

Pacific Sun Article

[Nikki Silverstein](#) May 11, 2022

Fairfax one step closer to a strong rent control ordinance.

Supporters of rent control in Marin County were disappointed last week when the Town of Fairfax staff report failed to recommend an ordinance with teeth.

However, the town council, receptive to the rent control backers who spoke during the council meeting, sent the staff back to the drawing board.

The issue is critical in [Fairfax](#), where 37% of the town's housing stock is renter occupied, according to the 2020 U.S. Census. In addition, half of Fairfax renters are considered "rent burdened," a HUD term defined as spending more than 30% of household income on rent.

The lengthy meeting on May 4 delved into the details of an effective rent control program, as laid out by the [Marin Democratic Socialists of America](#) (DSA), the group behind the push for rent control in the county. In fact, Marin DSA previously provided a rent control ordinance to the Fairfax Town Council which was modeled on best practices from other California municipalities' policies. Many elements from that ordinance were omitted from the Fairfax staff report recommendation.

Marin DSA advocates for placing an annual cap, tied to the inflation rate, on rent increases. They argue the policy would ensure a fair return for landlords while protecting renters from excessive jumps in the annual rent. The annual rent increase allowed by AB 1482, the California Tenant Protection Act of 2019, is 5% plus the local inflation rate, up to a maximum of 10%.

Establishing a strong just cause eviction policy is another essential component of a successful rent control program, according to Marin DSA. Not only does the organization want to prevent unwarranted evictions, but it also recommends that Fairfax adopt an ordinance with special protections for seniors, disabled people, and students and teachers during the school year.

Landlords may still evict tenants for not paying rent or violating other lease terms.

The model ordinance proposed by Marin DSA requires the creation of a five-person rent control board to publicize and enforce the rules and regulations. Both landlords and tenants are eligible to serve on the board.

The Marin DSA stands on solid ground with their proposed rent control ordinance. Attorney Leah Simon-Weisberg, who is a leading authority in rent control policy, advised the group and wrote the ordinance. Simon-Weisberg is the legal director for Alliance of Californians for Community Empowerment and the Berkeley Rent Board chairperson.

Legal Aid of Marin has offered to work with Fairfax at no charge for one year to help launch a rent control ordinance. The nonprofit agency would provide community education and outreach services to tenants and landlords.

Marin is expected to lose more affordable housing as it emerges from the pandemic, Lucie Hollingsworth, a senior attorney at Legal Aid of Marin, said during public comment at the Fairfax Town Council meeting. And there's more bad news. The state rent cap, established by AB 1482, was 8.8% last year, and rent is expected to increase to 10% this year.

Even if Fairfax passes a rent control ordinance, another California law, the Costa-Hawkins Rental Housing Act, exempts single-family homes and condos from rent control restrictions, as well as apartment buildings built after February 1995.

"With an average rent of \$2,284 in Fairfax, 40% of renters are facing steep increases, which will be especially hard on the 520 Fairfax renters who are considered extremely low income and most vulnerable to homelessness," Hollingsworth said.

A few dissenters, most representatives of landlord trade associations, spoke against rent control at the meeting. However, the Fairfax Town Council ultimately listened to its constituents, including more than 500 residents who signed a petition requesting a rent control ordinance.

Fairfax Mayor Stephanie Hellman pointed out that she couldn't afford to move to Fairfax today. A strong supporter of rent control, she spoke of extending compassion to the town's marginalized residents.

"Over 500 Fairfax residents signed that petition," Hellman said. "This is all about providing stability to a third of our population."

At the conclusion of the meeting's three-hour discussion on rent control, the council agreed to direct the town staff to return by July or August with a more comprehensive just cause policy and in September with a rent control program.