

Frequently Asked Questions for Tenants

FAIRFAX RENT STABILIZATION ORDINANCE

1. What protections does Fairfax’s Rent Stabilization Ordinance give me?

The ordinance limits rent increases and stops landlords from decreasing housing services.

Fairfax’s new Rent Stabilization Ordinance will limit rent increases to once a year. Annual rent increases will be capped at 60% of the annual percentage increase to the Consumer Price Index (CPI) or 5%, whichever is less.

This year, the maximum annual rent increase is 3%.

Once implemented, the new law will allow tenants to file petitions with the town when landlords increase their rent above the limit or “decrease housing services.” For example, a tenant could file a petition if a landlord raised the price of parking or utilities over that which is allowed under the rental agreement. A tenant could also file a petition if the landlord stopped providing services such as pool or laundry access if promised under the rental agreement, or if the landlord failed to make repairs or allowed the building to fall into disrepair in violation of law or the rental agreement.

2. Am I covered by Fairfax’s Rent Stabilization Ordinance?

Fairfax’s ordinance will cover many residents. However, there are several exclusions from the law. If you fall into one of the following categories, Fairfax’s Rent Stabilization Ordinance does not protect your tenancy:

1. Single-family homes (where only one rental unit exists on the property)
2. Condominiums
3. Properties built after February 1, 1995
4. Dorm rooms
5. Mobile homes in mobile home parks
6. Hotel rooms, if you stayed in the room for less than thirty days
7. Hospitals, medical facilities, and other facilities where people receive care
8. Rental units which a government agency or authority fully owns, operates and manages
9. Units where the rent is limited by a legally binding restriction that restricts rent to no more than affordable rent

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3. When does Fairfax’s Rent Stabilization Ordinance go into effect?

December 2, 2022, although provisions relating to rent payments will not be implemented until the petition and hearing process has been implemented. This is expected to occur within the next few months.

4. What is the annual maximum rent increase?

The maximum annual rent increase is called the Annual General Adjustment (AGA). Under the law, the AGA is set at 60% of the annual percentage increase to the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward region, published in April. The AGA can never go above 5%.

In most cases, the AGA will be lower than 5%. [This year, the regional CPI increase published in April, 2022 was 5%](#). 60% of 5% is 3%, therefore, the maximum annual rent increase is 3%.

Each year, the maximum allowable rent increase will be recalculated based on the change in CPI over the last 12 months, calculated in April. Landlords are allowed to increase rents one time between September of that year and September of the following year.

5. Is Fairfax “rolling back” rents?

Yes, once the rent stabilization ordinance is implemented, but only to set the base rent to which a maximum annual rent increase could be added (see item 1 above).

If your landlord raised your rent after February 2, 2022, once the rent stabilization ordinance is implemented, your new rent will be the amount of rent charged on February 2, 2022 plus 3%.

6. How do I calculate my new rent?

Once Fairfax’s Rent Stabilization Ordinance is implemented, you can figure out your rent like this:

A. If your rent changed after February 2, 2022:

If your landlord raised your rent after February 2, 2022, you can use this formula to calculate your new rent amount:

(Your rent on February 2, 2022) + (Your rent on February 2, 2022 x .03) = new rent amount

Example: If you were paying \$2,000 on February 2, 2022, and had a rent increase to \$2,200 after that date, you would apply the formula like this:

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$$\begin{aligned}
 &(\$2,000) + (\$2,000 \times .03) = \text{new rent amount} \\
 &\quad \$2,000 + \$60 = \$2,060 \\
 &\quad \$2,060 = \text{new rent amount}
 \end{aligned}$$

\$2,060 would be your new legal rent, even though at one point, your rent was higher than this. **Note that this new rent calculation will not be implemented until the petition and hearing process has been put in place.**

B. If your Rent did not change After February 2, 2022:

If your rent did not change after February 2, 2022, you do not need to calculate a new rent amount. Your rent stays the same. Your landlord can raise your rent by 3% if they issue a thirty-day notice and have not already increased your rent in the past year.

7. Before rent is recalculated, do I need to pay my rent increase?

Yes, if the increase is otherwise legal.

Until the new rent stabilization ordinance is implemented, tenants need to pay all otherwise legal rent increases.

On the other hand, if at any time before December 2, 2022, landlords increased rent above the limits permitted by State law, these rent increases were illegal. For example, before Fairfax's rent stabilization goes into effect, most landlords could not increase rent more than 8.8% prior to September, 2022, or more than 10% after September, 2022.

8. Will I get reimbursed for the difference between the rent I paid before February 2, 2022 and the new rent that starts December 2, 2022?

No. The rollback only changes the rent owed going forward.

9. Will I get reimbursed for the difference between the rent I paid after December 2, 2022 and the implementation date?

Yes. If your rent increase exceeded the allowable amount, you will receive reimbursement for those amounts paid after December 2, 2022 that exceeded the 3%.

10. What if I signed a new lease after February 2, 2022?

You do not lose your rollback rights.

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Fairfax's Rent Stabilization Ordinance says that a tenant cannot waive any part of the law by signing a contract. Even if you signed a new lease, you should use the new rent calculation method above.

10. What if my landlord refuses to recalculate my rent?

You can assert your rights.

Send your landlord a letter or email explaining that Fairfax passed Rent Stabilization with a rent-rollback provision. You can include a link to these FAQs. If your landlord continues to refuse to recalculate your rent, contact Legal Aid of Marin at (415) 492-0230.

Once the Rent Stabilization Ordinance is fully implemented, you'll be able to file a petition with the Town of Fairfax. Monitor the town's website for more information.

Some landlords may serve illegal three-day notices. If you receive a three-day notice, you should again inform your landlord in writing of the rollback. If you receive an unlawful detainer lawsuit, you cannot ignore the lawsuit, even if the landlord's actions are illegal. **You must respond to the lawsuit within five days.** Call Legal Aid of Marin immediately if you receive court papers.

Legal Aid of Marin: (415) 492-0230

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