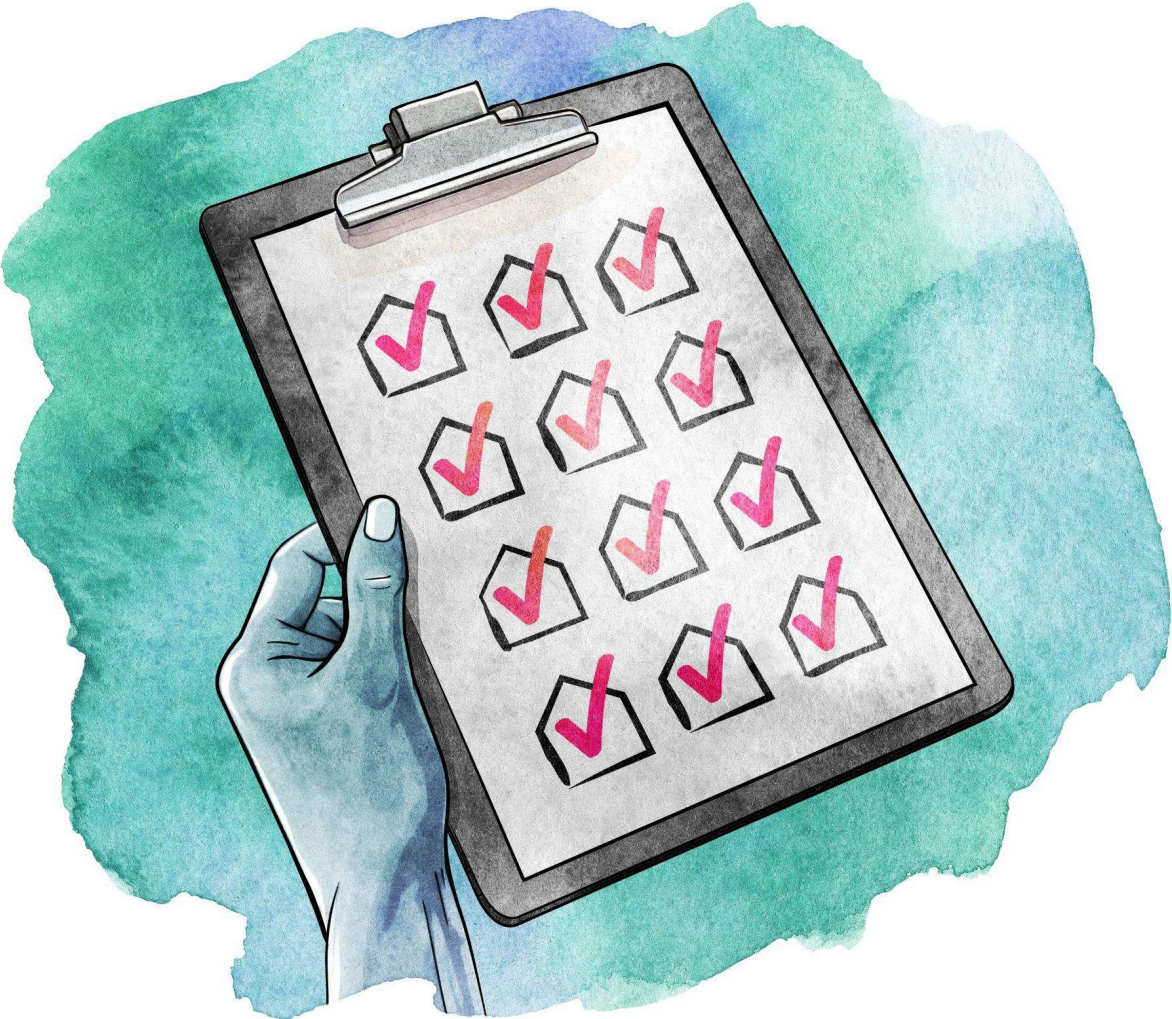
As noted earlier in this toolkit, state laws may prohibit, limit or outline procedures for being able to adopt rent stabilization at the local level. Understanding the state law and figuring out any workarounds is necessary. Your city/county attorney will be an essential partner in crafting this policy, and it is valuable to engage them early in the process. With that said, you may need to help educate your city/county attorney and connect them to additional legal resources to support the development of a strong policy.

# NOTES

# APPENDIX

## IMPORTANT POLICIES AND PROGRAMS TO SUPPORT RENT STABILIZATION POLICIES

Rent stabilization is one type of renter protections that helps keep residents stably housed. While there are many important protections that all renters should have, we want to share a few companion policies that can support the success of rent stabilization.



### 1. RENTAL REGISTRIES

Rental registries are an important companion policy that can help bring you closer to your goal of making renters' housing costs more predictable and easier to track. In some cases, a rental registry is easier to move through the policymaking process and is a solid step toward understanding your housing stock and tracking vacancy over time – crucial information to know before you draft a rent stabilization policy.

Once you have created a rental registry – and you’ve enacted a rent stabilization ordinance – you have the makings of a set of protections that are enforceable. You’ll be able to track property owners who have not complied with city policies and information about lease provisions (like parking or utilities) to which property owners should be held. Registration of a rental unit is common sense: we register pets we own, vehicles we drive, and buildings people will occupy. These steps create accountability and help us manage risk. The homes people live in, perhaps the places they will spend the most time, should similarly be registered.

## HOW THEY WORK

- Each unit is registered separately, which gives you a sense of rental availability. Registration should be simple – an online form with check-boxes and drop-down options, for example. Property owners can update it annually with changes
- Information collected: Name of property owner and contact information, monthly rent and the last rent increase, what’s included in rent (utilities or parking), the tenure of the renter, and notice when rent is increased or an eviction filing has occurred.

## ENFORCEMENT

To ensure that property owners register their units, some cities require registration in order for property owners to receive a certificate of occupancy, apply rent increase, or to file an eviction. Here are some examples:

- In [San Jose](#), property owners cannot issue an allowable annual rent increase if they haven’t registered their unit and are subject to a fine of \$500 per unregistered unit.
- In [Washington D.C.](#), all rental units must be registered. Rent stabilization automatically applies to any unit not registered and only registered units can issue a rent increase.

## 2. RENTER ANTI-HARASSMENT PROTECTIONS

Everyone deserves a home and community where they feel safe and free from harassment and intimidation. All communities must ensure renters are protected from harassment and retaliation. Local governments can adopt laws that protect renters against harassment to ensure it does not cause renters displacement, especially from rent stabilized units. [Oakland](#) passed an ordinance designed to protect renters from harassment by their property owners which includes a list of sixteen forms of renter harassment. These include removing personal property without consent, influencing a renter to vacate a rental unit through fraud, intimidation, or coercion, threatening the renter, refusing to accept a renter’s lawful rent payment, and interfering with a renter’s right to privacy.

## 3. BUYOUT AGREEMENTS PROTECTIONS

In some situations, property owners may pay renters to “voluntarily” leave a rent stabilized unit. It is important to regulate these agreements since property owners sometimes pressure renters into an agreement so they can vacate the unit to rent it at a higher rate. Renters might agree to a very low compensation due to fear or lack of knowledge. Buyout protections can address:

- **Transparency:** Some jurisdictions, like [Santa Monica](#) and [San Francisco](#), require property owners to file the agreements with the rent board.
- **Renter education:** Property owners in some jurisdictions are required to notify renters of their rights. In [San Francisco](#), renters can cancel their agreement within 45 days of signing. Additionally, jurisdictions should include that buyout agreements should be in the renters’ primary language.
- **Disincentives:** The existence of a buyout agreement can restrict a property owner’s use of their property. In [San Francisco](#), buyouts can prevent property owners from obtaining a condominium conversion permit.

## 4. JUST CAUSE EVICTION PROTECTIONS

Under these ordinances, property owners can only evict a renter (formally or informally via a non-renewal) if their situation falls under one of the ordinance-approved list of “just causes”. Property owners must also specify the reason in the renter’s eviction notice. **Just Cause protection is an important renter protection policy on its own but it also should be paired with rent stabilization policies, especially if the policy has vacancy decontrol.** Without Just Cause protection, property owners could subvert rent stabilization by evicting renters and then increasing the rent for new renters. Learn more about just cause policies at [localhousingsolutions.org](http://localhousingsolutions.org). Some things to keep in mind when crafting a Just Cause policy:

- **Clearly define Just Cause.**

Some of the common reasons that fall under Just Cause include: non-payment of rent, breach of the lease, substantial damage to property, as well as no-fault reasons such as the owner wants to move-in, and property owner wishes to remove the unit from the rental market.

- **Ensure significant notice for no-fault:** Reasons that occur at no-fault to the renter should include a significant notice period. For example, in California, evictions that result from removal of the unit from the rental market are also called Ellis Act evictions. While the Ellis Act undermines renter protections overall, it does provide limited protections when a unit’s removal from the rental market that jurisdictions outside of California can incorporate into their own ordinances. Under the [California Ellis Act](#), renters must receive an eviction notice of at least 120 days and generally an eviction notice of at least one year for senior and disabled renters.

- **Relocation Payments for no-fault:** Jurisdictions can require that property owners evicting renters for “no-fault” reasons provide relocation assistance. In [Oakland, CA](#), relocation payments are per unit, depend on the size of the unit, and adjust for inflation annually. Renter households in rental units that include lower income, elderly or disabled renters, and/or minor children are entitled to a single additional relocation payment of \$2,500 per unit from the owner.

- **Enforcement:** The ordinance should include explicit consequences for property owners that violate the just cause eviction protections. Some of these consequences can include allowing renters to sue for money damages, injunctive relief, attorney fees against the property owner, and fines paid to the jurisdiction.



# NOTES

# RESOURCES TO CONSULT

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