

**From:** [Curt Ries](#)  
**To:** [Steve Burdo](#); [Eileen Burke Contact](#); [Brian Colbert](#); [Alexis Fineman](#); [Tarrell Kullaway](#); [Dave Donery](#)  
**Cc:** [Town Council](#); [Serge Avila](#); [Leah Simon-Weisberg](#)  
**Subject:** Rent Control & Eviction Protections - Staff Report Errors  
**Date:** Monday, June 12, 2023 10:44:06 PM

---

**CAUTION:** External Sender

Dear San Anselmo Town Council Members and Town Manager:

My name is Curt Ries, I am a San Anselmo renter, a Co-Chair of the Marin Democratic Socialists of America (Marin DSA) and a lead organizer on the [campaign](#) to establish rent control in Marin, including in Fairfax, Larkspur, and San Anselmo.

Thank you for taking up the issues of rent stabilization and just cause eviction protections. These policies are desperately needed to keep ordinary working people in their homes and in our community.

Over the course of working on these issues for nearly two years, I've become quite familiar with the relevant state laws (AB-1482 and Costa-Hawkins) governing what local jurisdictions can do in relation to rent control and just cause eviction protections. I appreciate the June 13th [staff report](#) on these matters but believe there are a couple of factual errors that are important to address.

1. The staff report states in its summary of existing state laws that, *“Rent control that results in lower rental increases than 5%+CPI/10% for buildings at least 15 years [old] is allowed.”*

Costa-Hawkins prohibits all local rent control from being applied to rental units with a certificate of occupancy issued after February 1st, 1995. That means that units constructed after 1995 but that are more than 15 years old may still not be subjected to local rent control that exceeds AB-1482's cap of 5%+CPI/10%. Here's the [relevant code](#) from Costa-Hawkins:

**1954.52. (a)** *Notwithstanding any other provision of law, an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which any of the following is true:*

*(1) It has a certificate of occupancy issued after February 1, 1995.*

2. The staff report states in its summary of existing state laws that, *“Condominiums, single-family homes, and buildings with two units one of which is owner-occupied, may not be rent-controlled.”* The staff report then goes on to estimate the number of rental units that may potentially be impacted by rent control and presents a table that *“...describes the number of properties with three or more units and four or more units...”*

Costa-Hawkins prohibits local rent control from being applied to single-family homes and condominiums, but it does not prohibit local rent control from being applied to duplexes, including owner-occupied duplexes. AB-1482 exempts owner-occupied duplexes from its extremely weak form of statewide rent stabilization, but local jurisdictions are free to include them. According to 2021 US Census [data](#), there are approximately 192 renter-occupied housing units in 2-apartment structures (i.e., duplexes) in San Anselmo, accounting for 12.3% of all rental units in town. We hope these units will be included in the council's deliberations regarding rent control in San Anselmo. There is nothing in state law that exempts them.

Copied on this email is Leah Simon-Weisberg, Legal Director of the Alliance of Californians for Community Empowerment (ACCE) Institute, Adjunct Professor of Law at UC Law, and Chair of the Berkeley Rent Board. She shares my assessment of the two provisions above and would be happy to act as a resource for staff and/or council members as this conversation develops. She has already been an invaluable resource for council members and staff in both Fairfax and Larkspur.

Thank you again for taking on this critical issue. Please move forward as quickly as possible to adopt strong rent control and just cause eviction protections that will keep San Anselmo renters in our homes and in our community.

Thank you,

Curt Ries