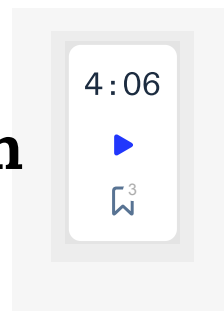


LOCAL NEWS

Fairfax will place tenant protection issue on ballot



By [ADRIAN RODRIGUEZ](mailto:arodriguez@marinij.com) | arodriguez@marinij.com | Marin Independent Journal

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Fairfax officials have decided to let voters decide the fate of the town's tenant protection regulations — but not for another 15 months.

The Town Council voted unanimously on Wednesday to certify a citizens' ballot initiative that seeks to repeal the town's rent control and just-cause-for-eviction ordinances.

However, the council voted 4-1 to place the measure on the ballot for Nov. 5, 2024, the next general election date. Doing so will cost the town much less than holding a special election.

"I think it makes a hell of a lot of sense to put it to a vote in November 2024," Mayor Chance Cutrano said, "when we know that we're going to have the greatest amount of voter turnout of Fairfax residents, so we'll have the greatest say on this important issue."



“I think it’s money well spent to run a special election in November of this year,” Coler said. “There’s so much divisiveness, I would like to see us end the pain.”

Meanwhile, the Town Council has introduced an ordinance that would slightly raise the cap on annual rental increases, among other amendments.

The amended ordinance sets an annual rent increase cap at 75% of the regional consumer price index. The annual adjustment cannot be less than 0% or greater than 5%.

Initially, the council approved a cap at 60% of the index. The effective date has also been adjusted to be retroactive as March 2022.

Fairfax is the first municipality in Marin to pass a local rent control law. It’s become a hot-button issue dividing the community, with landlords, tenants and supporters on both sides weighing in.

After approval in November 2022, critics attacked the council and gathered hundreds of signatures on a petition aiming to freeze the tenant protections. The goal was to take the issue to a public vote to determine whether the ordinances should be revoked.

A group of landlords drafted ballot initiative and collected 966 valid voter signatures. The group needed 588 to have it certified.

A key issue is that landlords said they weren’t involved in the decision-making process that took place for nearly a year before the council approved the ordinances.

The petitioners said the laws are overbearing and will create a hardship on mom-and-pop landlords who rely on the rental income to survive. The petitioners say they are not against rent control and argue that state laws are sufficient.

Tenants say rent increases are outpacing salaries and many tenants are struggling to find secure housing.

Some residents on both sides of the issue agreed a special election would be too costly and could potentially be an unfair election with fewer participants.

The council had the option of adopting the measure as is, but a majority agreed it would be undemocratic to take that approach.

Another option would have allowed the council to request an impartial report on the

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Frank Egger, a former council member, warned that with three council seats up in 2024, tenant protections are going to become an election issue.

That is one of the reasons Coler said she prefers a special election. Coler also said she tried to get the council to do more outreach and involve landlords in the discussion.

If approved by voters, the ballot measure would replace the town's ordinance with the restrictions established by Assembly Bill 1482, or the Tenant Protection Act of 2019.

That state law caps rent increases at 5% plus inflation. The maximum annual increase permitted under the state law is 10%. The law expires on Jan. 1, 2030.

Cutrano cited an analysis by the University of California, Berkeley, on the efficacy of the Tenant Protection Act that reported 60% of rental listings were in violation in the spring of 2022.

"I have to say that the data supports a lot of the concerns brought to us by our community members over the last 18 months," Cutrano said.

Michael Sexton, one of the petition organizers, said he is happy voters will get their say, but is disappointed it will take a year.

"We don't want to delay this, creating more division, spending more money on meetings needlessly on this," he said.

The amendments introduced Wednesday will return to the Town Council for adoption at its Sept. 6 meeting.

The same night, the Larkspur City Council is expected to adopt its rent control ordinance. The ordinance would cap rent increases at 5% plus inflation or 7%, whichever figure is lower. The city has already adopted a just-cause-for-eviction ordinance.

In San Anselmo, the Town Council is also picking up discussions on tenant protections. It recently scheduled a series of meetings that will include separate forums for landlords and tenants.

The first tenant forum is expected to take place Sept. 14.

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Adrian Rodriguez | Reporter

Adrian Rodriguez covers San Rafael and the Ross Valley.

arodriguez@marinij.com

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