

Housing Justice on the Ballot: Tenant Protections

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Summary

Increasingly, we are seeing localities play a leading role in changing the housing landscape to create just housing futures. Campaigns across the country have used a myriad of tools to change policy: the ballot, an ordinance, legislation, or a court order. But each pathway has its own challenges and benefits that are unique to each jurisdiction. Here are recent housing justice wins achieved through the ballot, and upcoming campaigns that are building the momentum for housing justice in November 2022 and beyond.

Types of Ballot Initiatives

State laws and city charters govern whether and how laws can be passed via ballot initiative, and they vary across geography. Generally, policies can get on the ballot in one of three ways:

- **Direct initiated ordinance:** Proposals that collect enough petition signatures from voters qualify and go directly on the ballot. In some circumstances, the governmental entity may have the power to alter the initiative after the voters approve it.
- **Indirect initiated ordinance:** Proposals are submitted to an elected body (e.g., city council), which has a specific length of time to act on the proposal. If the elected body chooses not to pass the law, the initiative question goes on the ballot. In some states, another round of signatures is required to qualify the ordinance if the elected body chooses not to pass it. In some states, the elected body may submit a competing measure to appear on the ballot along with the original proposal.
- **Initiated charter amendment:** Proposed amendments to a city charter that collect enough petition signatures from voters qualify and go directly on the ballot.

In many jurisdictions, elected leadership has the power to alter the initiative after voter approval.

Types of Tenant Protection Policies on the Ballot

- **Rent stabilization** policies protect tenants from excessive rent hikes, usually by creating a predictable schedule for the maximum rent increase allowable each year, while ensuring a fair return for landlords. These policies can immediately stabilize prices, halt rent gouging, and reduce the risk of displacement and homelessness, while increasing long-term housing security and affordability.
- **Just cause** policies prevent arbitrary, retaliatory, or discriminatory evictions by establishing that landlords can only evict renters for specific reasons—just causes—such as failure to pay rent. These ordinances are an important policy tool to prevent displacement and promote tenant stability, especially in neighborhoods where rents are rising and vacancies are low or where landlords may seek to evict existing tenants to renovate their buildings and attract wealthier renters at higher prices.
- **Right to counsel** policies provide a right to full legal representation to renters facing eviction or eviction-equivalent proceedings (such as administrative cases to terminate a subsidy or tenancy), intervening to help stabilize households at a crucial moment. For renters facing the possibility of eviction—disproportionately renters of color and particularly Black women with children—having legal representation can mean the difference between staying in their homes and being forced out, or the difference between transitioning successfully to new housing versus becoming homeless.

Eviction and Rent Stabilization Referenda, 2020–2022

Year	Jurisdiction	Policy	Campaign Coalition	Electoral Support	Population
2020	Boulder, Colorado	Right to counsel ordinance	No Eviction Without Representation	59%	108,777
2020	Portland, Maine	Rent stabilization ordinance	People First Portland	58%	66,706
2021	Minneapolis, Minnesota	Charter amendment allowing the City Council to enact rent stabilization	Home to Stay Minneapolis	53%	424,536
2021	St. Paul, Minnesota	Rent stabilization ordinance	Keep St. Paul Home	53%	305,877
2022	Pasadena, California	Rent stabilization charter amendment	Pasadena for Rent Control	-	142,017
2022	Denver, Colorado	Right to counsel—expanded scope and funding	No Eviction Without Representation	-	715,878
2022	Portland, Maine	Rent stabilization—strengthens the ordinance voters passed in 2020	People First Portland	-	66,706
2022	Orange County, Florida	Rent stabilization	Florida Rising, Orlando Tenant Power, UNITE HERE Local 737	-	1,374,000
2022	Santa Monica, California	Rent stabilization—lowering cap of the current ordinance	Santa Monicans for Renters' Rights	-	91,600
2022	Richmond, California	Rent stabilization: lowering the cap of current ordinance	Alliance of Californians for Community Empowerment	-	116,000

2022 Midterm Election Report

On November 8, 2022, voters across the nation came together across race, income, and geography to reject the multibillion-dollar real estate lobby’s deceptive tactics and choose the housing future we know we deserve—one in which housing is perceived as liberatory and a key component of healthy and thriving communities.

Voters overwhelmingly said “yes” to a host of housing justice policies that prioritized protecting tenants through just cause protections and rent stabilization, funding services for tenants such as a right to counsel, dedicating over \$300 million in resources to affordable housing developments, and even shifting ownership of housing to community-controlled models. Ballot measures that were not passed this time were crucial in that they welcomed thousands of people into the housing justice movement through tenant organizing and conversations with voters.

Location	Ballot Measure	Nov 2022 Voting Results	
		Yes	No
Pasadena, California	Measure H will provide a host of pro-tenant protections and resources including rent control, eviction protections, and a rental registry.	54%	46%
Portland, Maine	Question C requires landlords to provide tenants with a 90-day notice for lease termination and rent increases and strengthened the rent stabilization ordinance passed in 2020.	55%	45%
Santa Monica, California	Measure RC strengthens existing rent control measures by limiting rent increases to 3% in future years.	58%	42%
	Measure EM authorizes the city’s rent control board to modify rent increases during a state of emergency declared by an approved public entity.	59%	41%
Orange County, Florida	Rent stabilization ordinance will establish a one-year cap on rent increases on certain units. Orange County commissioners are currently appealing a court ruling blocking implementation.	59%	41%
Richmond, California	Measure P will help to strengthen existing rent control measures.	57%	43%
Denver, Colorado	No Eviction Without Representation would have established a right to counsel and create a landlord tax to fund free legal services for tenants facing eviction.	41%	59%
Oakland, California	Measure V expands the coverage of eviction protections available to tenants across the city.	68%	32%
Los Angeles, California	Measure ULA is a real estate transfer tax on sales over \$5 million that will raise funds for homelessness reduction, affordable housing, and legal aid for tenants.	58%	42%

Additionally, voters across the country from Kansas City, Missouri, to Charlotte, North Carolina, approved over \$100 million in resources to go directly toward housing solutions ranging from housing trust fund investments to homelessness services and legal aid.

The November 2022 election cycle delivered huge wins and taught us many things, but the most important learning may be for those who have yet to join the housing justice movement. Elected officials at every level of government should take note of the power that housing issues have to bring people together. Tenants are a voting bloc with incredible power, and they are also organizing entire communities of renters, homeowners, and property owners to combat the monied interests of corporate and predatory landlords. Together, we are choosing people over profit, community stability over wealth extraction, and housing as a public good rather than a financial instrument. Join us in celebrating these advancements toward an equitable housing system and start strategizing what can be won in your community.



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