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This Bay Area city could be the next to see rent control on the November ballot

Renter and landlord groups have started ballot-box campaigns across the Bay Area in recent months



Managing Attorney Leah Simon-Weisberg of the Tenant Rights Program at Centro Legal de la Raza speaks during a rally for tenants rights at Frank Ogawa Plaza in front of City Hall in Oakland, Calif., on Tuesday, Sept. 26, 2017. (Anda Chu/Bay Area News





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Berkeley is now the latest battleground in the fight over rent control in the Bay Area, with landlord and tenant groups working to bring competing measures before voters this November to either expand or roll back renter protections in the city.

Across the Bay Area, advocates on both sides of the contentious housing debate have started ballot-box campaigns in recent months, including a [landlord-backed effort](#) to repeal a newly approved rent control law in Concord. In Larkspur, in Marin County, a similar referendum on the March 5 ballot to overturn caps on rent hikes appears [likely to fail](#) by a narrow margin.

Tenant groups are also [gathering signatures](#) to put renter protection measures on the ballot in Redwood City, San Pablo, Pittsburg and again in Larkspur. At the same time, landlords and tenant activists across California are gearing up for an expensive battle over a statewide measure that's already qualified for the November ballot that would allow cities to adopt stricter rent limits.

The rent control clashes follow unprecedented pandemic eviction moratoriums and rental assistance programs to prevent low-income tenants from losing their homes amid widespread job losses. With the emergency efforts now expired, tenant groups are going directly to voters in hopes of pushing through new permanent renter protections as many residents continue struggling to afford the Bay Area's astronomical housing costs.

“The housing crisis is so bad that it’s touched everybody,” said Leah Simon-Weisberg, a tenant advocate, attorney and chair of the Berkeley Rent Board, which developed one of the two latest ballot measures. “We need all the tools in the toolbox to address the housing crisis.”

In response to tenant advocates’ ballot measure campaigns and other rent control efforts, landlord groups are mounting an electoral defense against what they describe as a regulatory overreach that disproportionately harms mom-and-pop landlords. They say stricter rent restrictions could push even more small landlords out of business after many were forced to sell properties due to the years-long eviction moratoriums.

“That community landlord is dying off,” said Krista Gulbransen, executive director of the Berkeley Property Owners Association, which is behind the landlord measure.

Berkeley, where residents [first voted to regulate rents](#) in the 1970s, has long been a poster child for rent control. Even so, tenant advocates contend the law doesn’t go far enough to offset the impacts of inflation in recent years and an increase in corporate landlords, whom they blame for unfair rent hikes.

Currently, [rent caps in Berkeley](#) are determined by the local inflation rate, with a maximum annual increase of 7%. The measure by the rent board — the city agency tasked with regulating rental housing — would limit rent hikes to 3%. Apartments built after 1980, and most single-family homes and condos, would continue to be exempt.

The [measure](#), which includes an array of amendments to the current law, would remove a long-time exemption for some owner-occupied duplexes. It would also require that property owners hold regular meetings with tenant unions or face penalties.

The [landlord initiative](#), which is similarly complex, would boost the rent cap slightly to 7.1%. It would strip the rent board of some of its authority, including the ability to lower rents when repairs are needed and enforce habitability requirements. It would also eliminate board commissioners’ salaries while requiring the city to audit the board every three years.

Additionally, the measure would redirect 20% of the revenue from a rental property tax, which funds city housing and anti-displacement programs, toward

Backers of the dueling measures this month began collecting the roughly 3,000 signatures needed to place each on the November ballot. If both pass, the measure with the most votes would become law, advocates said.

Across California, a state law enacted in 2020 caps rent increases for older apartments at 5% plus inflation, or 10%, whichever is lower. More than 20 cities statewide also have local rent control laws on the books, including Oakland, Richmond, San Jose, Mountain View, East Palo Alto and San Francisco.

Opponents of rent control argue that in addition to hurting small landlords, capping rent increases creates a disincentive for developers to build more desperately needed housing. They also cite [research](#) showing that rent limits can reduce the number of available apartments and diminish overall affordability as tenants stay in rent-controlled units longer and some landlords stop leasing properties.

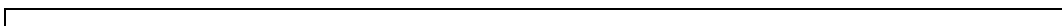
Tenant groups, meanwhile, argue rent control is needed to support low-income tenants at risk of displacement. Researchers with the [Bay Area Equity Atlas](#) found nearly half of renters in the region spend at least 30% of their income on housing, classifying them as “rent burdened” by federal standards. The typical apartment rent in the region tops \$2,400 a month, compared to around \$1,400 nationwide, according to data from the rental listing site Apartment List.

The debate will come to a head statewide in November when voters will again be asked whether to repeal a state law that prohibits cities from enacting rent control on most single-family homes and newer apartment buildings. Undoing the three-decade-old law would also allow local governments to limit how much landlords can charge new tenants.

Twice already since 2018, Michael Weinstein, head of the Los Angeles-based AIDS Healthcare Foundation and the measure’s chief backer, has spent tens of millions of dollars to bring the issue to voters.

As landlord groups prepare to spend big to fight the “[Justice for Renters Act](#),” Weinstein is betting the third time’s a charm.


“We can never give up,” he said at a press conference last year. “That’s the bottom line.”



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