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To: [City Clerk](#)
Subject: Public Comment to SPECIAL MEETING of the Larkspur City Council Monday, May 22, 2023
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Hello Councilmembers,

I've submitted a lengthy written comment before, and called in on this topic. My comments are made solely for myself as an individual.

Unfortunately, I was unable to get another written comment in before your Monday, May 8 meeting and was unable to call in. I have now reviewed the latest agenda materials and watched the meeting.

Contrary to the assumption made by some councilmembers, efforts to adopt substantial tenant protections--rent stabilization and just cause eviction protections--will help, not hurt, Larkspur get through the HCD review process. We can see each of the submissions made so far and each of the responses HCD has sent so far at the Association of Bay Area Governments, ABAG, website. I've reviewed the materials available from ABAG and HCD, and the most common topic that HCD raised (in 94% of responses per the ABAG staff summary of key findings from ABAG review of comment letters available here: <https://abag.ca.gov/our-work/housing/regional-housing-technical-assistance/housing-elements-hcd-comments>) is Affirmatively Furthering Fair Housing (AFFH). The letter sent by HCD to Larkspur on May 1st of this year, reinforces and aligns with that analysis. ABAG's own published AFFH Toolkit (available here: <https://abag.ca.gov/technical-assistance/affirmatively-furthering-fair-housing-policies-and-programs-toolkit>) "was developed to assist local jurisdictions with completing the crucial step of establishing AFFH goals, policies and actions in the Housing Element." ABAG recommends in the Toolkit that jurisdictions "reinforce and strengthen state tenant protections by further limiting the causes for evictions, further reducing the maximum allowable rent increases, or expanding the types of housing covered by [AB 1482]". Quoting again from ABAG's Toolkit: "Protected classes are more vulnerable to rent hikes and evictions, which contribute to patterns of displacement, housing insecurity, and tenant harassment – fair housing issues classified as disproportionate housing needs. Just Cause ordinances protect renters from unreasonable evictions, foreclosure-related evictions, or other arbitrary and discriminatory actions which lead to displacement. Rent Stabilization ordinances also protect renters against displacement from arbitrary or significant rent hikes. These ordinances contribute to affirmatively furthering fair housing, as they shield protected classes and other vulnerable populations from disproportionate housing burdens, arbitrary discrimination, loss of housing, and displacement. These policies are also crucial for enabling effective enforcement of other tenant protections such as habitability requirements, as tenants who request legally required repairs and services from landlords are more likely to face the threat of lease terminations or unsustainable rent increases if a jurisdiction lacks Just Cause and Rent Stabilization policies."

Furthermore, in none of the jurisdictions across California is it ever even hinted that HCD

would consider it a hindrance to housing development or a limit to RHNA required units (ADU or otherwise) that a jurisdiction have strong tenant protection ordinances. I think in light of the above, it should be clear that adopting strong tenant protections will **HELP**, not hurt, Larkspur in addressing the Housing Element comments it received from HCD and help Larkspur get through the process successfully.

I want to focus again on the merits of these Tenant protections. Much of the opposition continues to cynically suggest and parrot the notion that these ordinances in any way harm tenants, discourage new housing, reduce the quality of housing for families or seniors or inhibit keeping rents accessible for new renters and existing renters wanting to change location. Quite the opposite, these Tenant protections do all of the above and efforts to remove them are harmful. I'll address certain of those elements, stated in the Keep Fairfax Fair notice of intention to circulate petition, in line (while they reference Fairfax, the reasoning applies for Larkspur as well).

- False Claim 1: Repealing the Ordinances allows landlords to "provide quality housing accommodation for families and seniors."
 - A New Jersey study (link "[THIRTY YEARS OF RENT CONTROL: A SURVEY OF NEW JERSEY CITIES](#)") found that rent control had "no significant impact on the quality and quantity of the rental housing stock." The Study notes this "is measured by the proportion of units lacking complete plumbing, which has been identified as a reasonable proxy indicator for rental housing quality (Baar & Keating, 1981; Gilderbloom & Appelbaum, 1988; Gilderbloom & Markham, 1996)."
 - This is easily understood and explained by the fact that tenants are more likely to report issues with their rental units for repair when the possibility of no fault or retaliatory eviction is reduced. Tenants often report not seeking repairs from landlords out of fear that it may make them seem to be a less desirable tenant and lead to their eviction.
- False Claim 2: Repealing the Ordinances "encourages additional housing to help make Fairfax affordable now as well as in the future."
 - Despite many studies, including those cited by opponents of tenant protections, the evidence does not support the notion that rent control impacts new construction. The studies on this topic find there is no impact from rent regulations on new housing construction. In fact, (as cited in this [Article](#)) data indicates that, between 2007 and 2014, the cities in California's Bay Area with rent control "produced more housing units per capita than cities without rent control."
- False Claim 3: Repealing the Ordinances "supports keeping rents accessible for new renters and existing renters wanting to change location."
 - The studies show that rents are lower in rent stabilized units, and except for the Stanford study's poorly framed speculation, in non-stabilized units in proximity to rent stabilized units.
 - All of these same studies, including the Stanford study the opposition cites to overwhelmingly more than any other data, show that tenant protections reduce displacement and increase housing stability. The Stanford study found "that rent regulations promoted housing stability as beneficiaries of rent stabilization were 10 to 20 percent more likely to stay in their homes long-term."
- False Claim 4: Repealing the Ordinances "will allow for a more equitable and diverse

community."

- All of these same studies, including the Stanford study, show that poorer and diverse groups of people are the primary beneficiaries of Tenant protections.

I urge you to read further on the dubiousness of many aspects of the Stanford study (since it's cited so often) here, and see the plethora of other data supportive of these ordinances. [Studies](https://www.housingisahumanright.org/academic-heavyweights-to-naysayers-rent-control-works/) have repeatedly confirmed that rent control doesn't affect the overall supply of housing, though landlords may take advantage of poorly written rent control laws that allow them to convert existing rentals into condos (the issue shown in the Stanford study) to better capture price increases and skirt the intentions of rent control laws—loopholes that could easily be shut. <https://www.housingisahumanright.org/academic-heavyweights-to-naysayers-rent-control-works/>
<https://www.housingisahumanright.org/top-five-flaws-of-stanford-university-study-on-rent-control/>
<https://www.housingisahumanright.org/stanford-study-san-francisco-rent-control-flawed-and-misleading/>
<https://dornsife.usc.edu/pere/rent-matters>

There was division on the Council as to whether "rent control reduces future [housing] supply." Thankfully there was pushback, but it's bizarre to continue to hear the conclusory statement that rent control reduces future housing, without any evidence or support. It's especially odd because, as noted above, we can simply look to the many real world examples. Rent regulations in general affect only increases in rents. When a new property comes on the market, landlords can charge whatever the market will bear. And when they make major improvements, again, most existing rent regulations, including the ordinances in California and which Larkspur is considering, allow them to recapture those costs via higher rents. So what rent control is limiting are the rent increases that are not the result of anything the landlord has done — the rent increases that result from the increased desirability of a particular area, or of a broader regional shortage of housing relative to demand. There is no reason that limiting these windfall gains should affect the supply of housing. References to basic economics, and supply and demand, are oversimplifications that assume freely functioning markets, with no other constraints, unit fungibility and elasticity of both the supply of housing (to move up and down in response to change in demand) and demand of housing (more or fewer housing units will be desired based on price), and we do have the option of seeing all the many real world case studies as referenced above. They also ignore that "rents" as thought of normally as rental housing payments are often also economic rents. When economists use the term rent, they mean a payment that someone receives from some economic activity because of an exclusive right over it, as opposed to contributing some productive resource. When a landlord gets an income because they are lucky enough to own housing units in an area where demand is growing and new supply is limited, or an income from an older building that has already fully paid back its construction costs, these are rents in the economic sense. They come from a kind of monopoly, not from contributing real resources to production of housing. And one thing that almost all economists agree on is that removing economic rents does not have costs in terms of reduced output or efficiency. [Researchers](#) have also studied what happens when rent control laws are repealed. If neoclassical theory is correct, lifting regulations on rent should result in a boom in housing

supply. However, researchers find that when rent control measures are undone, there has been [no subsequent expansion of new housing](#). Rent control works; [study](#) after [study](#) has shown, rent regulation keeps housing more affordable (See generally: <https://prospect.org/infrastructure/housing/2023-05-16-economists-hate-rent-control/>). Also, I see also reference to rising costs to landlords. Aside from the fact that the ordinance permits additional rent increases to reflect additional costs on the landlord, renters also face inflation and other rising costs. Landlords get to deduct their business expenses and costs from their taxes on their rental income, renters do not get any such relief.

I want to reiterate how disingenuous it is to appeal to ideas about democracy and fairness to push the idea of a ballot measure and direct vote by voters as more appropriate than the normal legislative process to deal with tenant protections. It's absurd to shift the responsibility to Larkspurs roughly ~8,300 registered voters to review what those both for and against have stipulated are long and complicated ordinances, rather than follow the normal legislative process that happens day-in and day-out at the Federal, State and Local level. People work, people take care of family and those around them, they elect representative so that they don't have to spend hours on end studying the legal ins and outs of the countless of laws and regulations that have huge impacts on everyone's lives. It's also cynical to object to outside voices, while the reactionary sentiment and efforts are pushed by recently formed entities "Marin Residents" and "Keep Fairfax Fair." There are state campaign finance registrations for "Marin Residents PAC" and "COMMITTEE TO SUPPORT THE KEEP FAIRFAX FAIR ACT, SPONSORED BY KEEP FAIRFAX FAIR." So now there are related 501(c)(4) organizations and PACs, each subject to distinct registration, fundraising and disclosure rules. Organizations will sometimes form more than one type of organization and pass money from one to the other to ensure that its political activities do not threaten the nonprofit status of its 501(c)(4) "wing." This is the process for what is more commonly described as "dark money" due to the ability of 501(c)(4)s to keep donor identities secret. The lawyer on the filings who has been helping the "Marin Residents" group is the attorney who represents the California Apartment Association, the nation's largest statewide organization representing the rental housing industry, representing the CAA in lawsuits challenging Tenant Protections that CAA has been losing up and down the state. The CAA spent \$15 million in 2022 via just two of its registered campaign finance committees.

Similar to superficially reasonable suggestion to require a direct vote, is the superficially reasonable but actually disingenuous question posed by anti tenant protection advocates of whether or not there is really an issue or problem to be addressed. Those same voices avoid dealing in specifics, because the obvious answer is: yes, there is abundant information of the cost burden suffered by renters, and it is understandably harmful to priced out of ones' home and/or evicted through no fault of your own. Those opposing these tenant protections and the harm from eviction they attempt to guard against should explain with specifics each circumstance in which they think rent increases and evictions that are only addressed by these ordinances they are supportive of. Whether or not one agrees with the idea broadly "housing is a human right", the actual underlying issue is the ability to price people out of stable housing and to evict people from their homes for no fault of the tenant. The community should consider that when balancing what restrictions are fair.

I can see you received a deceptive comment about what was an eyebrow raising point for the City Council towards the end of the prior meeting, eviction in the event of non-renewal. I've copied the statement in full here, quoting for convenience to see the issue: Prime Residential's comment stated that: "One of our primary reactions to the last meeting was the potentially misleading information the council is getting from the city manger and city attorney. The city attorney, when posed with the question of whether there is a prohibition on non-renewal, flatly stated no, rather than recognizing AB 1482 makes non-renewal illegal and allows no-cause evictions in four very specific circumstance. These exceptions are meant to give owners the ability to move out residents when required by law, or for addressing material (typically structural) system and building deficiencies." This completely ignores and obscures the fact that AB 1482 protections only cover tenants after they have "continuously and lawfully occupied a residential real property for 12 months." What the City Attorney was highlighting (at ~3:18:00 of the meeting video) is that all landlords need to do is include in their lease (which is common, and is simple and easy for them to adopt as standard) that the lease has fixed term (e.g. 1 year, or 12 months) and expires WITHOUT automatically rolling over. The protections would take effect on day 366 of the occupancy, but without a valid lease in place. The Landlord could then effect a standard unlawful detainer eviction. This is a major gap, and substantive Just Cause is needed to step in to prevent housing precarity, and avoid end runs around rent stabilization for rent raises.

Finally, it is sad and frustrating to hear and see comments from those opposed to the ordinances lamenting the division and discord supposedly resulting from adopted of these ordinances. The idea that tenant protections cause a rift in the community, is frustratingly dismissive of the "rift" in the community caused by community members being forced to leave due to eviction or lack of affordability. They're pleas by those who are comfortable with the status quo, to preserve that comfort, with the implied threat that they will become contentious and disagreeable if the city offers protection to renters.

Please feel free to reach out to me, I am happy to talk to anyone in detail about any of these matters.

Thank you,
PJ Feffer