

**Municipal Law Institute**

**February 16, 2024**



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**CALIFORNIA  
CITIES**

Strengthening California Cities  
through Advocacy and Education

# **Ensuring Housing Stability**

Adopting, Expanding, and Enforcing Rent  
Control Across California

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# Rent Control 101

- Why rent control?
- Birkenfeld v. Berkeley (1976)
  - Authority from City's police powers
    - Limitations
      - State law
        - CCP s 1161 - Substantive v. procedural eviction protections
        - Other state laws
      - Constitutional requirements
        - Fair return concept
          - Landlords are guaranteed a fair return
          - What does that look like in practice?

# Types of RC and Administration

- Forms of rent control
  - Vacancy control v. vacancy decontrol
  - Just cause eviction protections
- Board v. Commission
- No-fault evictions
  - Relocation fees
  - “Ellis” evictions
    - State law allowing landlords to evict tenants to “go out of business”
    - Local governments must enact regulations to enforce restrictions
  - Administrative remedies
    - “in-house” enforcement of law

# ENSURING HOUSING STABILITY

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# LOCAL RENT STABILIZATION AND EVICTION PROTECTIONS- ADOPTION

- City/County adoption options
  - Ordinance –
    - Approved by the legislative body
    - Can be amended by the legislative body
    - Provides more flexibility but also less certainty of continuing program as political winds change
  - Voter Initiative
    - Submitted by petition of the voters or legislative body
    - Can only be amended by voter approval
    - Limited ability to adapt to changing times because of need for voter approval

# LOCAL RENT STABILIZATION AND EVICTION PROTECTIONS- ADOPTION

- Regulations can be adopted to implement either ordinance or voter initiative
  - Regulations are not an opportunity to rewrite the law but to clarify
  - Courts tend to give deference to the regulating body but if regulations exceed authority may reject

# STATE PREEMPTION

- Costa Hawkins-
  - Vacancy decontrol
- Ellis Act-
  - Right to withdraw units from market
- AB 1482- Tenant Protection Act
- Eviction statutes

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# **Expansion of Rent Control**

**Bell Gardens, Culver City, Pasadena**

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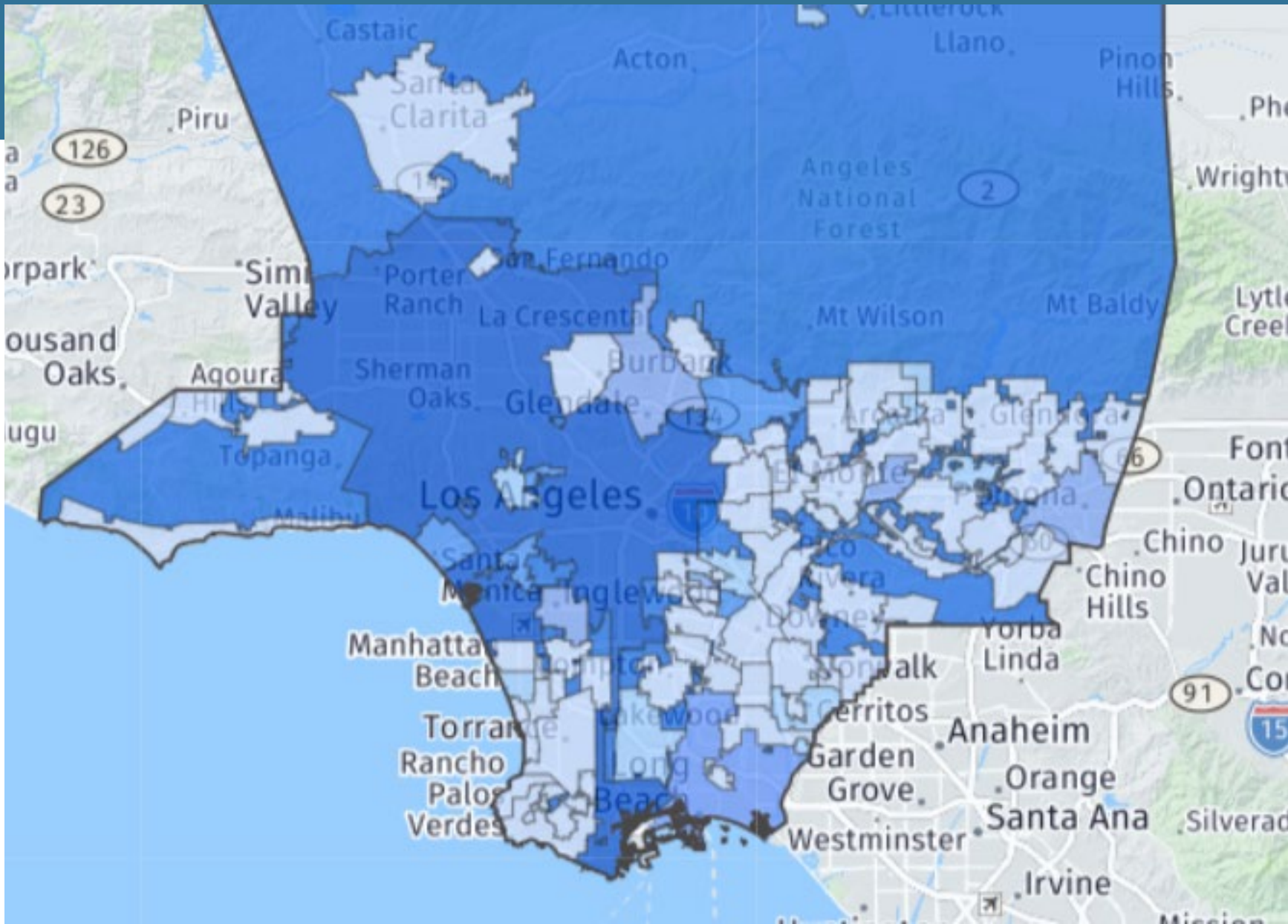


# Public Counsel's Community Development Project

- CDP uses movement lawyering to build power in low-income communities and communities of color to achieve housing justice, racial justice and economic justice.
- We use a range of legal strategies – policy advocacy, impact litigation, community education, capacity building – to support grassroots coalitions organizing for systemic change.
- We have a history of supporting several community-led rent control efforts across Los Angeles County.

# Expansion of rent control across LA County

- In recent years, there has been an expansion of rent control (and tenant protection) efforts across Los Angeles County
  - Baldwin Park
  - Bell Gardens
  - Cudahy
  - Culver City
  - Inglewood
  - Unincorporated LA County
  - Pasadena
  - Pomona



# Culver City

- Mun. Code § 15.09 Rent Control
  - Ordinance 2020-014
  - Signed into law Sep. 29, 2020
  - Select features
    - Caps annual rent increases at 5%
    - Just cause protections (tenant protections ordinance)
    - Anti-harassment protections

- Organizing
  - Ordinance passed through advocacy from Protect Culver City Renters



# Bell Gardens

- Mun. Code §5.62. Rent Stabilization
  - Ordinance No. 925
  - Signed into law Sep. 12, 2022
  - Select features
    - Caps annual increases as the lesser of 50% of the change in the Consumer Price Index (CPI) or 4%
    - Just cause protections
    - Anti-Harassment protections

- Organizing
  - 2019: California Latinas for Reproductive Justice door knocked and realized housing was a top community concern
  - 2019-2022: Formed Union de Vecinas of Bell Gardens
  - 2020: Rent Control and Just Cause campaign



# Pasadena

- City Charter Article XVIII  
- The Pasadena Fair And Equitable Housing Charter Amendment
  - Measure H ballot initiative
  - Signed into law Dec. 22, 2022
  - Features
    - Caps annual increase at 75% of CPI. If CPI is negative, then 0%
    - Just cause protections
    - Anti-harassment

- Organizing
  - 2016: Pasadena Tenants Union forms
  - 2018: Initial effort to get Rent Control on ballot
  - 2022: Measure H successfully on ballot



# RC Enforcement

- Administrative remedies
  - In-house hearing officers
    - Limited authority
      - Quasi-judicial
      - Only grant relief that law authorizes
      - No general damages
  - Petitions for various relief under the law
    - Rent decrease
      - Prevents back-door rent increases in violation of rent limits
      - Failure to perform maintenance
      - Elimination or substantial reduction of housing services
    - Excess rent petition
      - Enforce rent limits
    - Rent increase petition
      - Enforce fair return guarantee
      - Formula in the law
- Advantage of robust infrastructure
  - Rent registry
  - Pandemic response
    - Build on existing framework



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