



**TOWN OF FAIRFAX
STAFF REPORT
July 16, 2014**

TO: Mayor and Town Council
FROM: Michele Gardner, Town Clerk *GT*
SUBJECT: Discuss/consider a Fairfax rent control ordinance

This item was continued from the July 2, 2014 Town Council Meeting.

RECOMMENDATION

Discuss/consider a rent control ordinance for Fairfax.

DISCUSSION

Vice Mayor Bragman submitted the attached memorandum for discussion and consideration by the Town Council.

ATTACHMENT

Vice Mayor Bragman's Memorandum



Town of Fairfax Council Memorandum

From: Vice Mayor Larry Bragman
Date: July 2, 2014
Re: Discussion and Consideration of a Fairfax Rent Control Ordinance

During its ongoing deliberations in regard to the status of Ordinance 778, the Town Council heard many speakers describing the scarcity of affordable rental housing in Marin County. Several also described receiving large increases in their monthly rent that were well above the increase in the cost of living for our area.

While Fairfax Code section 17.040.080 prohibits owners from converting existing apartments, houses or other buildings into condominium ownership or cooperative ownership, our town doesn't have an ordinance which protects tenants from unjust eviction or unreasonable rent increases. Given our current conversation about affordable housing and the current conditions of the rental market, perhaps it's time for our Council to consider adoption of such an ordinance.

Under California Civil Code section 1954.52, property that was issued a certificate of occupancy after February 1995 is exempt from rent control. Beginning January 1, 1999, tenancies in single family homes and condos are exempt from rent control if the tenancy began after January 1, 1996. In Fairfax, most of our multi-unit rental stock was probably issued certificates of occupancy before February of 1995. Hence, while single family homes and in-law units are exempt from rent control, much of the multi-unit rental market in Fairfax may be subject to a rent control ordinance.

Some California cities have rent control ordinances that limit or prohibit rent increases. Some of these ordinances specify procedures that a landlord must follow before increasing a tenant's rent, or that make evicting a tenant more difficult for a landlord. Each community's ordinance is different. For example, some ordinances allow landlords to evict tenants only for "just cause." Under these ordinances, the landlord must state and prove a valid reason for terminating a month-to-month tenancy. Other cities don't have this requirement.

Some cities have boards that have the power to approve or deny increases in rent. Other cities' ordinances allow a certain percentage increase in rent each year. Because of recent changes in State law, all rent control cities now have "vacancy decontrol." This means that the landlord can re-rent a unit at the market rate when the tenant moves out voluntarily or when the landlord terminates the tenancy for nonpayment of rent.

Separate and apart from consideration of Ordinance 778, it behooves us to consider all reasonable means to protect affordable housing in Fairfax. A properly drafted rent control ordinance would protect Fairfax residents from arbitrary eviction and unreasonable increases in rent. Hence, I believe that our council should consider the viability of a municipal rent control ordinance for Fairfax.

Respectfully submitted,
Larry Bragman