Lowndes

Insights

Appeals Court Rules Against Orange County's Proposed Rent Control Ordinance

Article
Lowndes
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On October 27, 2022, the Fifth District Court of Appeals decided 2-1 that the proposed rent control ordinance should be enjoined from placement on the November ballot. The effect of the opinion is that as of yesterday, October 27, 2022, the County is temporarily enjoined from implementing and enforcing the contents of the rent control ordinance. Based upon separation of powers, the Court could not mandate how the Supervisor of Elections would deal with the ballot initiative. It is likely that it will remain on the ballots since they have already been printed and early voting has already commenced.

However, even if the citizens vote in favor of the initiative, the County is enjoined from implementing and enforcing the rent control ordinance pending the outcome of the litigation.

Justice Cohen issued a dissenting opinion.

The Land Use Practice Group at Lowndes applauds the recent judicial decision related to the Rent Control Ballot Measure. We believe that the residential renters in Orange County would be better served if our local governments would:

1. Concentrate on increasing the supply of all housing;
2. Reduce impact fees which form a significant component of the cost to build new housing;
3. More quickly distribute funds available for rental assistance;
4. Provide effective incentives to increase density for affordable housing and work force housing;
5. Reduce parking requirements for housing in near public transportation; and
6. Avoid penalties to builders like inclusionary zoning ordinances, which jeopardize investment in housing in our region.

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