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**The Politics of Tenant Protections in Richmond,
California**



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A recent campaign to institute rent control and just cause eviction protection ordinances in Richmond, California, has led to considerable debate in that city between city officials, social justice organizations, and landlords and property owners. **This campaign makes Richmond the newest chapter in the story of rent control and just cause protections in California cities,** extending over the last three decades and covering cities in nearly every part of the state. It also provides an interesting case study in urban political change. This report examines the campaign in relation to recent political history, hypothesizes about the campaign's prospects for success, and recommends steps to increase the likelihood of positive outcomes.

Executive Summary

A recent campaign to institute rent control and just cause eviction protection ordinances in Richmond, California, has led to considerable debate in that city between city officials, social justice organizations, and landlords and property owners. **This campaign makes Richmond the newest chapter in the story of rent control and just cause protections in California cities**, extending over the last three decades and covering cities in nearly every part of the state. It also provides an interesting case study in urban political change. This report examines the campaign in relation to recent political history, hypothesizes about the campaign's prospects for success, and recommends steps to increase the likelihood of positive outcomes.

Tenant Protections in California Cities: When and Why?

Rent control and just cause legislation in California cities has been almost entirely a product of local policy action. Most state-level actions have limited the strength of local ordinances, and attempts have been made to entirely preempt such local policies. **The majority of rent control/just cause ordinances in California cities were passed between 1978 and 1985, and are a product of three major factors.** First, **in the mid-1970s the rental market in most California cities began to tighten.** Rental construction fell, vacancies declined and rents rose, and units left the market through condominium conversions. Tenants and their advocates began to work for protections on tenure and rent increases, but, aside from victories in a few liberal enclaves like Berkeley and Santa Monica, they were largely unsuccessful.

Second, the fallout from the **passage of Proposition 13 moved the “crisis” of the tight rental market into the public consciousness and forced elected officials to act.** Landlords – including Howard Jarvis, who was chief executive of the Apartment Association of Los Angeles County while he was spearheading the Prop 13 campaign – convinced tenants to vote for the tax-cutting measure by promising that lower property taxes would mean lower rent. When rents did not fall, and in fact rose in some places, after the passage of Prop 13 in 1978, the outcome predicted even by many advocates of the measure came to pass: tenants and tenant advocates found themselves with new allies in the general public and elected officials. Los Angeles Mayor Tom Bradley, for example, found himself switching sides in the debate fairly quickly after Prop 13.

Third, **an existing tenants' rights movement was able to seize the opportunity** offered by these other two factors and successfully harness public outrage in the service of political change. Though they had achieved only limited success before Prop 13, **they maintained their organizational infrastructures and membership bases, and were able to expand and spring into action rapidly when the opportunity arose.** They were also effective and spreading leadership and organizing ability throughout the state to fight multiple local campaigns, since it was clear that tenant protections would not occur at the state level.

Without all three of these factors, which are clearly related to one another, it is unlikely that fair rent/just cause ordinances would have spread so rapidly and so widely in California. By 1981, 25 cities in the state had instituted fair rent/just cause ordinances (though not all of these covered apartments). **By 1985, 14 California cities had ordinances covering apartments, and two of these cities – East Palo Alto and West Hollywood – had been incorporated, at least in part, in order to protect renting residents.**

But also by that year, however, the political fortunes of fair rent/just cause protections had essentially turned, and opponents began to push in the opposite direction. As the 1980s and 1990s progressed, a few some cities did away with their tenant protections for apartment dwellers, and the state legislature passed the 1995 Costa-Hawkins Act limiting the strength of tenant protections at the local level. There have been a few gains; **three cities in the past three years – Oakland, Glendale, and San Diego – have passed just cause ordinances** of varying degrees of strength. **However, no city in California has passed a rent control ordinance since 1985.**

Tenant Protections in Richmond Today: Need and Feasibility

While knowledge of this history does not allow us to predict the future entirely, it does offer some lessons for the present rent control/just cause campaign in Richmond. **First, there seems to be no clear tightening in the Richmond rental housing market. Between 1990 and 2000, median gross rent in Richmond increased by only one or two percent over inflation.**¹ More recently, rents in the East Bay fell roughly 6% in 2003 and 4% in 2004, with only a slight 1% to 2% increase appearing in the past year, while incomes rose 17% between 1999 and 2004.² On the eviction side, **there is little indication that no-cause evictions constitute a significant percentage of total evictions in Richmond** – though those that are occurring may be disproportionately impacting low-income residents and households with children.

Second, though there is a public awareness of high home *purchase* prices, there appears to be no commensurate public sense of “crisis” in the rental market, and indeed it is difficult to argue that one exists based on the aforementioned statistics. This lack of a broad public sense of crisis – like that created by the broken promises of the Prop 13 campaign – with associated sympathetic media coverage handicaps any attempts to institute tenant protections today.

Third, the tenants’ rights movement that was so instrumental in seizing the opportunity of Prop 13 in the late 1970s and instituting rent control/just cause ordinances during the “high period” is today fragmented and much weaker. Some cities have very active tenant organizations, but the power of the movement has clearly decreased in relation to its most common antagonists. In general, the capacity of the tenants’ rights movement to wage successful campaigns for tenant protections is greatly diminished.

Like the three major factors that led to the passage of the majority of the rent control/just cause ordinances in California cities, these three limitations are all related. **They indicate that, at best, any campaign for rent control/just cause protections in Richmond will be an uphill battle.** They also allow us to make a few recommendations that may make this battle easier.

Recommendations for Richmond’s Tenant Protection Advocates

The lack of hard evidence of a tightening in the rental market and the difficulty of obtaining evidence of unjust evictions has several implications for the campaign. First, if the campaigners do not wish to abandon the statistical case for fair rent/just cause, **they must acquire**

¹ U.S. Census Bureau, Census 2000, Summary File 3 (SF 3). Dynamic table generated by Brock Winstead using American Factfinder, <<http://factfinder.census.gov/>>. 22 November 2005.

² Harvard Joint Center for Housing Studies. *State of the Nation’s Housing 2005*. 13 June 2005. <http://www.jchs.harvard.edu/publications/markets/son2005/son2005_appendix_tables.xls>. Accessed 5 December 2005.

more accurate and appropriate data and carefully use the data from existing sources that help their case. This may require expertise that does not currently reside in the staff of organizations in the campaign. **Second, the difficulty of pursuing this line of argument suggests that the campaign would do well to harvest and emphasize anecdotal evidence of rising rents and unjust evictions in Richmond.** These sorts of appeals can be very powerful in a political process, especially one that, like the fair rent/just cause campaign, has moved to a task force format that does not require a wide publicity effort.

More broadly, the campaign may need to consider the **necessity of compromise and the opportunities that even a “partial” victory would provide.** **Since no California city has instituted rent control in 20 years,** it would seem unlikely that in the current unfavorable environment the Richmond campaigners would be able to do so – in a city in which, according to the 2000 Census, **only 47% of households rented their dwellings.** On the other hand, **since three cities in the state have managed to pass just cause ordinances in the past three years, this offers the campaign some hope of progress.**

Dropping the rent control side of the campaign at this point offers several opportunities. First, it may lessen the fervor of landlords’ and property owners’ opposition to the campaign in general. Second, a well-written just cause ordinance would include record-keeping provisions that would make further action to protect tenants much easier. Third, just cause protections would give landlords a chance to “prove” that they are not simply raising rents exorbitantly to force tenants out; conversely, it would give the campaigners a chance to prove that they are. There is much to recommend a compromise that results in the immediate passage of just cause protections and consigns “fair rent”, for the time being, to a later date.

Richmond tenant protection campaigners should strengthen their ties to the organizations and people behind the recently successful just cause campaigns in Oakland, San Diego, and Glendale. These parties may have useful advice on how to circumvent the political opposition of landlords and other groups in Richmond based on their experiences in their respective cities. This could also serve to rebuild some of the statewide tenants’ rights network that was so instrumental in passing tenant protections after Prop 13.

Finally, **the Richmond campaigners should not dismiss the option of putting the ordinances on the ballot as initiatives.** The initiatives can continue to stand as a viable alternative to negotiation, should the task force process produce results with which the campaigners are not satisfied. At the same time these organizations should continue to devote some of their resources to educating the public about their arguments for just cause/rent control. Should the campaigners exercise their “exit” option and move the fight into the public arena once again, outreach efforts now may pay high dividends in the future.

Problem Statement

Richmond, California, is a city of roughly 100,000 people situated on the eastern shore of the San Francisco Bay in northern California, at the western end of Contra Costa County. Despite the high income and wealth levels and commensurate high housing prices that mark the Bay Area region in

general, Richmond remains a fairly low-income and low-cost community in comparison to its wealthier neighbors. (This is not to say that Richmond has a low cost of living relative to other areas in the United States. It is, after all, a coastal California city.) According to the 2000 Census, the city's median household income was around \$44,200 dollars, \$3,000 lower than the equivalent figure for California and almost \$20,000 lower than Contra Costa County, which reflects the significant number of high-income suburbs in the eastern part of the county. The median asking price for homes in Richmond was \$157,000, significantly lower than nearby cities, the county, and the state. Rents in Richmond were also lower than in surrounding counties and most nearby cities.³

Richmond is commonly perceived as a somewhat beleaguered, crime-ridden city well past its glory years in the industrial boom during and after World War II. It is nonetheless a functioning community with a diverse population and a number of important businesses, including a Chevron oil refinery and various Kaiser Permanente medical establishments. It is also a city with a somewhat dynamic political culture – a Green Party member recently won a city council seat – and a small but dedicated group of advocacy and organizing non-profits that reflect the left-leaning politics of the greater Bay Area.

In the past few years, a coalition of progressive labor, interfaith, and other community groups has begun work on a “Just Cause/Fair Rent” campaign in Richmond. The ultimate goal of this campaign is to secure the passage of both a “just cause” eviction protections ordinance and a rent control ordinance in the city, either through the city council or as ballot measures taken directly to voters. These proposed ordinances are intended to provide a level of tenure security and financial stability for the city's tenants similar to that afforded to renters in nearby cities such as Berkeley, Oakland, and San Francisco. The “just cause” ordinance would require landlords to claim – and perhaps even to prove – one or more of a specified set of reasons for eviction, including non-payment of rent, nuisance or illegal behaviors on the property, condemnation, or planned removal of units from the rental market. The rent control ordinance – its proponents prefer the term “fair rent” – would cap the percentage by which landlords could raise rents on their properties in a given year, probably at a level calibrated to the federal or regional consumer price index. (A state law passed in 1995 requires vacancy decontrol in rent control regimes; that is, landlords are allowed to reset the rent for a given unit to any level they choose upon the termination of a tenancy.⁴)

The campaign for just cause and rent control ordinances in Richmond is one of a very few such campaigns that have appeared in California cities in the past few years, after a hiatus of nearly two decades in the larger fight for tenants rights throughout the state. This resurgence of activity provides an opportunity to analyze the politics of tenant protections in California, and more specifically in Richmond, through the lenses of history, demographics and economics, and political opportunity. This report takes advantage of that opportunity by addressing a number of questions produced by the entrance of the Richmond groups into the fight for tenant protections.

First, the rather large gap between the recent tenant protection campaigns and the last great wave – which ended in the 1980s – begs for a historical comparison. What can the political history of rent control and just cause ordinances in California tell us about the feasibility of similar ordinances in Richmond? Second, Richmond's just cause/rent control advocates have made a number of claims regarding exorbitant rent increases, unjust evictions, and other tenant abuses in Richmond in the

³ U.S. Census Bureau, Census 2000, Summary File 3 (SF 3).

⁴ “Costa-Hawkins Rental Housing Act,” California Civil Code § 1954.50-1954.535. Enacted 4 August 1995.

past few years to make the case for the ordinances. The opponents of the ordinances counter with their own statistical and anecdotal claims. To what extent are the calls for rent control and just cause protections in Richmond justified by the actual data on housing conditions in the city? Finally, using the lessons of these historical and socioeconomic analyses, how can the Richmond tenant advocates tailor their campaign to the present circumstances?

Approach

In order to address all of these questions, this report has a number of different research approaches. First, it draws on academic literature and newspaper articles to construct a political history of rent control and just cause protections in California cities. Second, it compares the historical narrative to the current characteristics of Richmond and the state of California – specifically demographic, housing, and economic statistics and the current political climate – to assess the “fitness” and political feasibility of just cause/rent control in Richmond at the present time. Most of my data for this section comes from the US Census, HUD housing statistics, and various other third-party housing analyses. The report looks somewhat more closely at data on evictions in Richmond, based upon the author’s own primary research with Richmond Superior Court records, to look for patterns in the location of no-cause (“unjust”) evictions in the city and correlations between the locations of evictions and socioeconomic patterns in the city. These analyses produce not only their own conclusions but also a set of recommendations for the Richmond tenant protection advocates as they move forward with their campaign.

Tenant Protections in California Cities: When and why?

Just cause eviction and rent control legislation in California has been almost entirely a product of policy action at the local level. While California state law offers somewhat more protection for tenants than other states, state-level efforts to pass rent control legislation in the mid-1970s died “quickly and quietly” in committee and have seldom been resurrected since.⁵ In fact, most of the state laws and higher-level court decisions that have touched on the issues of rent or eviction controls have tended to circumscribe the options of municipalities and to restrict the strength of such regulations at the local level. Complete state preemption of local rent control was only narrowly avoided by Governor Jerry Brown’s veto of a bill pushed heavily by developers and apartment owners, AB 3788, in 1976, and even then only at the urging of the governor’s “liberal housing department director” and the state AFL-CIO director, not because of a strong tenant’s movement.⁶ It has thus fallen to individual municipalities, where tenants have been able to exercise a stronger voice against apartment owners and landlords, to pass ordinances or initiatives that institute what are generally considered true rent control and just cause regulations.

Fourteen California cities have active and enforced rent control/just cause ordinances that apply to apartments (mobile homes are not addressed by these ordinances, nor by this paper):

- Berkeley: passed 11/7/78; post-1980 units exempted

⁵ Heskin, Allan David. *Tenants and the American Dream*. 1983. New York: Praeger Publishers. Pg. 41.

⁶ Dreier, Peter. “Rent Deregulation in California and Massachusetts: Politics, Policy, and Impacts.” 1997. Paper prepared for the “Housing '97” conference sponsored by New York University School of Law, Center for Real Estate and Urban Policy, and the NYC Rent Guidelines Board, New York, May 14, 1997. Pg. 17.

- Beverly Hills: passed 3/27/79; post-1979 units exempted
- East Palo Alto: passed 11/23/83; post-1983 exempted
- Glendale: just cause only; passed 2002
- Hayward: no just cause; passed 2/19/80; post-1979 units exempted
- Los Angeles: passed 4/21/79; post-1979 units exempted
- Los Gatos: no just cause; passed 10/27/80
- Oakland: passed 5/6/80; post-1983 units exempted; just cause passed in 11/2003
- Palm Springs: passed 4/8/80; post-1979 units exempted
- San Diego: just cause only; only for two-year-plus tenancies; passed 3/30/04
- San Francisco: passed 6/12/79; post-1979 units exempted
- San Jose: passed 7/10/79; post-1979 units exempted
- Santa Monica: passed 4/10/79; post-1979 units exempted
- West Hollywood: passed 6/27/85; post-1979 units exempted⁷

As this list makes clear, almost all of California's fair rent/just cause ordinances and initiatives were passed in the late 1970s and early 1980s. This begs the question: What occurred in the political and/or economic climate of the state in the late 1970s that brought on this wave of tenant protections? As with so many questions of this nature in California, the answer touches on the watershed moment that was the passage of Proposition 13. The full answer to the question, however, cannot be explained simply by pointing to the tax-cutting measure. One must consider more specifically the reality and public perception of the state's rental housing market at the time, the claims that were made in the Prop 13 campaign, and the interaction of the state's existing tenant's movement with these other factors.

The Rental Housing Market Heats Up

For the sake of rationality in politics and government, one might wish to explain the widespread institution of tenant protections in California cities in the late 1970s and early 1980s by pointing to conditions in the rental housing market at the time that indicated a "market failure" and moved the public into action.⁸ There is indeed some rationale for this explanation to be found in housing market data from the period. The mid-1970s saw a sharp drop in the construction of multifamily rental units in California cities, from 64% of all housing construction in the state in 1970 to 31% in 1975.⁹ This diminished construction pace brought lower apartment vacancy rates and rents that were increasing faster than the consumer price index. In Los Angeles, for example, rents increased by 6.4% in 1975 while the CPI increased only 5.7%; this imbalance continued for several years, and showed up in other cities, as well.¹⁰ Despite the traditionally high vacancy levels in Western states (which acted as a cushion for high immigration rates), vacancy rates dropped to 2% or below in California cities.¹¹ A "condominium conversion craze" made the problem even more acute by

⁷ Dates and conditions drawn from websites and municipal codes of all cities listed.

⁸ For an overview of public interest theory and interest group theory in relation to rent control, see Teitz, Michael B. "The Politics of Rent Control." In *Rent Control: Regulation and the Rental Housing Market*. Ed. by W. Dennis Keating, Michael B. Teitz, and Andrejs Skaburskis. 1998. New Brunswick, NJ: Rutgers University Press. Pp. 63-65.

⁹ Case, Fred E. "Is the California Rental Housing Market Moving Toward a Balance?" In *Rental Housing in California: Market Forces and Public Policies*. Ed. by Leroy Graymer, Joseph DiMento, and Frank Schnidman. 1987. Boston: Oelgeschlager, Gunn, & Hain, Publishers, Inc. Pg. 45.

¹⁰ Heskin, 40.

¹¹ Kinchen, David M. "Speculation in Apartment Complexes Soar". *Los Angeles Times*, 3 July 1977. Pg. K8.

pulling units out of the rental market, and tenants began to complain of increased evictions along with the increased rents.¹²

The rent control/just cause ordinance enacted in Los Angeles in 1979 referenced the tightening rental housing market directly in its opening “Declaration of Purpose,” mentioning a “critically low vacancy factor” and a “housing shortage.”¹³ This language was repeated exactly in the San Francisco rent control/just cause ordinance passed a few months later.¹⁴ Likewise, the San Jose ordinance passed the same year mentions “substantial upward pressure on residential rents.”¹⁵ Clearly concern over rising rents was at the forefront of the minds of the city council members crafting and passing these ordinances. However, if rents had begun their strong upward trend (and vacancies their downward trend) in 1975, and these rent control/just cause ordinances did not begin to appear until 1979, there must have been another event that spurred California cities into action to protect tenants in the latter part of the decade.

Tax Relief and Broken Promises

On Friday, January 27th, 1978, a proposition to slash property taxes assessed on California homes was assigned the 13th slot on the ballot scheduled for June 6th.¹⁶ Proposition 13, championed by Southern California apartment owner and anti-tax crusader Howard Jarvis, would limit property taxes to 1% of a home’s (or commercial property’s) assessed value and restrict the increase in assessed value allowed in a given year to 2%. The language of the proposition did not include any requirements that renters, who made up 45% of the state’s households at the time, receive pass-through benefits from the reduced taxes of their landlords. Nonetheless, Jarvis, who was chief executive of the Apartment Association of Los Angeles County at the time, “urged landlords to ‘convince your tenants that lower property taxes mean lower rents’” in a political mailing in the spring run-up to the summer election.¹⁷ A Los Angeles council member, Ernani Bernardi, predicted in early March that “landlords [would] hold the key to passage” of the measure, and echoed Jarvis’ call for tenant outreach.¹⁸

A month before the election, Jarvis’ claim was formalized in an agreement between his L.A. County group and the statewide California Apartment Association (CAA), representing between them more than 80,000 landlords, in which both agreed to rebate 50% of December rents to tenants should Prop 13 pass. The agreement was “strictly voluntary,” but it nonetheless gave the impression that renters would indeed benefit financially from the measure’s passage.¹⁹ The San Diego Apartment and Rental Owners Association soon after urged its members to send letters to their tenants offering a choice of one of three “benefits” – a 50% December rent rebate, a monthly rent reduction, or a promise of a rent freeze for at least a year – should Prop 13 pass.²⁰

Proposition 13 was not roundly praised by all landlords and developers. Some opposed the measure because they feared the economic havoc it could wreak, cutting the payrolls of local governments

¹² Heskin, 41.

¹³ Los Angeles Municipal Code, Chapter XV, Article 1, § 151.01. Enacted 21 April 1979.

¹⁴ San Francisco Municipal Code, Chapter 37, § 1. Enacted 13 June 1979.

¹⁵ San Jose Municipal Code, Chapter 17.23, § 020. Enacted 10 July 1979.

¹⁶ “Jarvis Initiative Assigned 13th Spot on June 6 Ballot.” *Los Angeles Times*, 28 January 1978. Pg. B1.

¹⁷ Heskin, 47.

¹⁸ Roderick, Kevin. “Landlords Key to Passage of Prop. 13, Bernardi Says.” *Los Angeles Times*, 9 March 1978. Pg. A10.

¹⁹ Soble, Ronald L. “Rebate to Renters Seen if Prop. 13 Is Passed.” *Los Angeles Times*, 11 May 1978. Pg. B3.

²⁰ Skelton, Nancy. “Landlords Will Try to Lure Renters to Vote for Prop. 13.” *Los Angeles Times*, 18 May 1978. Pg. D3.

and thus costing the landlords present and potential tenants.²¹ The California Housing Council (CHC), a San Mateo-based organization representing the state's "largest corporate landlords and apartment developers," was skeptical of the measure and of the apparent promises of the Jarvis-linked landlords.²² Two days after the announcement of the Jarvis agreement, the CHC, whose just 200 members owned between a quarter- and a half-million apartment units around the state, ran advertisements and issued statements calling the CAA promises "illusory" and "crazy."²³ The reason for their opposition to the promises, and to Prop 13 in general, was straightforward. They feared that the measure – especially if the Jarvis promises were not kept – would stir up tenant activism for rent control.²⁴ Bernardi, the L.A. city councilman, had issued a corollary to his prediction that renters would be key to Prop 13's passage: he cautioned that, should landlords fail to reduce rents, "you could be asking for rent control across the board on a statewide basis."²⁵

Despite these warnings, the Jarvis-connected landlord groups persisted with their claims, and it appears that they had some effect: voters approved Prop 13 in June by a two-to-one margin. On the same ballot, voters rejected rent control initiatives in both Santa Monica and Santa Barbara.²⁶ Renters all around the state, even in liberal enclaves like Santa Monica, seemed to believe the claims that Prop 13 would provide them with material benefits, passed on by their landlords. Almost immediately, though, the Jarvis promises began to unravel. Within days of the passage of Prop 13, landlords were backing away from their apparent commitment to rent reductions, taking instead a "wait and see" approach based on their next property tax assessments.²⁷ Some blamed pending lawsuits or legislative attempts to alter Prop 13 for their inability to accurately assess how it might impact their tax bills, and thus the rents they charged.²⁸ Only one month after the election, one San Diego area landlord – Clair Burgener, who also happened to be a Republican congressman – went so far as to admonish voters that they "should have known better than to believe" the proponents of Prop 13.²⁹

Despite urgings from a number of sources – including the CHC, who saw its own predictions coming true, and former California Governor Ronald Reagan – most landlords throughout the state left rents unchanged or, even worse for them politically, raised rents. A survey conducted by the City of Los Angeles two months after the passage of Prop. 13 showed that only 7% of renters had seen decreases, while 11% had seen increases in their rent in that period.³⁰ Some stories of rent decreases and rebates appeared, such as the Bay Area firm L.B. Nelson's 100% pass-through promise for its 700 apartments,³¹ but in general rental prices throughout the state remained unchanged or increased.

Within one month of Prop 13's two-to-one passage, the state was abuzz with stories of unmoved landlords, disgruntled tenants, and politicians who now found themselves on the other side of the debate over property taxes and rents. L.A. council member Ernani Bernardi, he of the prescient

²¹ "Apartments' Owner Urges Tenants to Oppose Prop. 13." *Los Angeles Times*, 1 June 1978. Pg. A6.

²² Heskin, 47; Dreier, 17.

²³ Soble, Ronald L. "Landlord Group Doubts Prop. 13 Renters' Savings." *Los Angeles Times*, 14 May 1978. Pg. A3.

²⁴ Heskin, 47.

²⁵ Roderick, Pg. A10.

²⁶ Heskin, 47; Dreier, 17.

²⁷ Wolinsky, Leo C. "Landlords to Delay Lowering of Rents." *Los Angeles Times*, 8 June 1978. Pg. CS1.

²⁸ Maltun, Alan. "Lower Rents Not in Sight, Landlords Say." *Los Angeles Times*, 11 June 1978. Pg. GB1; Kinchen,

David M. "Firms Cautious on Apartment Rental Slashes." *Los Angeles Times*, 18 June 1978. Pg. K1.

²⁹ "Renters Told to Forget Promises." *Los Angeles Times*, 8 July 1978. Pg. C1.

³⁰ Heskin, 48.

³¹ "Landlord to Lower Rents for 1,000 S.F. Apartments." *Los Angeles Times*, 20 June 1978. Pg. A23.

statements regarding renters' role in, and possible fallout from, Prop 13's passage, indicated by July that he might support "some form" of rental controls in order to ensure that renters receive the "benefits they are entitled to."³² Newspapers recounted stories of tenant anger and protest nearly every day, and little time passed before this anger and protest became directed at generating political change.

Tenant Activists Seize the Moment

California had entered the decade of the 1970s with a fairly dispersed, weakly organized tenant body. Middle-class tenants especially had fared well in the 1960s, and the early 1970s saw little change in their lot, and thus little movement toward increased tenant protections. Only one city in California had a strong enough tenants' rights movement – and radical enough politics – to push for rent control and just cause protections in the early 1970s: Berkeley. The town's 1972 rent control ordinance was part of its plan "to create community ownership of housing," and the extremely strict ordinance – requiring rent board approval of almost all rent increases on an individual basis – was struck down by the California Supreme Court in 1976.³³ (Significantly, in striking down the Berkeley ordinance on procedural grounds, the court cleared the way for local rent control in general.)

It was not until the mid-1970s that the experiences of most tenants began to turn sour, with falling vacancies and commensurately rising rents squeezing low- and middle-income alike.³⁴ Serious tenant activism began to occur by 1977, leading to the ballot initiatives for rent control in Santa Monica and Santa Barbara that both failed in the June, 1978 election. These failures notwithstanding, the 1978 election brought an even greater stimulus to the tenants' movement that broadened the appeal of existing tenant organizations, brought more politicians to their side, and eventually ushered in the passage of rent control/just cause ordinances all over the state.

Rents in California cities had indeed been rising faster than other prices since 1975, and one of the primary pitches to renters for Prop 13 had been the promise – implicit or explicit – that landlords would pass the savings on to their tenants. The failure of most California landlords to do so – and the willingness of many to continue the trend of rent increases immediately after the election – created a wave of anger that did not go unnoticed by tenants' rights activists and leaders throughout the state. Cary Lowe, a leader in the California Housing Action and Information Network (CHAIN), said that the Prop 13 fallout represented "the most important opportunity for tenant organizing in recent years."³⁵ Scant weeks after the election, tenants, individually and through existing organizations, had begun to agitate for legislative action to freeze rents temporarily, force landlords to pass on the majority of their Prop 13 savings through to their tenants, or implement broad rent control/just cause regimes. In June a coalition of tenant groups including the Coalition for Economic Democracy (CED) and CHAIN announced a statewide campaign "to collect on Howard Jarvis' pledge that Proposition 13 would bring lower rents."³⁶

Local officials such as Los Angeles Mayor Tom Bradley, who had previously worked against rent control, now changed their position on the subject.³⁷ State officials, too, were brought into the fray; Governor Brown established a renter "hotline" to take complaints about rent increases and

³² Baker, Erwin. "Bernardi Shifts Stand, May Back Rent Controls." *Los Angeles Times*, 8 July 1978. Pg. A25.

³³ Heskin, 41.

³⁴ *Ibid.*, 40.

³⁵ *Ibid.*

³⁶ Bry, Barbara. "Statewide Drive for Prop. 13 Rent Cuts Begins." *Los Angeles Times*, 29 June 1978. Pg. B3.

³⁷ Dreier, 18.

conditions that was at one point receiving 12,000 calls per day.³⁸ A state-level bill that would have required landlords to pass on to tenants the majority of their Prop 13 savings was defeated, and the battle subsequently shifted to the municipal front, with experienced tenant leaders traveling around the state to build and train local groups.³⁹ Rent strikes and other action increased in frequency, even in politically moderate areas, and city councils throughout the state began to worry that voters would take matters into their own hands and pass stringent rent control/just cause ordinances by initiative. Councils began to work to create rent control regimes that were not so severe and preserved some landlord prerogative. By the end of the summer of 1978, several California cities had enacted some form of rent freeze and several more were on upcoming ballots.⁴⁰

In August of that year, Los Angeles approved a six-month rent freeze to allow the city to study the rent control issue further. Over the course of the six months, activists called for not only rent control, but also “an end to condominium conversions, a limit on speculation, and more public housing.”⁴¹ In late April of 1979, the city council adopted a much weaker ordinance than the activists called for; it exempted single-family residences, allowed 7% rent increases per year and appeals for even larger increases, and included vacancy decontrol provisions.⁴² San Francisco followed suit with a similar, though slightly more stringent, ordinance a few months later, then San Jose. Several other city councils enacted rent control in the following months.

The relatively quick action did not abate the momentum of the tenants’ movement, however. Rent control/just cause ordinances continued to appear into 1980, and the battle moved again to the state level. The CHC, the landlord group that had fought against Prop 13, put a proposition on the 1980 statewide ballot that would have pre-empted all local rent control. Voters rejected Proposition 10 by 65% to 35%, nearly the same margin by which they had approved Proposition 13, despite an 80-to-1 spending advantage for the housing industry.⁴³ By 1981, 25 California cities had passed rent control ordinances (though not all of these ordinances covered apartments or included just cause protections). The spread of these measures would continue through the early 1980s; temporary ordinances were made permanent, weaker ordinances (such as Los Angeles) were made stronger, and other cities came into the fold.

It is important to note that rent control/just cause issues were part of a larger political realignment in California cities around tenants’ rights. This realignment led not only to the passage of the aforementioned ordinances and initiatives, but also aided in the formation of long-lasting governing coalitions in a number of California cities, such as Berkeley and Santa Monica, “where progressive coalitions won majority blocs on the City Council.”⁴⁴ The fight over rent control/just cause even led to the formation of new municipalities. Both East Palo Alto and West Hollywood were incorporated, in 1983 and 1985 respectively, primarily to ensure protection for tenants in what had previously been unincorporated areas of counties without their own tenant protection regulations (or where such regulations were set to expire).⁴⁵ Though political agitation for rent control/just cause had lost most of its momentum by the mid-1980s, with West Hollywood being the last city to

³⁸ Heskin, 48.

³⁹ Dreier, 18.

⁴⁰ Heskin, 48-9.

⁴¹ Heskin, 52.

⁴² Dreier, 18.

⁴³ Ibid.

⁴⁴ Ibid., 19.

⁴⁵ Ibid.

implement such measures, the gains made by its proponents had lasting consequences for California politics. The push for deregulation of rents began in the late 1980s and reached its nadir with Costa-Hawkins in 1995, but rent control/just cause regimes (covering apartments) from the late 1970s-early 1980s “high period” remain in effect in a dozen California cities, representing a decline of only two cities from the maximum of 14 in 1988.

Economic Shifts, a Political “Crisis,” and an Existing Sociopolitical Movement

This analysis of the history of rent control in California uncovers three major forces that led to the institution of the majority of the state’s existing rent control/just cause ordinances. First, an economic shift in the mid-1970s saw a sharp drop in production of the multifamily dwellings, leading to rising vacancies and commensurately rising rents. Rents began to increase faster than other consumer prices in cities throughout the state, and more tenants became agitated and active in campaigns for increased protections for their class. Second, the promises made by some landlords in the campaign for Proposition 13 – namely, that they would pass their property tax savings on to their tenants – and the subsequent failure of these landlords to deliver, created a political “crisis” of sorts in the state. Such a glaring, public disjuncture between rhetoric and reality made continued rent increases all the more affronting and enraged renters and some politicians, broadening the appeal of and increasing calls for tenant protections in general, and rent control/just cause protections specifically. Third, the existence in California of an active, if small, sociopolitical movement – the tenants’ rights movement – that could seize this “crisis” moment and use it as a springboard for effective political action throughout the state parlayed the first two factors into a set of lasting changes in the political and economic order of the state. This case study in political economy offers some lessons for those who advocate for rent control/just cause ordinances today, such as the progressive groups currently campaigning for these protections in Richmond.

Tenant Protections in Richmond Today: Need and Feasibility

On the face of things, the progressive groups campaigning for rent control/just cause in Richmond find themselves coming to the fight some 20 years too late. The last California city to pass rent control for apartments, West Hollywood, did so in 1985. In the intervening two decades, the only movement toward more regulation of the rental market in California has been the passage of just cause protections in three cities in the past three years, one of which – Oakland – already had rent control on its books. This nearly complete loss of momentum in the movement for tenant protections at the municipal level calls into question the prospects for success of the Richmond campaign. Still, the fact that three California cities have recently passed just cause ordinances or initiatives may offer some hope. The history of rent control in California creates a lens through which to examine the present situation in Richmond. By comparing Richmond’s housing and population statistics and political climate to the characteristics of California in the mid- and late 1970s that were described above, it is possible to assess, at least partially, the actual “need” for rent control and/or just cause ordinances in Richmond now and the likelihood of passing such ordinances now or in the near future.

Demographic and Economic Mismatches

The first major factor that brought about the political moment for rent control/just cause in California in the 1970s was a severe drop in vacancy rates and a commensurate spike in rent levels beginning in 1975. High home purchase prices have clearly received a great deal of publicity in the

Bay Area in the last few years, but prices in the purchase market and prices in the rental market are not always closely linked. Just cause/rent control advocates in Richmond have nonetheless argued that the rental market, too, has been heating up and squeezing the city's low-income renters. One statistic commonly cited by these groups in numerous outlets is that "rents" in Richmond rose 35% between 1990 and 2000.⁴⁶ Property-owning opponents of the ordinances have rebutted this claim, though only by saying, in effect, "We have seen rents falling."⁴⁷ Neither side has yet to offer a compelling argument for or against the specific 35% number in any public medium.

A look at U.S. Census data shows the origin of this statistics – and the problems with it. The median gross rent in Richmond in 1990 was \$566 (1990 dollars). The equivalent figure in 2000 was \$764 (2000 dollars).⁴⁸ This indeed represents a nominal 35% change – that is, before adjusting for inflation. After adjusting the 1990 figure to 2000 dollars, the city's 1990 median gross rent becomes \$746, and the change over the decade becomes 2.5%, which is miniscule.⁴⁹ Even more telling is the Census' measure of affordability. Median gross rent as a percentage of household income in the city actually fell from 29.6% in 1990 to 27.3% in 2000.⁵⁰ Regionally, median gross rent in Richmond in 2000 was lower than most nearby cities.

Proponents of the rent control/just cause measures have apparently offered no more recent statistics for the rental market, though their opponents have. Theresa Karr of the Contra Costa County Division of the California Apartment Association argues that Richmond rents decreased 3.6%, and vacancy rates increased, between 2001 and 2004, but she offers no source.⁵¹ Empirical research has shown the opponents claims to convey the spirit of the truth, at least, whether or not the specific numbers are accurate. Harvard's Joint Center for Housing Studies found that rents in the East Bay fell roughly 6% in 2003 and 4% in 2004, with only a slight 1% to 2% increase appearing in the past year, while incomes rose 17% between 1999 and 2004.⁵² Vacancy rates in the region have hovered between 5% and 6% over the past few years, with only a slight tightening in the past few months.⁵³ Though an upward trend in rental prices may be appearing presently, these statistics make it difficult to assert that renters are being squeezed financially in Richmond, and thus that rent control is necessary on economic grounds.

Similarly, there is little or no evidence that renters are being treated unjustly in the area of tenure security, and thus little evidence that just cause controls are necessary or would have any effect. (This is in part because such evidence is difficult to obtain.) One pro-rent control/just cause group in Richmond alleges that "vast majority of evictions (72%) are due to rent hikes and non-payment of

⁴⁶ Richmond Progressive Alliance (RPA). "Just Cause Facts: Housing and Renter Protection in Richmond." <http://www.richmondprogressivealliance.net/4_just_cause.html>. Accessed 11 November 2005.

⁴⁷ Corbin, Rosemary. E-mail to Richmond council member Tom Butt. Cited in Butt, Tom, "E-mail Forum: Just Cause Coming to Richmond?" <<http://www.tombutt.com/forum/040821c.htm>>. 21 August 2005. Accessed 11 November 2005.

⁴⁸ U.S. Census Bureau, Census 2000, Summary File 3 (SF 3).

⁴⁹ Inflation adjustment based on conversion factors computed by Robert Sahr, University of Oregon Department of Political Science, from Bureau of Labor Statistics figures. <http://oregonstate.edu/dept/pol_sci/fac/sahr/sahr.htm>. Accessed 11 November 2005.

⁵⁰ U.S. Census Bureau, Census 2000, Summary File 3 (SF 3).

⁵¹ Karr, Theresa. E-mail to Richmond city council member Tom Butt. Cited in Butt, Tom, "E-mail Forum: Just Cause Coming to Richmond?" <<http://www.tombutt.com/forum/040821c.htm>>. 21 August 2005. Accessed 11 November 2005.

⁵² Harvard Joint Center for Housing Studies.

⁵³ U.S. Department of Housing and Urban Development. *U.S. Housing Market Conditions, Third Quarter 2005*. November 2005. <http://www.huduser.org/periodicals/ushmc/fall05/USHMC_05Q3.pdf>. Accessed 5 December 2005.

rent,” but they do not offer a source and do not indicate whether this is in Richmond, regionally, or nationally.⁵⁴ It is also not clear from this statement what proportion of the 72% of evictions are preceded by actual “rent hikes” and how many are for non-payment of rent without any significant change in rental level – which is a perfectly legitimate cause for eviction, even under just cause protection ordinances. The progressive groups currently pressuring the city council to take action for tenant protections also cite anecdotal evidence of unjust evictions, but it is unclear how persuasive this evidence can be or will be to landlords with their own equally anecdotal knowledge of the local rental market.

Actual data on evictions in Richmond is only available from the Contra Costa County Superior Court, and then only via individual research conducted at the courthouse using physical records. Difficulty of access is not the only problem with this data. In fact, the court does not actually record “evictions” – the expulsion of a tenant from a dwelling – but instead records “unlawful detainers,” which are legal actions filed by a landlord when a tenant has disobeyed a duly posted “Notice to Quit” the dwelling. A landlord or his/her attorney must intentionally file an unlawful detainer (“UD”) when a tenant refuses to leave a dwelling after being given notice to do so; a UD is not automatically generated upon the posting of the notice to quit. There is currently no way of accurately determining how many Richmond tenants disobey notices to quit, nor how many landlords then consider it worth their while to file UD’s against these tenants.

The research I conducted using the available court records does not seem to indicate a serious problem of no-cause evictions – those in which a landlord gives no explicit reason, and the only kind against which a just cause ordinance would protect – in Richmond. For all of 2003 and 2004, for example, the court records include only 132 UD’s associated with no-cause evictions in Richmond, out of nearly 1400 total UD’s filed in the city in those years. Map 1, below, which shows the location of all no-cause UD’s in 2003 and 2004, shows that no-cause evictions occur to some extent throughout the city, from Point Richmond to the Iron Triangle to Hilltop, even including the unincorporated areas adjacent to or enclosed by Richmond proper.⁵⁵ However, it may be the case that, despite this apparently broad geographic distribution, the no-cause evictions taking place in Richmond disproportionately impact certain segments of the population.

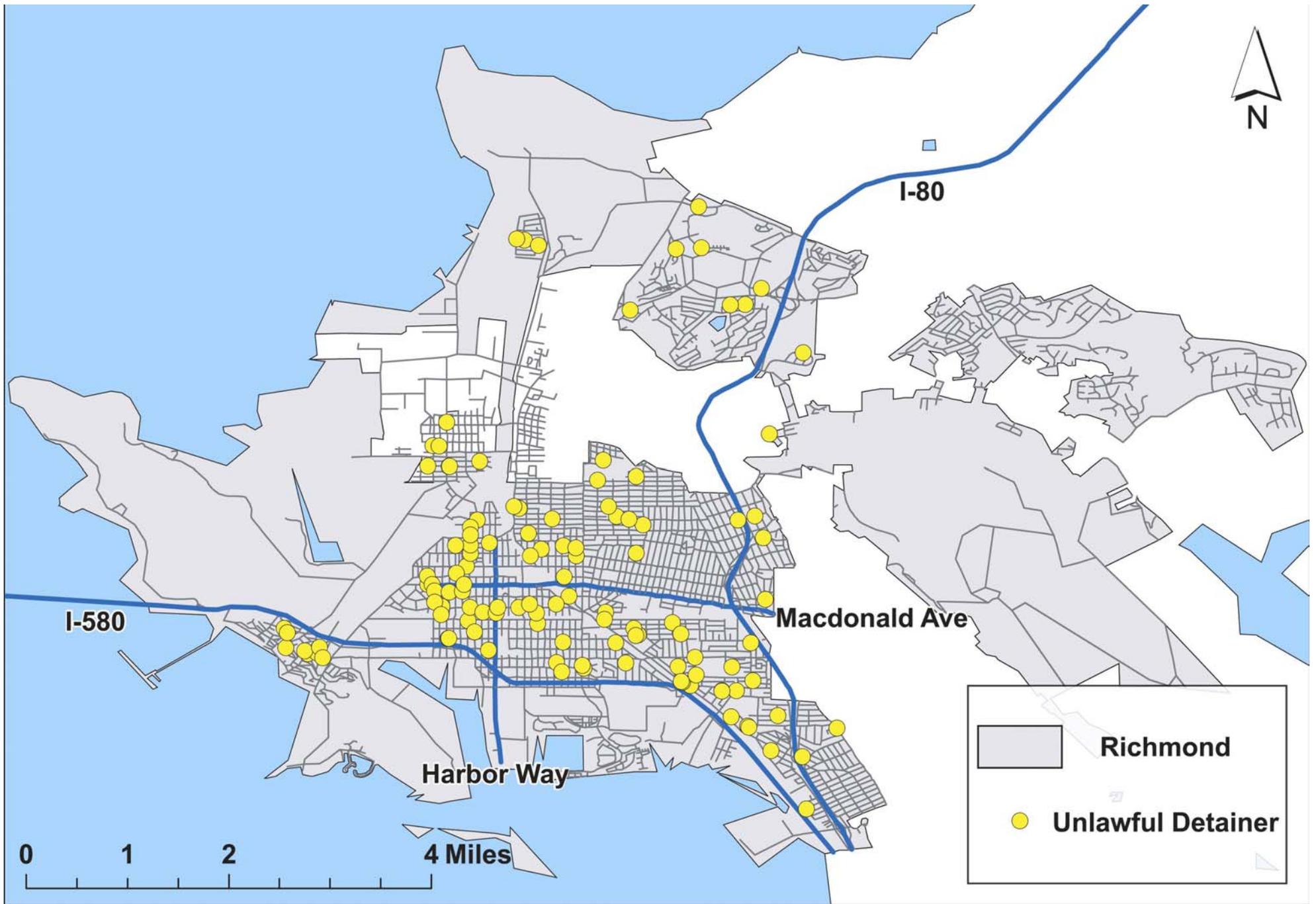
Map 2 shows the location of the 2003-2004 no-cause UD’s overlaid on a map of 1999 median household income by census block group. As described in further detail in the map key, lighter green hues indicate lower median household incomes and thus more vulnerability to changes in housing tenure. This map indicates that there is at least some concentration of no-cause evictions in lower-income areas such as the Iron Triangle. In fact, roughly two thirds of the UD’s pictured on the map – i.e., the addresses listed on the UD records – fell within Census blocks with a median household income below that of the city as a whole (\$44,210 in 1999). This may indicate some correlation between low incomes and tendency to be evicted, and such a correlation may be tautological. It might also, however, indicate that no-cause evictions are disproportionately impacting lower-income residents, which could be useful information for the just cause/rent control campaigners.

Map 3 shows the location of the 2003-2004 no-cause UD’s overlaid with the percentage of households with children in each census block group. (In this map, darker green areas indicate

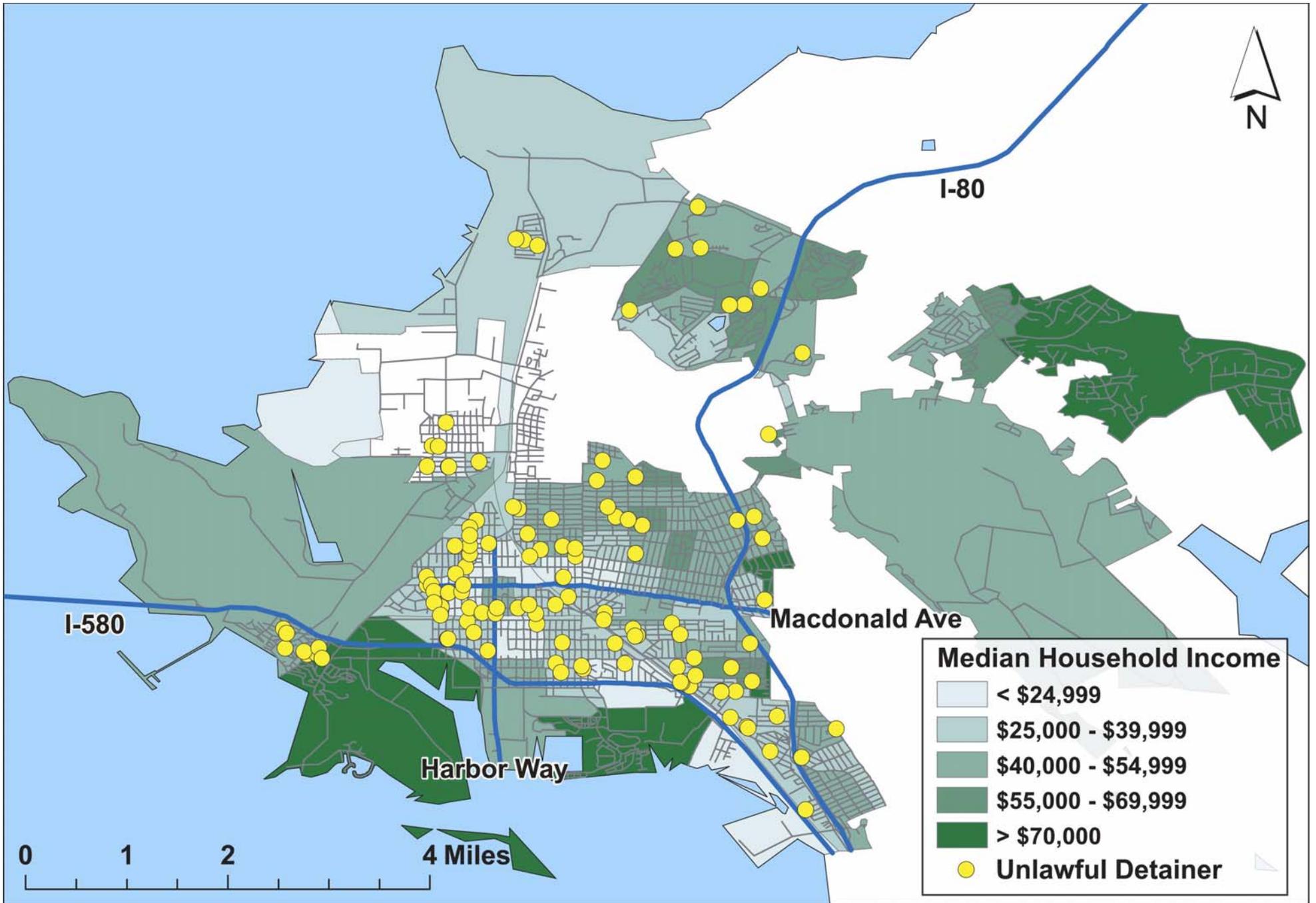
⁵⁴ Richmond Progressive Alliance, <http://www.richmondprogressivealliance.net/4_just_cause.html>.

⁵⁵ These areas are often given “Richmond, CA” addresses in court records, and thus were included in my research.

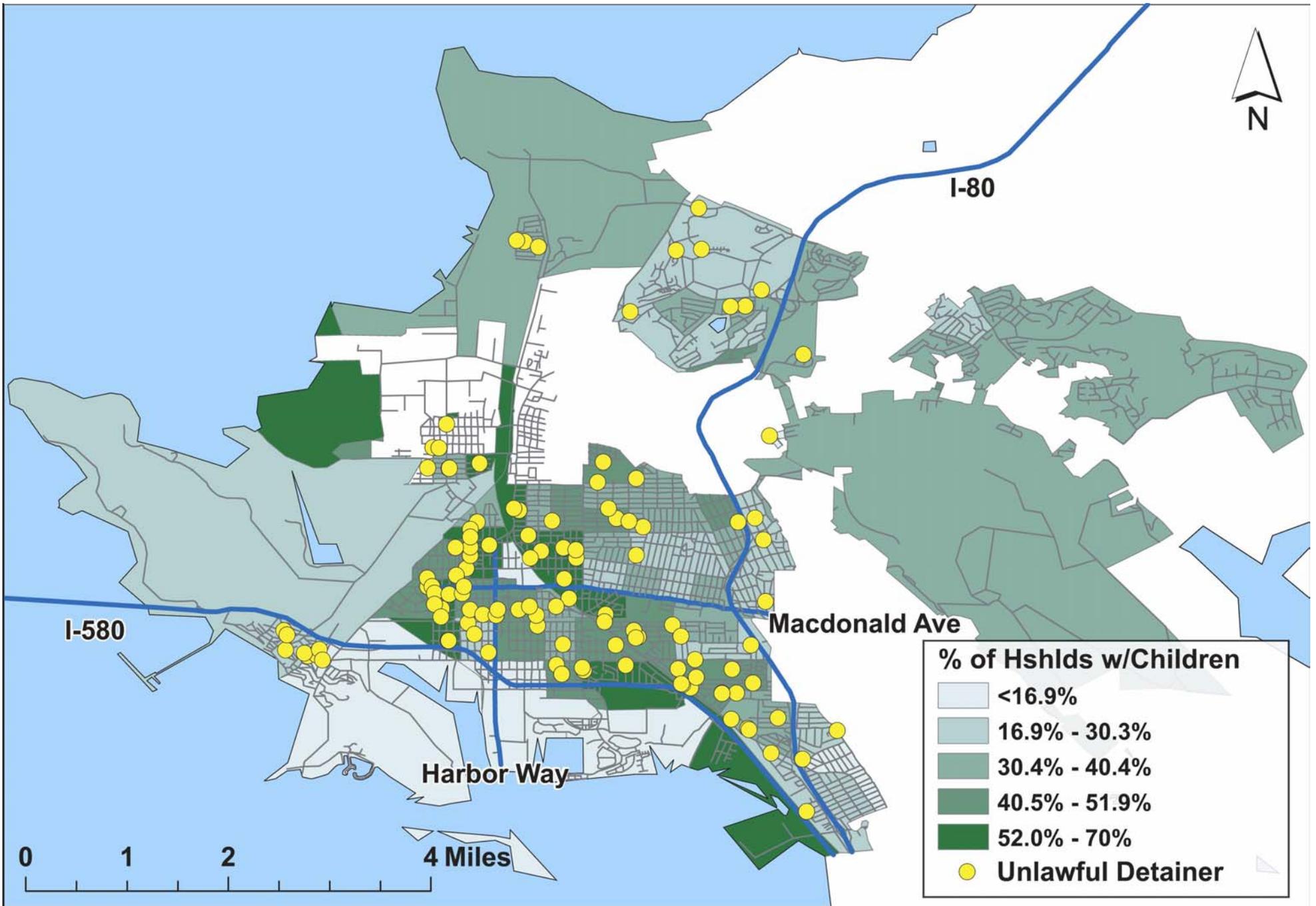
higher concentrations of households with children and thus more vulnerability to changes in housing tenure.) Like Map 2, Map 3 does less to show a correlation between a demographic factor and eviction and more to investigate whether the impacts of no-cause evictions may be falling disproportionately on a certain group, in this case households with children. There does appear to be some concentration of no-cause evictions in census block groups with higher percentages of households with children, though it is less visually obvious than in Map 2. A count, however, reveals that about 64% of the UDs pictured on the map are located in census block groups with an above-average percentage of households with children. (In the average census block group in Richmond, 38% of the households have children.) There is indeed an argument, then, that no-cause evictions in Richmond – to the extent that they are occurring – are disproportionately impacting low-income households with children.



Map 1 - Unlawful Detainer Actions in Richmond Resulting from No-Cause Evictions, 2003-2004



Map 2 – 2003-2004 Unlawful Detainers from No-Cause Evictions and Household Income (1999) by Census Block Group



Map 3 -- 2003-2004 Unlawful Detainers from No-Cause Evictions and Households with Children by Census Block Group

Potentially disproportionate impacts notwithstanding, it is difficult to determine from the court records whether these evictions have been brought about by rental increases that the tenants were unable to pay in the months before the action. The filing party is supposed to include information about rent level and rent changes on the UD form, but it is unlikely that these filings are entirely accurate in this matter. Accuracy notwithstanding, the data do not indicate a strong pattern of rent increases followed by no-cause evictions. For example, of the 132 no-cause UDs in 2003, only 19 (about 14%) clearly indicated on the form that a rent increase occurred at some point in the tenancy, and only a few of those seem to have occurred within even a year of the eviction. Four of the 132 UDs (about 3%) in fact indicated rent decreases. In addition, several of the no-cause UDs collected in my research were filed not against tenants but against former owners of dwellings that had been sold to new owners after a default.

However, there may be little reason that no-cause evictions would necessarily be preceded by rent increases. If a tenant does not pay rent, the landlord need not file a no-cause eviction against them. He can instead simply evict them for non-payment of rent, as allowed by state law. (This is the primary reason that tenant advocates usually insist that rent control and just cause ordinances must be passed together.) One can then examine the unlawful detainer actions resulting from “for-cause” evictions, of which there were 1267 in Richmond in 2003 and 2004. Of these, 245 (about 19%) clearly indicate on the form that a rent increase occurred at some point in the duration of the tenancy – only a slightly higher proportion than in the no-cause UDs. Again, it is difficult to determine from the court records when most of these rent increases occurred; only a few are clearly within a year or less of the UD itself. (Interestingly, about 4% of the for-cause UDs indicated a rent decrease, also roughly the same proportion as with the no-cause UDs.)

This analysis indicates that less than one-fifth of the evictions in Richmond – with or without cause – are preceded by rent increases. Of course, most statistics can be used to make a number of apparently contradictory arguments, and Richmond’s just cause/rent control campaigners may be able to use this to help make their case. Indeed most of the analyses of the eviction data discussed here could provide useful talking points for the just cause/rent control campaign: no-cause evictions affect all parts of the city, but have a disproportionate impact on low-income residents and households with children, and so on. This careful use of data analysis is discussed in more detail below in the “Recommendations” section.

More generally, however, the sharply rising rents and falling vacancies accompanied by unjust/no-cause evictions that marked the California rental market in the mid-to-late 1970s do not appear to have resurfaced in Richmond in the mid-2000s. Available data indicate that, if anything, the rental market in the city is soft relative to both the greater Bay Area region and recent history. This mismatch does not bode well for the present rent control/just cause campaign in Richmond.

On the other hand, three California cities have recently passed just cause ordinances: Glendale, bordering Los Angeles; San Diego; and Oakland. Oakland has a rent control system dating from 1980, but only enacted just cause protections through a ballot initiative in 2002. Glendale’s city council passed a just cause ordinance in 2002, as well, and San Diego’s city council passed that city’s ordinance in 2004. These recent expansions of tenant protections may offer some hope to the Richmond campaign. It is significant to note, however, that renting households constitute a majority of households in all three of these cities.⁵⁶ In San Diego, where renters are only barely a

⁵⁶ U.S. Census Bureau, Census 2000, Summary File 3 (SF 3).

majority, the just cause protections implemented in 2004 cover only tenants who have been in their current residence for two years or more; this is quite a high bar for many tenants to reach, and gives landlords plenty of time to evict or decline to renew a lease.⁵⁷ In Richmond, on the other hand, renters constitute only 47% of households. This implies that, at the very least, the campaign for a truly protective just cause ordinance in the city – irrespective of rent control – will be an uphill political battle, requiring the advocates to win over a fair number of homeowners to their cause, either to pressure city council members or vote for a ballot initiative.

Lack of Political Crisis

The second major factor contributing to the passage of the majority of the rent control/just cause ordinances in California in the late 1970s and early 1980s was the aftermath of Proposition 13. When landlords failed to follow through on their implicit, and sometimes explicit, promises to lower, freeze, or rebate rents if the measure passed, a wave of tenant protest swept through the state's coastal cities and forced city councils into action. In more general terms, the fallout from these broken Prop 13 promises constituted a sort of political crisis in California that rapidly shifted the opinions of many, including elected officials, toward rent control/just cause regulations. Crises such as this only produce a certain amount of political capital and momentum for their benefactors, and the momentum created by Prop 13 ran out by the mid-1980s. The advocates of rent control/just cause in Richmond would seem to be at a disadvantage.

The Bay Area is well known in part for the high price of housing in the region. Home purchase prices in this region and throughout the state have been increasing at double-digit annual percentages for the past few years, and the affordability of housing is a concern for many people. Many public officials, especially in the inner Bay Area, nominally support measures to improve housing affordability, and there is a well-developed non-profit sector dedicated to addressing the issue through advocacy, organizing, and housing development. However, there is little sense that the problem has suddenly, in the past few years, become worse than before. In fact, if anything there is some sense of relief in the rental market that vacancy rates are so much higher now than during the peak of the “dot com boom” of the late 1990s, when they hovered around 1% for the region as a whole and apartment seekers shared horror stories of vying with 30 other people for a cramped one-bedroom apartment.⁵⁸ This sense of a cooling rental market is backed up by recent data on the market as outlined above: falling rents, rising vacancy rates, and rising incomes have indeed softened the Bay Area rental housing market in the past few years.

This has not stopped certain groups pushing for housing affordability measures and tenant protections from using the word “crisis” in their arguments. When possible, they have even included this language in legislation; Oakland's just cause ordinance, passed as a ballot measure in 2002, states that the ordinance is necessitated by the city's “prolonged affordable housing crisis.”⁵⁹ Unfortunately for these groups, the use of the word “crisis” separates them very little from passionate advocates of any cause, and does not in and of itself create a crisis. After the passage of Proposition 13, there was a clear and widespread public perception that California's tenants had received the short end of the tax cut stick. Major media outlets were filled with stories about rent increases and broken promises. Now, to the extent that the rental housing market attracts public

⁵⁷ San Diego Municipal Code, § 98.0730. Enacted 30 March 2004.

⁵⁸ Silicon Valley Manufacturing Group. *Silicon Valley Projections 2000*. 2000. <<http://www.abag.ca.gov/planning/siliconvalley/svprojections2000.pdf>>. Accessed 7 December 2005. Pg. 8.

⁵⁹ Oakland Municipal Code, § 8.22.300. Enacted 5 November 2002.

attention, it does so under headlines such as “Bay Area Apartment Rents Dip.”⁶⁰ This is not to say that housing affordability in the rental market is not worthy of public concern; there is simply no evidence that public sentiment on the issue approaches that caused by the fallout from Prop 13. Richmond residents and officials have recently been much more focused on the wave of violent crime in the city; this, if anything, constitutes the most salient “crisis” in Richmond at present.

Weak or Absent Tenants’ Rights Movement

The third major factor that helped push through the wave of rent control/just cause measures in California in the late 1970s and early 1980s was the existence of an active, though not very powerful, tenant’s rights movement that could see and seize the opportunity afforded to it by the Proposition 13 aftermath. Organizations that had existed before Proposition 13, including CED and CHAIN, suddenly found themselves with far more potential members, a wider body of sympathetic politicians, and a healthy dose of righteous public outrage on their side after the tax-cutting measure passed. These state-wide organizations used their existing leadership to build and train local organizations throughout the state, using both the changes in the rental market and the moment of political crisis to bring about a great deal of change. The wave of rent control/just cause measures implemented during this period did not happen accidentally, but was very much a product of a social movement. That movement, however, did not stand the test of time.

Some observers chart the beginning of the decline of California’s tenants’ movement as soon after Prop 13 as the early 1980s.⁶¹ It is certainly true that landlord organizations began pushing back against rent control/just cause regimes that early, though they made few inroads at that time. Pro-tenant state Senator David Roberti, who used his powerful position in the legislature to stop landlord efforts to limit rent control, urged tenants around the state to organize and develop their own power, but “tenant organizing was ineffective” in the largest cities.⁶² When the state’s voters passed a term limits initiative in 1988, Roberti’s fate, as well as the fate of rent control/just cause in California cities, was effectively sealed. After Roberti left the senate in 1995, the legislature passed the Costa-Hawkins Act, limiting rent control severely. By this time, only a decade after the incorporation of West Hollywood essentially in order to implement rent control, pro-tenant forces “lacked forces lacked the organizational infrastructure and grassroots constituency to mount a serious opposition effort.”⁶³ There is a well-developed non-profit sector focused on affordable housing in California, especially in the Bay Area. However, these organizations are primarily focused on developing affordable housing and ensuring funding sources for these enterprises. Grassroots tenant organization has fallen by the wayside. The movement that was so vital in bringing about rent control/just cause has weakened considerably today, almost disappearing entirely in some California cities.

Richmond’s Prospects

The majority of rent control/just cause ordinances still in effect in California cities today were brought about by a rather specific confluence of factors in the late 1970s. The preceding analysis shows that these factors are almost entirely absent today. It is unclear to what extent the progressive groups in Richmond have considered this historical comparison, or even what their complete strategy is for the campaign. What is clear, though, is that the lack of a clear economic shift, the

⁶⁰ Jurgens, Rick. “Bay Area Apartment Rents Dip.” *Contra Costa Times*, 22 January 2004. Pg. C1.

⁶¹ Dreier, 21.

⁶² Ibid.

⁶³ Ibid., 22.

absence of a political crisis, and the weakness of the local and statewide tenant movement indicate that the campaign for rent control/just cause in Richmond will be difficult, at best.

Recommendations

My primary recommendation to the just cause/rent control campaigners in Richmond is to drop rent control from their campaign at the present time. It does appear that these two types of legislation would be much less effective if not enacted as a pair, but each by itself can offer at least some level of additional protection for tenants' rights. There are several arguments for divorcing the two measures and limiting the present campaign to just cause protections.

First, there is a simple feasibility argument. No California city has passed rent control since 1985, and state laws in the intervening two decades have only served to limit the strength of such local measures. On the other hand, the recent passage of just cause ordinances in San Diego, Glendale, and Oakland gives some hope that a just cause measure may pass in Richmond, as well, even though the other three cities are majority-renter and Richmond is not. Landlords may also mount a slightly less vehement resistance to such a measure than to rent control, which often produces cries of "socialism" or "communism." Indeed, recent reports from the task force charged by the city with crafting the just cause and/or rent control legislation in Richmond indicate that the landlord groups have taken a firm line against anything resembling rent control.

Second, there is an opportunity-building argument. A victory on just cause may give Richmond's pro-tenant organizations more momentum and public recognition that could feed a subsequent campaign for rent control. The advocates now decry a lack of clear and adequate public data on evictions in Richmond. As my research with the available data shows, it is nearly impossible to draw any robust conclusions from the court records. The institution of a just cause protection regime would create the chance to begin keeping those records as part of the just cause enforcement. Landlords could, of course, simply raise rents exorbitantly in order to force tenants out, but this would then be a matter of public record. Moreover, should this appear to be occurring in a widespread and systematic way, the city's pro-tenant groups would be armed with a set of data clearly in their favor.

Regarding more specific tactics, one difficulty with the campaign for rent control/just cause in Richmond as it has heretofore been executed is the flimsiness of the statistical evidence cited in favor of increased tenant protections. The advocates allege that rents increased 35% between 1990 and 2000 in Richmond, but this number does not take into account inflation, which changes the statistic to roughly 2%. They apparently cite no rental market numbers more recent than the 2000 Census, though it is obvious that the local market has undergone tremendous shifts in the intervening six years.

One very practical recommendation that grows from these observations is that the campaign must begin to use statistics in its favor. Despite the apparently rosy picture of the rental market in the last few years, there are some numbers from existing data sources that could be used to advocate for rent control/tenant protections. For example, while Richmond's median gross rent in 2000 was lower than most East Bay communities, two glaring exceptions to this rule were Berkeley and

Oakland, the two East Bay cities with long-standing rent control regimes in place.⁶⁴ Furthermore, the fact that the East Bay rental market has tightened somewhat in the past few quarters, according to HUD measurements, may point to a trend that can be emphasized in the advocates' favor. (Insofar as this does in fact indicate a trend, the current stalemate may actually work in favor of the advocates.) As it stands, the campaign's use of old and inaccurate numbers is creating an opportunity for public embarrassment by their opponents.

Along the same lines, it may be possible to use the eviction data gathered from courthouse records to bolster its arguments regarding the need for just cause protections. The very fact that no-cause evictions appear to happen throughout Richmond can allow the rent control/just cause campaigners to say that no-cause evictions constitutes a city-wide problem. Conversely (or perhaps complementarily) they could use the apparent concentration of no-cause evictions in lower-income areas with high concentrations of households with children to argue that these sorts of evictions disproportionately affect those least able to defend themselves. Furthermore, the Richmond tenant advocates can use the fact that "nearly 20%" of the recorded UD's were preceded by relatively recent rent increases to bolster their argument that tenants need protection from exorbitant rent changes.

The Richmond rent control/just cause campaigners should strengthen their ties to the organizations in Oakland, Glendale, and San Diego that were the main proponents of the recent just cause ordinances in those cities, as well as to sympathetic city council members and other officials. There seems to be only limited communication between the campaigners and their many potential allies at this point. All of these parties likely have advice on how to circumvent the political opposition of landlords and other groups in Richmond based on their experiences in their respective cities. This could also serve to rebuild some of the statewide tenants' rights network that was so instrumental in passing tenant protections after Prop 13.

Finally, though the just cause/rent control campaign has now moved into a task force process overseen by the city, the Richmond campaigners should not dismiss the option of putting the ordinances on the ballot as initiatives. The initiatives can continue to stand as a viable alternative to negotiation, should the task force process produce results with which the campaigners are not satisfied. Maintaining this "exit" option may give them some leverage over the landlords in the negotiations, as the landlords may want to avoid a public campaign and voter decision on the matter. At the same time these organizations should continue to devote some of their resources to educating the public about their arguments for just cause/rent control. Should the campaign become a public one again, outreach efforts now may pay high dividends in the future, though this would necessitate a significant get-out-the-vote campaign, for which the campaigners should also prepare.

Conclusion

The current campaign for just cause and rent control ordinances in Richmond carries on its shoulders the weight of the decades-long history of such ordinances in cities throughout California. The vast majority of these ordinances were passed in a very specific political window in the late 1970s and early 1980s, brought about by a tightening rental market, the political "crisis" moment created by the broken promises of Prop 13, and the ability of an existing tenants' rights movement to seize opportunities presented to it. These three factors are, for the most part, absent in

⁶⁴ U.S. Census Bureau, Census 2000, Summary File 3 (SF 3).

Richmond and in California generally at present. While this seems to imply that the time for just cause/rent control ordinances in California cities is long past, a few recent successes with just cause ordinances in Oakland, Glendale, and San Diego offer some glimmer of hope.

The history of just cause/rent control measures in California and the present demographic, economic, and political situation of Richmond does not entirely determine the success of the present just cause/rent control campaign there. These have, however, provided us with lenses through which to view and evaluate the campaign. Political campaigns can, of course, determine in part their own success; that is why they are waged, after all. But if the Richmond just cause/rent control campaigners are to realize success in the current economic and political environment, they should consider the lessons of recent history and of the data analyses in this paper. They should likewise consider the recommendations above and adjust their campaign accordingly.

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