

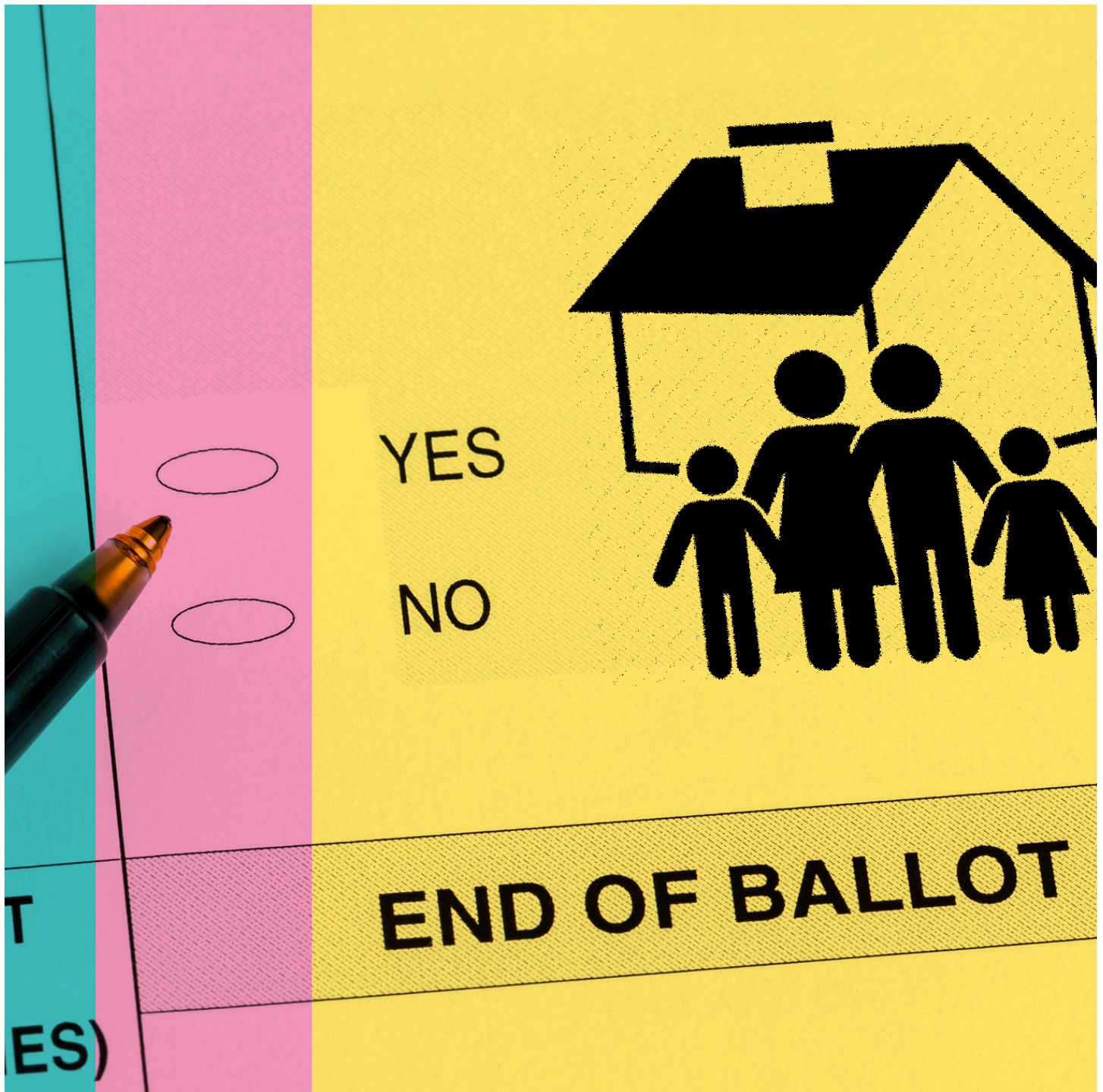
# Housing Justice on the Ballot: A Ballot Initiative Guide

PolicyLink

NCCRC  
National Coalition for a  
Civil Right to Counsel

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Nothing within this guide should be construed as legal advice.

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1.0

# Executive Summary

Over the past few years, localities have increasingly played a leading role in changing the housing landscape to create just housing futures. Ballot initiatives have proven to be a crucial tool in this effort and have demonstrated that the power of the many can defeat the power of the money. In the wake of the Covid-19 pandemic, slow-paced wage growth, unprecedented inflation rates, and rent hikes only exacerbated the issue of affordability for tenants. In November 2022, people from across the country came together at a pivotal moment to consider housing justice ballot initiatives. From Portland, Maine, to Denver, Colorado, voters considered a slew of policies to protect tenants including rent stabilization and the right to counsel for tenants—and campaign leaders have no intention of slowing down any time soon.

Building on PolicyLink’s recent Housing Justice on the Ballot [webinar series](#), this guide is for tenant organizers, housing advocates, legal advocates, and anyone interested in bringing housing justice to life by advancing renter protections on the ballot. Whether groups are in the beginning stages of exploring a ballot initiative campaign for their jurisdiction and want to prepare themselves for the journey, or they are inviting partner organizations to join an existing campaign and want them to know what to expect for the path ahead—this guide is meant to support campaigns from policy idea to implementation. Most importantly, this guide is filled with advice and tips from campaign leaders across the country who have successfully led ballot initiative campaigns for housing justice or are currently running one. Their stories are captured in case studies spread throughout the guide, and their wisdom—the foundation on which this guide is based—is an invaluable resource for housing justice campaigns to come.

### **Ballot Initiatives as Effective Pathways to Housing Justice**

Campaigns must consider a variety of legal factors when pursuing the ballot initiative pathway, including:

- **General availability of ballot initiatives:** Though only 26 states have statewide initiative and/or referendum processes available, many of the states that lack statewide initiative processes allow or require their local jurisdictions to provide for ballot initiatives or referenda.
- **Types of ballot initiatives:** The three general types of ballot initiatives are direct initiated ordinances, indirect initiated ordinances, and initiated charter amendments. Each type requires specific steps to getting on the ballot that potentially include petition signature collection, adoption or amendments by legislative body, and voter approval.
- **Authority to enact the ballot initiative:** Campaign leaders must review state law to ensure their local jurisdiction has the authority to enact the policy sought.

- **State preemption:** Preemption is a legal doctrine through which a state prohibits a city or county from passing certain kinds of laws. Many state laws preempt their municipalities from enacting laws regulating certain aspects of landlord-tenant relations. Some preemptions contain exceptions that advocates can use to pass policies.
- **Subject matter restrictions:** Subject matter restrictions may be imposed by state law, local law, or both, and specify that ballot initiatives can only address certain subjects. It is not uncommon for subject matter restrictions to prohibit ballot initiatives that make appropriations.

### **Getting on the Ballot**

Once it is clear that a legal pathway exists for a housing policy to advance through the ballot initiative process, the work to craft a policy and place it on the ballot for voter approval begins. The steps vary across jurisdictions, but generally include:

- **Drafting:** In some places, the city or county attorney is responsible for drafting the proposed law. In other jurisdictions, the initiative sponsors may be responsible for drafting the law.
- **Applying/Petitioning:** Sometimes, the law requires that one or more registered voters “sponsor” the initiative and complete a Notice of Intent to apply with the jurisdiction to circulate petitions.
- **Review:** In many places, the jurisdiction must give its approval before sponsors can circulate petitions and collect signatures from voters.
- **Signature requirements:** The number of signatures required to qualify an initiative for the ballot varies by jurisdiction and is generally tied to a percentage of the total number of voters in a previous election. Circulators aim to collect at least 30 percent more signatures than required in case signatures are invalidated for any reason.
- **Verification/Validation by election authorities:** The city or county election officials will review the signatures to ensure they are valid. Sometimes, an insufficient number of signatures may be remedied to send the initiated law to voters.
- **Proceeding to the legislature or ballot:** If the initiative is a direct initiated ordinance or initiated charter amendment, it will go to the voters after the election authority determines that enough valid signatures were collected. But an indirect initiated ordinance goes to the legislature first.
- **Legislative alteration:** Even after a direct or indirect initiated ordinance is adopted by voters, the legislature may be able to amend or repeal it.

## Running a Ballot Initiative Campaign

There are many aspects to consider when building out a ballot initiative campaign. Careful calculations must be made about which organizations to partner with and which roles are assigned to whom to build a strategic and broad coalition. Once a core group of campaign leaders has been decided, structuring campaign teams is key to being able to mobilize staff and volunteers to carry out campaign plans.

- **Building a campaign coalition:** Campaigns must start with accountability to the people most harmed by the current housing system—specifically, tenants of color and low-income tenants. The decision-making body that steers the campaign should have impacted tenants in leadership roles.
- **Coalition agreements:** As the campaign team expands, be sure to create a coalition agreement to lay out expectations, roles, and rules of engagement.
- **Power-Mapping:** Commonly used across grassroots organizing campaigns, power-mapping is an activity that gives organizers a chance to step back and see their social and political landscape from a bird's eye view so that they can assess all the actors.
- **Campaign structure and strategies:** One consistent truth across campaigns of all kinds is that no organization or individual will have as much capacity as they need to contribute to the work. Rather than see that as a weakness, build campaign structures around that understanding to leverage everyone's strengths and abilities.
- **Campaign finance:** Campaign budgets range from tens of thousands to millions of dollars. Regardless of how much money the campaign plans to raise or spend, it must be willing to learn campaign finance regulations.
- **Opposition:** The opposition that housing campaigns face is well-funded and politically connected. They advance a coordinated agenda across the country to block pro-tenant legislation, and shape media narratives about housing policy. As campaigns across the country have demonstrated, the power of the many can defeat the power of the money.

## Building a Housing Justice Narrative

Communications strategies are how we get the word out, but narrative is defining what the word is. Clear and intentional narrative strategy is the backbone to a successful ballot initiative campaign.

- **Who we speak to:** Before diving into narrative strategies that work, campaigns must ground themselves in who they are speaking to. While we want everyone to share our beliefs around housing justice, that is simply not possible. Race-class narrative research shows that the general population can be classified as one of three groups: base, persuadables, and opposition.

- **Housing Justice Narrative Story Platform:** The Housing Justice Narrative Story Platform consists of a core truth and values that exist in the form of seven storytelling themes, specifically designed for an anti-racist and advocate base and persuadables. Together, these elements provide a structure through which all campaign messaging and communications are borne—from campaign taglines and dinner table conversations to debate talking points and door-knocking scripts.

## The Hangover: Post-Election Day

The guide ends with a section focused on a commonly overlooked chapter of the campaign journey: what happens after Election Day. Regardless of the outcome, campaigns and volunteers must celebrate all the work that has been done to elevate housing justice to a whole new level in the public discourse.

- **Claim the narrative:** Whether the campaign wins or loses on the ballot, it must claim the narrative starting on Election Night. Tell the story the campaign wants the public to read and create hopeful and celebratory messages to remind everyone of the victory that was won collectively by the people.
- **Prepare the coalition:** By the time the campaign coalition has reached Election Day, the coalition and its members will have been tested, stretched, and wearing thin. Take a moment to regroup, regroup, refresh community agreements, assess the collective work, and apply lessons to future strategies.
- **Litigation:** Prepare for a lawsuit from landlords or property management companies. Lawsuits are often a tactic of the opposition to undermine the credibility of a new law and waste valuable resources to protect it.
- **Implementation and enforcement:** A variety of implementation issues can arise after enactment that require vigilance from the campaign to ensure effective rollout of the program. Steps can include advocating for the allocation of funds toward implementation and enforcement, influencing rulemaking for implementation, and engaging in government-convened advisory boards or work groups.

## The Future Movement: Leveraging Wins for a Just Housing Future

The future of housing justice ballot initiatives is being built upon with each passing month and year as communities organize, strategize, and envision the policies that resonate with their neighbors and the community's needs. Cities across the country have been able to secure huge electoral wins and then strengthen or adjust the policy in future years. Organizers, tenants, advocates, and leaders across the nation have an endless well of wisdom and knowledge to share on the ballot initiative campaigns we will see in the future.



2.0

# Introduction



## A Snapshot of 2022: Ballot Initiatives for Housing Justice

In the midst of pandemic recovery and economic insecurity, tenants and organizers have continued to take control of their housing futures by mobilizing voters and building solidarity across race, income, and geography. Over 50 jurisdictions across the country had housing-related issues on the ballot in the November 2022 midterm elections—more than double the number from the November 2021 election cycle.<sup>1</sup> These ballot initiatives varied across the spectrum of housing policies, from increasing dedicated funding for affordable housing to zoning changes that will allow for increased production of housing. Most notably, there were an unprecedented number of ballot initiatives seeking to significantly shift power in the housing landscape by advancing tenant protections such as rent stabilization and eviction protections, the overwhelming majority of which succeeded.

On November 8, 2022, voters across the nation came together to choose the housing futures 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 still crucial in that they welcomed thousands of people into the housing justice movement through tenant organizing and conversations with voters. Here is a snapshot of just some of the ballot measures from the November 2022 election.

### 2022 Midterm Election Report

Location	Ballot Measure	Voting Results	
		Yes	No
Pasadena, California	<b>Measure H</b> will provide a host of pro-tenant protections and resources including rent control, eviction protections, and a rental registry.	54%	46%
Portland, Maine	<b>Question C</b> 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	<b>Measure RC</b> strengthens existing rent control measures by limiting rent increases to 3% in future years.	58%	42%
	<b>Measure EM</b> 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. <b>Orange County commissioners are currently appealing a court ruling blocking implementation.</b>	59%	41%
Richmond, California	<b>Measure P</b> will help to strengthen existing rent control measures.	57%	43%
Denver, Colorado	The No Eviction Without Representation measure would have established a new fund to provide free legal services to tenants facing an eviction.	41%	59%
Oakland, California	<b>Measure V</b> expands the coverage of eviction protections available to tenants across the city.	68%	32%
Los Angeles, California	<b>Measure ULA</b> 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%

Some of these measures were put on the ballot by legislative bodies, and some by community-initiated processes. In both pathways, tenant organizing served as the mechanism through which power and momentum were built toward electoral wins, and the foundation on which these wins were made possible. Over the last two years, thousands of tenants and allies have organized their family, friends, and neighbors to join in fixing the structural inequities of our housing system to create a more equitable housing system for all. While each campaign faced unique challenges in getting to the ballot, each also encountered consistent themes in the work: building a winning coalition, balancing tenant organizing and electoral organizing tactics, navigating a gauntlet of opposition money and influence, and taking on legal and political obstacles to implementation. This guide seeks to provide an overview of the analyses and strategies necessary to build a winning campaign to advance housing justice on the ballot, from initial drafting of the law to ensuring enforcement and implementation. In it, we uplift successes and learnings from recent campaigns across the country.

## Tenant Protection Policies

In communities facing rising rents and displacement pressures, tenant protection policies can provide immediate protection to renters and keep them in their homes. Below are three impactful policies that were on the ballot in November 2022.

**Just Cause:** Just cause eviction protections are designed to prevent arbitrary, retaliatory, or discriminatory evictions by establishing that landlords can only non-renew renters' leases for specific reasons—just causes—such as failure to pay rent. Just cause eviction ordinances (also known as “good cause”) are an important policy tool to prevent displacement and promote tenant stability, especially in neighborhoods where rents are rising and vacancies are low, and where landlords may seek to remove existing tenants to renovate their buildings and attract wealthier renters at higher prices. Just cause also protects tenants who report inadequate housing conditions or request repairs, making it less risky to exercise their right to livable conditions. Five states have just cause legislation, and during the pandemic alone, seven cities have implemented just cause legislation.<sup>2</sup>

**Right to Counsel:** While the United States Constitution provides that all individuals facing incarceration in a criminal case have a right to counsel, no such federal constitutional right exists broadly in civil cases, and there has been no recognition of a constitutional right to counsel for eviction cases. Because federal and state funding for free legal services programs is woefully inadequate, low-income tenants are typically left to represent themselves against landlords who often have legal representation, and many are displaced from their homes. Given that evictions increase individuals' and families' vulnerability to homelessness—resulting in negative consequences for their health, education, and economic mobility—cities and states can intervene to help stabilize households at a crucial moment by providing a right to legal assistance to renters facing eviction.<sup>3</sup> To date, 15 cities and three states have enacted the right to counsel for tenants.<sup>4</sup> As of January 30, 2023, two localities and nine states have introduced right to counsel legislation and one state, Connecticut, has introduced a bill that would expand the right to counsel to include additional tenants.<sup>5</sup> Twenty-four cities or counties are actively seeking to pass the right to counsel.

**Rent Stabilization:** Rent stabilization, sometimes referred to as rent control, is an effective tool to increase housing stability and affordability for current tenants. It works by protecting renters 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. It is a smart, proven policy that can immediately stabilize prices, halt rent gouging, and reduce the risk of displacement and homelessness, while increasing housing security and affordability over the long term. The increased stability and affordability created by rent stabilization also has positive consequences on mental and physical health, children's educational outcomes, and community stability. Over 180 jurisdictions have some form of rent stabilization across the country, including two states that currently have statewide rent stabilization laws.<sup>6</sup>

For additional examples of policies that increase affordability, advance community ownership, and prevent displacement, see the [PolicyLink Anti-Displacement Policy Toolkit](#).

## Key Terms

### Right to Counsel

A right to full representation to renters facing eviction or eviction equivalent proceedings (such as administrative cases to terminate a subsidy or tenancy). The right is one that is enacted in law and funded by the government and ensures an attorney for all eligible tenants. Eligibility may be tied to household income, though an increasing number of jurisdictions are pushing for a universal right.

### Full Representation

Full representation means that legal services providers do not make decisions about which cases to accept or the level of services to provide based on resource constraints. The attorney does everything that the case requires to achieve justice for their client. Depending on the case, this could mean reaching a settlement agreement or taking the case to a full trial.

### Vacancy Control (and Decontrol)

An element of rent stabilization policies that determines whether landlords can reset rental rates after a tenancy ends. Under **vacancy control**, rent increases are tied to the unit, meaning landlords cannot reset rent when a tenancy ends and the tenant moves out, and the annual rent cap applies across tenancies. Under **vacancy decontrol**, rent increases are tied to the tenant, meaning landlords can reset rent when a tenancy ends and the tenant moves out.

## The Challenge We Face



## State of the Renter

Across the United States, 34.6 percent of our neighbors—over 44 million people—are renters.<sup>7</sup> Of those 44 million renters, half have a hard time making their monthly housing payments and are burdened by the cost of their housing, meaning they are spending more than 30 percent of their monthly income on housing. On average, tenants face higher housing cost burdens than homeowners and, as a result, experience greater precarity when it comes to the risk of being evicted.<sup>8</sup> Over the last two years, more and more people, and especially tenants, have felt the brunt of the pandemic's economic aftereffects through slow-paced wage growth, inflation, and rent hikes.<sup>9</sup> Half of the nation's renters who are cost-burdened are also choosing where to invest their limited resources: paying for rent or affording basic necessities like groceries, health care, education, or transportation.<sup>10</sup> Each of these tradeoffs has the ability to negatively impact a person's health, education, and economic opportunities.

The realities of affording a safe place to live are different among various groups of people. Historic and present-day discriminatory and exclusionary policies create harsher conditions for marginalized people and communities, especially Black and Latinx women who experience challenges paying rent every month. Specifically, 60 percent of Black women are housing cost-burdened—10 percentage points more than Black men and 10 percentage points more than white women. Fifty-nine percent of Latinx women are housing cost-burdened—10 percentage points more than Latinx men and nine percentage points more than white women.<sup>11</sup> Additionally, these pressures are even stronger for low-income and working-class families, as 78 percent of households below 200 percent of the federal poverty level are spending an excessive amount of their monthly income on housing costs.<sup>12</sup>

The state of low-income renters over the last three years has become much more precarious as rents have risen dramatically across the country—even in places once considered affordable. Since 2017, the median rent for a newly leased unit has increased 32 percent, while incomes continue to stagnate in relation to rents.<sup>13</sup> For tenants in Florida and around the Sun Belt, rents rose even more compared to other areas of the country.<sup>14</sup> However, as new investigative research continues to show, across parts of the country, rent increases are not only frivolous, but they are constructed by corporate algorithms to maximize landlord profits.<sup>15</sup> Renters across the country need protections from overreaching and exploitative landlords and corporations who unjustly leverage current economic circumstances to justify egregious tactics.

But there are clear solutions for our nation's renters. Increasingly, localities have been putting housing justice policies such as rent stabilization, just cause eviction protections, and right to counsel (to name a few) onto their local ballots. The results from housing-related ballot initiatives in the 2022 midterms pave the way for millions of tenants to have the benefit of additional protections. In the last two years, over 2.7 million renters have experienced increased protections due to ballot measure wins alone.<sup>16</sup>

If this trend continues, particularly in the top 10 largest metropolitan areas, well over 32 million renters (72 percent of all US renters) will not only be able to stay in the places they call home, but will also be able to live in homes that are affordable to them.<sup>17</sup> In fact, if tenants across the US were no longer cost-burdened, they would collectively have upwards of \$130 billion in disposable income to reinvest in themselves, their families, and their neighborhoods.<sup>18</sup> Renters in cities with large populations of people of color, like New Orleans or Detroit, would see the largest increases in their disposable income, suggesting that merely making rental housing affordable for tenants of color can have monumental benefits for the rest of our society.

Pushing for our collective housing futures through the ballot is a tactic that continues to gain energy and momentum. Many more renters in the coming year alone are rallying together in states like Ohio, Maryland, and Washington to pass housing justice policies that uplift racial equity and strengthen their power in their local housing markets. We're hopeful that this guide helps to inspire you, your neighbors, and local leaders to do the same and create the just housing futures you want.



Right in the middle of the pandemic, and after some of the strictest stay-at-home orders were lifted... it was a moment where people recognized the precarity of all tenants, and people were getting displaced so quickly. We knew that when these temporary protections were lifted, people would be displaced en masse, so we thought it's now or never and we started to gather signatures for the ballot measure we ended up running.

**Ryan Bell,**  
**Pasadena Tenants Union**

## Ballot Initiatives as Effective Pathways to Housing Justice

**Below:** Flyers for the Yes on Measure H! campaign. (AP Photo/Damian Dovarganes)



## An Introduction to the Ballot Initiative Process

Advocates note that “[s]ome of the most significant policy changes in the past 10 years have taken place at the ballot box.”<sup>19</sup> As illustrated in the guide’s introduction, communities have harnessed ballot initiatives to secure significant housing justice wins in recent years. But long before campaigns launch, campaign leaders must perform a thorough analysis of the legal landscape to clarify the pathway to the ballot. Due to varying state statutes, local ordinances, and city **charters**, the process will look different in every jurisdiction.

This section provides an overview of the legal considerations campaigns must take into account. It focuses on **ballot initiatives** that are “binding” (meaning they result in a new or changed law) instead of “advisory”<sup>20</sup> and on those that are placed on the ballot by voters rather than the legislature. After discussing the availability of ballot initiatives generally, this section explains the different kinds of ballot initiatives that may be available, depending on whether the campaign is operating in a **general law city or county** or a **charter city or county**. It then provides a framework for determining whether the campaign is able to pursue a ballot initiative as well as the type of policy sought, discussing topics including preemption, **subject matter restrictions**, and local municipal authority. The section concludes by summarizing the general steps required, from drafting the law and **petitioning**, to **canvassing** for signatures and post-enactment issues like **legislative alteration**. For a list of key terms not already defined and likely to be encountered in doing this work, please refer to the Appendix.

### General Availability of Ballot Initiatives

Ballot initiatives are a widely available form of direct democracy. Though only 26 states have statewide initiative and/or **referendum** processes available, many of the states that lack statewide initiative processes allow (or require) their local jurisdictions to provide for ballot initiatives or referenda.<sup>21</sup> According to Ballotpedia<sup>22</sup> and the Lucy Burns Institute:<sup>23</sup>

- **48 states** have at least one city that allows the use of citywide initiatives. The only two (2) states that do not grant their cities’ voters ballot initiative authority are Indiana and Wyoming.



When you ask people, regardless of who they are, where they live, their political leanings—they support ballot initiatives. This is a winning political strategy and it’s a path forward for our people to get the things that they need.

**Ivanna Gonzalez,**  
**Florida Rising**

- **39 states** mandate citywide initiatives in at least some of their cities;
  - Note: These mandates may apply only to certain types of jurisdictions, e.g., general law cities or charter cities.
- There are **4,816 general law cities** located in states that mandate citywide initiatives and referenda in their general law cities.
- There are **4,423 charter cities** located in states that mandate citywide initiatives and referenda in their charter cities.

This means that **more than 9,000 cities** have some kind of state-mandated ballot initiative process.

Despite the general availability of ballot initiatives, determining whether an initiative campaign is an option will require a close analysis of local and state laws. The section titled *Determining Whether Authority Exists to Enact the Ballot Initiative* provides a step-by-step guide for this analysis.

### Types of Ballot Initiatives

There are three general types of ballot initiatives: direct initiated ordinances, indirect initiated ordinances, and initiated charter amendments. Depending on the jurisdiction, campaigns may have one or more of these options to choose from.

#### Direct Initiated Ordinances

Direct initiated ordinances are those that go directly to the ballot for consideration by voters if the local government determines that enough valid signatures were collected. But in some places, the legislative body can prevent the direct initiative from going to the ballot by adopting a “substantially similar” law, potentially at any point up to the vote.



## Indirect Initiated Ordinances

Indirect initiated ordinances go to the legislative body after enough valid signatures are collected, as opposed to going to the ballot directly. At that point, the legislature can exercise one or more options available to it, depending on the jurisdiction.<sup>24</sup>

In some places, if the legislature fails to adopt the initiated ordinance after a certain period of time, rejects the ordinance, or adopts the ordinance but the mayor vetoes it, the ordinance will go to the voters. Some jurisdictions may require a second round of signatures to move the initiative to ballot after one of these occurs.

In other places, the legislature can pass a “substantially similar” ordinance rather than reject the submitted initiative and risk the ballot process. But in some jurisdictions, where the legislative body makes any changes to the law, both the original and amended versions must be sent to the ballot as competing measures, and the version that receives the most votes is enacted.

## Initiated Charter Amendments

Voters in a charter city or county may be able to propose amendments to their charter through the ballot initiative process. Depending on the jurisdiction, voters may be able to initiate both a charter amendment and an ordinance.

**If multiple options are available, advocates should consult with one another or an attorney** to determine which route is more strategically advantageous or more “appropriate” for their specific housing justice-related ballot initiative.

For example, there may be limits on what issues can be addressed in the charter. Some charters only cover matters like the structure and function of government,<sup>25</sup> while others may include more substantive rights.<sup>26</sup> In at least one state, Vermont, amendments to charters must also be approved by the state legislature, which adds an additional hurdle.<sup>27</sup>

Also, the signature requirement for initiated charter amendments tends to be higher than what is needed for initiated ordinances, but a charter amendment may be preferable in that it is likely more difficult for the legislative body to “tamper” with it (i.e., to amend or repeal after enactment), since charter amendments often require voter ratification. In Pasadena, California, campaign leaders chose to pursue rent control through a charter amendment rather than through an ordinance, because the city council would not be able to change the charter amendment after voters approved it.<sup>28</sup>

	Direct Initiated Ordinance	Indirect Initiated Ordinance	Initiated Charter Amendment
Upon finding that enough valid signatures were collected	Initiative goes directly to voters	Initiative goes to the legislative body first	Initiative goes directly to voters
Pros	Does not have to go through legislature before getting to voters	Forces legislature to consider the ordinance	Likely more difficult for the legislature to alter than an initiated ordinance
Cons	Legislature may still be able to alter after voters adopt, depending on the jurisdiction, though there may be restrictions on legislative alteration (e.g., heightened voting requirements or time restrictions)	Legislature may amend and sometimes introduce a competing ordinance to voters for consideration  Depending on jurisdiction, canvassers may need to collect a second round of signatures if the legislature does not adopt or rejects	Usually requires more signatures than an initiated ordinance  May not be an appropriate “vehicle” for all types of housing justice policies

## Determining Whether Authority Exists to Enact the Ballot Initiative

### Confirm Ballot Initiatives Are Available

To figure out whether ballot initiatives are available, start by looking at the local laws, whether municipal code, charter, or both. Begin by reviewing titles or chapters covering elections. Sometimes, ballot initiatives will have their very own section of the code or charter.

**If the local laws describe a ballot initiative process**, move on to the next question (whether preemption applies).

**If the local laws are silent**, look at the **state laws or constitution** to see if the state allows or requires the jurisdiction to adopt an initiative process.

**If the state laws are also *silent***, the jurisdiction likely does not have initiative authority. According to McQuillin’s Law of Municipal Corporations, “In no event,... can a municipality submit an ordinance to a vote of electors without legal authorization, which must come from the constitution itself or from a provision of the charter or statute.”<sup>29</sup>

**If the state laws permit** the jurisdiction to create a ballot initiative process but the jurisdiction has not yet done so:

**In a general law city or county**, the campaign may need to convince the local legislature to create the process.

**In a charter city or county that allows initiated charter amendments**, determine whether the housing policy the campaign wants to enact can be done as a charter amendment. If not, consider whether to seek an initiated charter amendment to provide for direct or indirect initiated ordinances.

**If the state laws require** the jurisdiction to adopt a ballot initiative process but there is no guidance in the local laws, it is possible that the state alone lays out the process. Contact the city clerk or county elections board for more information.

If the campaign is unable to find initiative authority in its city, look to the wider political subdivision, such as the county.



Grassroots organizations can control a ballot initiative process, in particular the shape of the policy, compared to having to work with a city council, especially when relationships with city council are not necessarily pre-existing or are not aligned.

**Mitchell Weldon,**  
**No Eviction Without Representation Denver**

#### Tip

Start with Ballotpedia. Search for the following terms in the Ballotpedia search bar: “Laws governing local ballot measures in [State]”

### State Preemption

After confirming that the campaign has the ability to create a ballot initiative, make sure that the sought-after law is not preempted by the state. “Preemption” is a legal doctrine where a state prohibits a city or county from passing certain kinds of laws. There are many kinds of preemption, but this guide focuses primarily on the sort that restricts or prohibits a locality from enacting a law covering a certain subject. Many state laws preempt their municipalities from enacting laws regulating certain aspects of landlord-tenant relations, for example.<sup>30</sup> Other states may prevent municipalities (or some municipalities) from controlling the rent of certain kinds of properties or from enacting rent control entirely.

With “floor” preemption, states set minimum standards of protection but localities are then free to implement more stringent protections.<sup>31</sup> For example, the California Tenant Protection Act of 2019 provides minimum just cause and rent control protections for tenants, but municipalities can enact stronger protections.<sup>32</sup> However, in recent years, states have introduced increasing numbers of preemption laws that prohibit a local government from either providing more

stringent protections or legislating in a certain area entirely. Local Solutions Support Center (LSCC) notes that it tracked more than 400 state preemption bills during the 2021 session, which was “more than twice the number of bills [it] tracked in 2019.”<sup>33</sup>

Unfortunately, housing-related laws are often the topic of preemption, including laws related to inclusive zoning, rent control, short-term rental regulation, and source-of-income discrimination.<sup>34</sup> Despite this, state preemption laws may occasionally contain certain exceptions that advocates can use, or there may be alternative policies that avoid preempted areas altogether. Rent control is used below as an example.

### Exceptions for Rent Control Adopted by Ballot Initiative

The state of Minnesota specifically preempts its localities from enacting rent control regulations.<sup>35</sup> However, it contains an exception when a locality meets both of two conditions: (1) the locality would otherwise have the power to adopt rent control and (2) the rent control law is adopted by ballot initiative.<sup>36</sup>

This exception allowed advocates in St. Paul to adopt a rent control ordinance<sup>37</sup> through a ballot initiative campaign in 2021 that limited yearly rent increases to 3 percent, a law described at the time of its enactment as imparting “the strongest rent control protections of any city in the entire country.”<sup>38</sup> Though the St. Paul City Council has since amended the law to allow landlords to raise rent by 8 percent plus inflation when a tenant moves out,<sup>39</sup> its enactment was an important step toward addressing the issue of housing affordability in St. Paul, a city in which more than half of its residents are renters.<sup>40</sup> The story of St. Paul’s campaign is explored further in *The Hangover: Post-Election Day*.

### Exceptions for Rent Control Adopted Due to Emergency or Disaster

At least a few states—Florida,<sup>41</sup> Oregon,<sup>42</sup> and Texas,<sup>43</sup>—provide an exception to rent control preemption in the event of a “disaster” or housing-related emergency.

However, all three states require the local rent control measure to expire or discontinue when the emergency or disaster is resolved or after a certain specified time, unless the emergency continues. There may also be limitations on the kinds of properties to which rent control under this exception can apply.<sup>44</sup> Further, courts may differ in how they interpret what qualifies as an “emergency,” so advocates would also need to consider their jurisdiction’s case law.

County commissioners in Orange County, Florida, invoked the emergency exception to adopt rent control in 2022, but the ordinance—despite garnering the support of the majority of voters at the ballot as the statute requires—was later subject to legal challenge. The path to the ballot for this ordinance and the subsequent lawsuit are explored in greater detail in the *Orange County, Florida case study*.

#### Tip

Local Solutions Support Center maintains [a map with state-by-state information related to state preemption](#) of local equitable housing policies.

### Avoiding Preemption Altogether

As noted above, Oregon’s preemption law contains an emergency exception permitting “temporary rent control in situations where a natural or man-made disaster materially eliminates a significant portion of the rental housing supply.”<sup>45</sup> But rather than rely on this exception to implement rent control, the Portland City Council enacted a law in 2017 requiring landlords to provide monetary relocation assistance to displaced tenants.<sup>46</sup>

Landlords filed a lawsuit seeking a judgment that would declare portions of the ordinance preempted. The trial court ruled against the landlords, indicating that “[i]f the legislature had intended to proscribe ordinances that had the indirect effect of controlling rents it could have said so.”<sup>47</sup> The appellate court took a similar stance, but the landlords appealed. After more than four years of litigation, the Oregon Supreme Court granted review and upheld the law, finding that it did not violate the state’s rent control preemption law.<sup>48</sup> The Court reasoned that the state statute prohibits municipalities from adopting laws that “exercise ‘restraining’ or ‘directing’ influence over rents” but does not preempt “all laws that might have an influence on rents.”<sup>49</sup>

## Subject Matter Restrictions

Subject matter restrictions may be imposed by state law, local law, or both. It is not uncommon for subject matter restrictions to prohibit ballot initiatives that make appropriations.<sup>50</sup> In other places, funds may be appropriated through a ballot initiative, but only if the funding source is specified. Another relatively common restriction is that the law must cover legislative, and not administrative, topics.

In still other places, subject matter restrictions may specify that ballot initiatives can only address certain subjects. For example, general law counties in Colorado seem only to have authority for initiatives pertaining to a narrow list of subjects, including recalling county elected officials, forming home rule charter committees, establishment of county libraries, and decreasing the number of county commissioners.<sup>51</sup>

## Local Municipal Authority to Enact

Regardless of the type of policy the campaign hopes to pursue through the ballot initiative process, campaign leaders and their legal partners will need to be sure the state has provided the municipality with the authority to enact the policy. This is a separate question from whether the state “preempts” the policy; in some places, the municipality cannot enact a policy unless the state has affirmatively given it the authority to do so—either explicitly or through some granted power that is broad enough to encompass the policy. For example, in the right to counsel context, the authority may stem from the city or county’s general police power or authority to legislate for the general welfare.

Furthermore, if the ballot initiative specifies a certain funding mechanism or source, it is important to verify that the locality has the power to fund the law through the method proposed. For example, the United to House LA (ULA) campaign collected over 98,000 signatures from voters in Los Angeles to get the ULA initiative on the November 2022 ballot. The ballot initiative, which would raise \$80 million to support the city’s right to counsel program through a tax on real property transfers over \$5 million, passed with over 57 percent of the vote. However, opponents filed a lawsuit in December 2022 arguing that the tax, which was done as a “special tax” as

opposed to a “general tax,” exceeds the city’s taxation authority since local governments in California do not have the authority to levy special taxes.<sup>52\*</sup>

For more information on local municipal authority, [contact the National Coalition for a Civil Right to Counsel \(NCCRC\)](#), which has research on the subject.

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\* Furthermore, real estate interests, led by Kilroy Realty, have filed their own petition for a constitutional amendment that would create a new requirement of 66.7 percent voter approval of state referenda that impose any new local special tax increases. This would be retroactive so that it would result in invalidation of Measure ULA. The real estate lobby’s petition was [certified by the California Secretary of State](#), and will be on the November 2024 ballot.

## A Brief Note on Local vs. State Ballot Initiatives

While pursuing a local **ballot initiative** requires considering legal issues like preemption or local municipal authority that are not an issue for state-level ballot initiatives, some advocates believe that local ballot initiative campaigns are more likely to be successful than their statewide counterparts. There are a number of reasons for this:

- State ballot initiatives follow a strict time-of-year schedule for steps like submission of signatures and qualification of the ballot language. And four of the 26 states that permit statewide ballot initiatives only allow for ballot initiatives in odd-numbered years.<sup>53</sup> Local initiatives may have more freedom timing-wise, which can help because “[i]n many cities, [ballot initiative campaigns] can be conducted at times of the year when they will not be drowned out by larger national or state elections.”<sup>54</sup>
- States may also have subject matter restrictions that restrict statewide ballot initiatives to certain subjects in odd- or even-numbered years.<sup>55</sup> No similar restrictions were found for local initiatives.
- Advocates considering a statewide ballot initiative may have to contend with the limitation that state laws cannot address matters of purely local concern. See **Local or Special Legislation**, defined in the Appendix.
- Given the place-based nature of tenant organizing, grassroots organizations leading campaigns likely have a larger share of the electorate in their base in a local initiative than in a statewide initiative. Building relationships with organizations across the state (or building bases across the state) requires time, capacity, and resources.
- It can be easier for advocates to pass stronger policies through local initiatives because the issues they are addressing are most acutely experienced at the local level, whereas voters from across the state may not deeply understand the need for a policy from their lived experience.



Whatever you imagine is the most time-sucking thing in the entire world... [a campaign] is twice that. It's worth it if you can win or you think you can win or if there's no other way.

**Ryan Bell,**  
**Pasadena Tenants Union**

## Getting on the Ballot

### General Steps

#### 1. Drafting

In some places, the city or county attorney is responsible for drafting the proposed law. Even if this is the case, campaigns may want to hire an attorney of their own if they have the budget to do so, as it is possible that the city will draft a law that is weaker. In other jurisdictions, the initiative **sponsors** may be responsible for drafting the law. Even if sponsors are tasked with drafting, it may be wise to solicit input about the draft law from the jurisdiction's attorney or supportive members of the legislative body to decrease the likelihood that the city or county will raise objections or concerns that could result in legislative alteration, delay past required deadlines, or outright rejection, which would undermine all the campaign's hard work.

When approaching the drafting phase, it is important to have a strong sense of values related to various elements of the policy and desired impact. For example, if campaign leaders want the right to counsel for every renter, regardless of income, draft a policy that explicitly states the universality of coverage. Additionally, campaign leaders should also have a strong sense of alignment about what negotiations or concessions can be agreed to if forced to, and which policy stances the campaign will refuse to move from. For instance, if it is a priority to win rent stabilization protections for the most disinvested communities and the vast majority of renters in that category live in multifamily buildings, campaign leaders may consider single-family housing as a potential exemption to concede. On the other hand, campaign leaders may decide that vacancy control is non-negotiable. Be aware of where all campaign partners stand on each policy element before drafting begins so that alignment can be maintained throughout the campaign and beyond.

#### Tip

Advocacy organizations may have model ordinances that can be tailored to fit the locality's needs. For example, the National Coalition for a Civil Right to Counsel has a model right to counsel ordinance.

Next, it will be important to consider the amount of detail about implementation that is included in the proposed ordinance. Ordinances that include less information create more leeway for the jurisdiction to implement the law, such as by passing rules and regulations, which may not be ideal. Including more information may be advantageous in that it gives the campaign greater control over the program's rollout, but the downside may be greater pushback from the legislature, possibly in the form of legislative alteration, discussed below.

Finally, depending on the jurisdiction, campaign leaders may also need to draft the ballot title and summary at this stage. In other places, this step may not occur until after the jurisdiction finds that enough valid signatures were collected to qualify the initiative for the ballot.

## 2. Applying / Petitioning

Sometimes, the law requires that one or more registered voters “sponsor” the initiative and complete an Affidavit or Notice of Intent to apply with the jurisdiction to circulate petitions. There may be a filing fee that, depending on jurisdiction, is refundable if the petition is certified within a certain time frame. Usually, the proposed law itself must be attached at the time of application, but not all jurisdictions require this. Other jurisdictions may require the draft law to be submitted to the city or county attorney before the Affidavit or Notice of Intent can be filed. The form of the application is sometimes determined by statute or local law. City clerks or county board of elections can be good resources to see if there is a standard form available.

**Note:** In some places, there may be signature requirements just to apply. For example, in Alaska, statewide applications must be accompanied by the signatures of 100 voters.<sup>56</sup> Similarly, statewide petitions in Ohio must be accompanied by the signatures of 1,000 registered voters.<sup>57</sup>

### A note about ballot titles and summaries

In some locales, initiative sponsors prepare the ballot title and summary and the city approves them. In other places, the city prepares these items. The summary and title are supposed to be fair and impartial, but sometimes sponsors find that they are biased or misleading when prepared by the city, and bring a lawsuit challenging the language.

Opponents may also use the fair and impartial requirement in an attempt to block an initiative. Inspired by similar programs in Cleveland, New York, and San Francisco, advocates in Multnomah County, Oregon, organized a campaign in 2022 to put the “[Eviction Representation for All](#)” (ERA) initiative on the ballot. But in March 2022, [the Portland Business Alliance filed a lawsuit](#) challenging the ballot title, question, and summary, as “insufficient, not concise, or unfair,” and the Explanatory Statement as failing to meet the requirement that it be “impartial, simple, and understandable.” For example, [the plaintiff argued](#) that the title was misleading since it did not disclose the small increase in the county-level capital gains tax—the funding mechanism for the right to counsel program—and claimed that the summary should have disclosed that the tax increase was adjustable and the description of “legal services” was underinclusive, failing to highlight that the measure would

also provide representation to individuals in post-foreclosure matters. [The court granted in-part plaintiff's petition](#), finding no issue with the ballot title, but made changes to the question, summary, and Explanatory Statement to clarify that legal services contemplated under the ordinance were broader than eviction defense and that the capital gains tax was adjustable and not fixed.

Colleen Carroll, an organizer with ERA Tenants, said about the lawsuit:

The legal challenge significantly ate into what should have been our early signature gathering days. If we hadn't had to pause on signature gathering it is likely we would have been on the 2022 fall ballot... We are so invested in the policy and ballot we wrote because we wanted it to be as strong as possible—so these legal attacks felt awful. But in the end, no one (from what we can tell) remembers it even happened. It did happen and it did take time, but we got through it.<sup>58</sup>

To hear more about the Eviction Representation for All campaign, see [Multnomah County, Oregon case study](#). For more information about the types of lawsuits that can arise after a ballot initiative is adopted by voters, read the “Litigation” section of [The Hangover: Post-Election Day](#).

### 3. Review

In many places, the jurisdiction must give its approval before sponsors can circulate petitions and collect signatures. Sometimes, the city or county reviews the petition for technical considerations only, such as margins, text size, and form. In other places, the jurisdiction reviews for substantive legal issues, such as compliance with the **single subject rule** and consistency with state law. In the former situation, it is even more important that sponsors make sure the drafted law complies with all legal requirements in order to avoid it being challenged after the campaign has worked hard to gather signatures.

If the application is rejected, there may be an opportunity to amend and resubmit it within a certain time frame.

**Note:** In some places, the jurisdiction does not review or approve any element of the petition before its circulation. Instead, the review takes place once petition signatures are submitted. In this case, it can be beneficial to contact the city or county and ask if they will do an initial review before petitions are circulated.

### 4. Signature Requirements

The number of signatures required varies by jurisdiction and may be tied to a percentage of the total number of voters in the “last regular election,” “last general election,” or the “last mayoral election.” Signature requirements may also be based on a percentage of the number of people registered to vote at a certain time.

Typically, signature requirements for initiated charter amendments are higher than that required for an initiated ordinance. For example, in Fairbanks, Alaska, to qualify an initiated charter amendment for ballot, sponsors must obtain signatures equal to 30 percent of the votes cast in the preceding regular election.<sup>59</sup> Qualifying an initiated ordinance for the ballot only requires signatures equal to 15 percent of the votes cast. In some places, meeting a higher signature collection threshold may qualify the initiative for a special election. For initiated charter amendments in Colorado, obtaining signatures equal to 5 percent of the registered electors of the municipality registered on the date of filing the Statement of Intent qualifies the initiative for the next regular election, while signatures equal to 10 percent qualify the initiative for a special election.<sup>60</sup>

**Circulators** usually aim to collect at least 30 percent more signatures than is required, because many of the signatures are likely to be invalidated by the election authority, as described below.

### 5. Verification / Validation by Election Authorities

The city or county election officials will review the signatures to ensure they are valid. Signatures may be invalidated for a variety of reasons, depending on the jurisdiction, including: a mismatch between voter record and information on petition, petition filled out incorrectly, a signature by an individual not registered to vote, and illegible handwriting. Organizers say that these requirements can be particularly difficult during campaigns for tenants' rights, since tenants may move frequently and not update their voter information or they may be undocumented and thus ineligible to vote.

If the officials find an insufficient number of valid signatures, there may be an opportunity to remedy or amend (gather additional signatures). If a finding of sufficient valid signatures is made, the initiated law will go to either the legislative body (if the process is indirect) or to the voters (if the process is direct).

### 6. Proceeding to the Legislature or Ballot

If the initiative is a direct initiated ordinance or initiated charter amendment, it will typically go to the voters after the election authority determines that enough valid signatures were collected.

If the initiative is indirect, the legislative body will consider the initiative. Usually, there is a limited period of time during which the legislature can act. Depending on the jurisdiction, if the legislature fails to pass the initiative, rejects it, or passes it but the mayor vetoes, then the ordinance goes to the ballot for voter consideration. However, in some places, a second round of signatures is required to place the initiative on the ballot if the legislature fails to enact it. In some jurisdictions, if the legislature makes any change at all, initiative sponsors may be able to request that both the original and amended ordinance go to ballot as competing measures, but in other places only “substantial” changes trigger a competing measure. If there are competing measures, the measure that receives the most votes would prevail. In still other places, the legislature may be able to pass a substantially similar ordinance to prevent the initiated ordinance from going to ballot.



When our people see an issue before them, not a candidate or the cult of personality that happens around elections, people show up! You don't even need to run a field program to make that happen.

**Ivanna Gonzalez,**  
**Florida Rising**

## 7. Legislative Alteration

### (also known as Legislative Tampering)

Even after a direct or indirect initiated ordinance is adopted by voters, the legislature may be able to amend or repeal it, depending on the jurisdiction's laws. In some places, the legislature may be prohibited from amending or repealing an ordinance adopted by voters unless certain requirements are met. For example, it may only be able to amend or repeal a voter-approved ordinance by a supermajority vote or may not be able to amend or repeal the law until a certain time period has elapsed.

The Charter for St. Paul, Minnesota, protects ordinances adopted through the ballot initiative process from repeal for the first year after enactment, but it does not prevent the city council from amending.<sup>61</sup> Less than one year after St. Paul voters adopted a rent stabilization ordinance, the city council amended the ordinance weakening its protections.<sup>62</sup> For more information about the Keep St. Paul Home campaign, see the case studies section of *The Hangover: Post-Election Day*.

### Amending a charter to restrict legislative tampering

Ordinance sponsors in Kansas City led a successful ballot initiative campaign that resulted in an enacted ordinance. However, after the city council voted to repeal the ordinance pursuant to a City Charter provision allowing such repeals within one year, the ordinance sponsors sued the city.<sup>63</sup> The sponsors argued that MO CONST Art. 3, § 49 precluded the city council from interfering since it provided that the power of initiative is reserved to the people “independent of the general assembly.”<sup>64</sup> The Court further explained this argument:

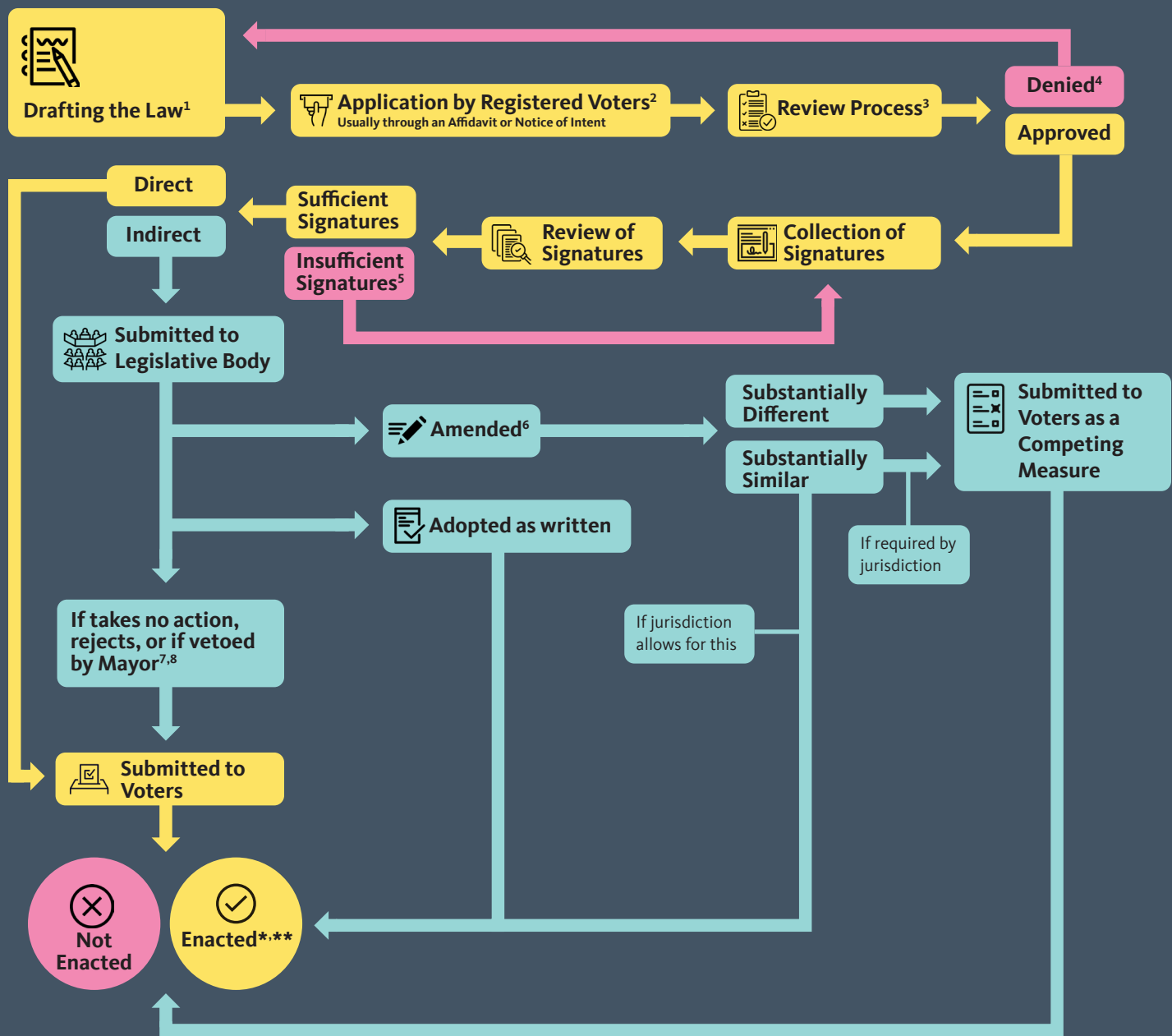
In effect, the Committee reasons, because a charter city's authority is limited to powers possessed by and conferred upon the city by the general assembly, and the general assembly does not have the power under the constitution to interfere with voter initiated state laws, a charter provision granting a city authority to interfere with voter initiated municipal ordinances is, likewise, unconstitutional.<sup>65</sup>

The Court then rejected the argument, relying on case law that suggested this constitutional provision “does not grant citizens of this state an unlimited right to initiate laws at the municipal level.”<sup>66</sup> It also reasoned that, in adopting the Charter, the citizens provided themselves the power to initiate ordinances but also granted the city council the power to repeal initiated ordinances.<sup>67</sup>

To prevent this from happening again, advocates would have to amend the Charter to explicitly remove the city council's power to repeal ordinances enacted by ballot initiative.



## Pathway to the Ballot: Direct v. Indirect Ballot Initiatives



1. In some locales, drafting may occur at the same time as the application.

2. In some places, there may be signature requirements just to apply, e.g., in Ohio and Alaska (at least for state-wide applications).

**Note:** In some jurisdictions, the legislative body can prevent the initiative from going to the ballot by adopting a “substantially similar” ordinance, potentially at any point up to the vote. See e.g., state-wide initiatives in Wyoming.

3. In some places, the review might take place before the registered voters apply (e.g., Denver, CO) and in others, may not occur until after signatures are validated!

4. In some places, the law is silent on what happens if denial. Where the law provides for amendment, there may be a time limit within which to make changes.

5. Some jurisdictions do not specify what happens if the jurisdiction makes a finding that there are not enough valid signatures.

6. See **Proceeding to the Legislature or Ballot** on p. 23 to learn more about the different ways jurisdictions treat amendments made at this stage.

7. Some jurisdictions may not explicitly address what happens if the legislative body adopts but then mayor vetoes.

8. In some places, a second round of signatures may be required before the rejected ordinance can be sent to the ballot.

\* [If jurisdiction imposes heightened requirements] Legislature may only amend or repeal by meeting certain requirements e.g., time restrictions or heightened voting requirements.

\*\* [If jurisdiction does not impose heightened requirements] legislature may amend or repeal through normal process. This so-called “legislative tampering” is less likely for initiated charter amendments, since charter amendments must typically be ratified by voters, absent an explicit exception to this requirement.

## Case Study

### Denver, Colorado

#### Initiated Ordinance 305 by the No Eviction Without Representation (NEWR) Campaign

Jurisdiction Type: <b>Charter City</b>		Initiative Authority: State law outlines the process, including maximum signature requirements, but jurisdictions can impose additional requirements.	
Initiative Types Available	Signature Requirement	Unique Features of Process	If finding that law is legal and enough valid signatures
Initiated Charter Amendment	<p><b>Regular election:</b> 5% of the registered electors of the municipality registered on the date of filing the statement of intent</p> <p><b>Special election:</b> 10% of the registered electors of the municipality registered on the date of filing the statement of intent</p>	Before sponsors can give their affidavit or Notice of Intent to the clerk or recorder to start the initiative process, they must submit the text of the proposed ordinance or charter amendment to the legislative services director and the city attorney for a 10-day review and comment period, which includes a public meeting	Goes to ballot
Direct Initiated Ordinance	2% of the total number of active registered electors as of January 1 each odd-numbered year		Goes to ballot

Organizers began considering Initiated Ordinance 305 in late 2020, shortly after voters in Boulder, Colorado, enacted the right to counsel (RTC) for tenants.<sup>68</sup> After Denver city council members began to inquire about Boulder’s new law, organizers in Denver became concerned that—if left to the city council—the RTC program would not be as comprehensive as needed.

Members of the Denver chapter of the Democratic Socialists of America (DSA) had long been working to provide mutual aid through the DSA’s Housing Justice Committee,<sup>69</sup> addressing affordability and habitability issues, as well as skyrocketing rates of homelessness.<sup>70</sup> The committee offered “Know Your Rights” presentations, provided referrals to eviction prevention resources such as rental assistance and legal aid, and engaged in door-knocking campaigns and other outreach.

The DSA chapter had also been organizing building residents around issues of hostile management and habitability but discovered that rampant retaliatory evictions occurred as a result. When renters receive eviction notices, they often lack the resources necessary to defend their cases, sometimes unable to attend court at all due to work or family obligations resulting in a default judgment against them. And even if the tenant does attend their first court date, they may not know that they need to file an “answer” by end of day, which also results in a default judgment. During this time, the DSA chapter also continually witnessed how underresourced legal aid organizations were only able to provide assistance to a small fraction of the tenants facing eviction.

As a result, the DSA chapter led in launching the No Eviction Without Representation (NEWR) campaign, which brought more than 20 organizations together in pursuit of the RTC as a method of harm reduction, since studies consistently demonstrate that representation drastically improves outcomes for tenants.<sup>71</sup> According to a study on evictions in Denver County,<sup>72</sup> public housing tenants without attorneys face a “dispossession rate [of] 43 percent,” while public housing tenants who are represented keep their homes 80 percent of the time. In private housing cases, the dispossession rate is 68 percent for unrepresented tenants, while “represented private housing tenants kept their homes 94 percent of the time.”

Although Denver voters can initiate both charter amendments and ordinances, charter amendments have much higher signature requirements, so organizers opted to pursue the RTC through an ordinance. An initiated ordinance in Denver requires collecting signatures equal to “two (2) percent of the total number of active registered electors as of January 1 each odd-numbered year,”<sup>73</sup> which amounted to about 9,400 signatures. The campaign, which kicked off in March of 2021 with the filing of the ordinance and the start of signature collection efforts, had hoped to collect twice the number of signatures required by July, the deadline required to place the ordinance on the ballot in 2021, but signature collection proved difficult due to challenges in scaling the campaign, as NEWR relied mostly on volunteers. Organizers note that it is incredibly difficult to qualify for a same-year ballot initiative in Denver without significant paid canvassing. But over 100 volunteers helped collect signatures for NEWR Denver, including organizers from the Boulder NEWR campaign, and the ACLU provided some funding for paid signature collection toward the end of the signature gathering period. Public venues proved key for signature collection, including grocery stores, farmers’ markets, and parks.

In April of 2021, the Denver City Council introduced an RTC ordinance of its own.<sup>74</sup> But, citing affordability concerns, representation under the city’s ordinance would be available only to renters earning 80 percent or less of the area median income (AMI). In June, the city’s ordinance passed. NEWR decided to continue its campaign to strengthen the ordinance by ballot initiative, adding a dedicated funding source as well as universal coverage. By September 2021, the deadline for the November 2022 election, organizers managed to collect about 9,600 signatures, enough of which were valid, to place the ordinance on the ballot.

## Key Allies and Supporters

- ACLU
- 9to5 Colorado
- Unions
- Organizers from the No Eviction Without Representation Campaign in Boulder, Colorado
- DSA National Electoral Committee

## Legal Considerations

The Taxpayer’s Bill of Rights (TABOR) is a 1992 constitutional amendment requiring all tax increases to be approved by voters. Organizers say TABOR is a significant challenge to overcome, since it requires the ballot title to include language announcing a raise in taxes.

Although the \$75 per unit charge under the ordinance was arguably a fee and not a tax (and therefore not subject to TABOR requirements), advocates decided to declare the funding mechanism a tax to avoid a likely lawsuit by the opposition. They decided that dealing with unfavorable ballot title language would be less difficult than fielding potential lawsuits.

In advance of the election, the opposition—including the Colorado and Denver Apartment Associations, realtors, and Cornerstone Apartments—ramped up digital advertising, spending over \$510,000 against NEWR, which had a budget of about \$140,000.<sup>75</sup> Advocates noted that some of these same opposition forces publicly denounced the Centers for Disease Control and Prevention eviction moratorium just two years earlier, claiming it was an unconstitutional taking in violation of the Fifth Amendment.<sup>76</sup> Members of NEWR attended town halls to address the opposition’s arguments, which focused on claims that the RTC—funded through a \$75 per unit tax paid by landlords—would increase housing costs. The opposition also claimed that eviction rates had decreased, and outcomes were not that harmful, despite overwhelming evidence that eviction disproportionately impacts renters of color, particularly Black women with children,<sup>77</sup> and causes enormous upheaval to families and communities, jeopardizing educational outcomes for children, household income, mental and physical health, and more.

According to organizers, a substantial narrative challenge they experienced during the RTC campaign was the fact that voters often had preconceived notions regarding civil court proceedings, believing that if a tenant is sued for eviction by their landlord, the tenant must have done something wrong.

Although Ballot Initiative 305 did not pass in November after having garnered about 43 percent of voter support,<sup>78</sup> organizers remain hopeful. The NEWR campaign established a strong foundation for future work by cultivating more direct ties with aligned organizations. Advocates plan to mobilize in advance of city council member elections in April of 2023, and intend to pursue a more comprehensive housing package, such as a tenant bill of rights, which could serve to expand the RTC. In addition, since there seems to be support for repeal of Colorado's 1981 statute that preempts municipalities from enacting rent control,<sup>79</sup> rent stabilization measures may soon be within reach since even renters who do not view themselves as being at risk for eviction often have concerns about affordability.

**Below:** Campaign volunteers in Denver, Colorado. (Photo courtesy of No Eviction Without Representation Denver.)



# Case Study

## Multnomah County, Oregon

### Right to Counsel by Eviction Representation for All

<b>Jurisdiction Type:</b> Charter County		<b>Initiative Authority:</b> The state of Oregon requires charter counties to have initiated ordinances and initiated charter amendments.
Initiative Types Available	Signature Requirement	If finding that law is legal and enough valid signatures
Charter Amendment	8% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term	Goes to ballot, at either a regular or special election
Direct Initiated Ordinance	6% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term	Goes to legislature, which may adopt the ordinance or send it to the ballot

According to Evicted in Oregon, an eviction research project led by Portland State University, more than 18,831 evictions were filed against Oregon renters in 2022.<sup>80</sup> And while the Portland Metro region has a number of tenant protections in place, such as Portland’s [renter relocation assistance policy](#) and Oregon’s [anti-rent gouging law](#), renters still do not have the right to counsel when facing eviction. Tenant organizers with Eviction Representation for All (ERA) are trying to change that by placing a universal right to counsel policy on the May 2023 ballot in Multnomah County, the state’s most populous county. Their coalition still has months to go until Election Day, but there is much to learn from their journey of getting on the ballot.

Eviction Representation for All organizers began developing a policy in September of 2021, and made sure that it was written by the people most impacted by evictions: tenants. They weighed the pros and cons of a ballot initiative or an elected-sponsored bill, but ultimately chose the ballot because they wanted to make sure that the policy and program didn’t get watered down by elected officials. Three things that were very important to ERA were that the policy be universal, reduce

displacement by the eviction process as well as reduce the amount of judgments of eviction, and be fully funded in perpetuity. This policy was reviewed by a strong legal team to ensure it did not include anything preempted by state law and that the ballot title and summary were valid. The proposed policy would require Multnomah County to fully fund, administer, manage, and maintain a program that provides free legal representation and related tenant services and resources to all residential tenants facing eviction, funded by a 0.75 percent capital gains tax.

On March 3, 2022, ERA filed their petition with Multnomah County in hopes of getting on the November 2022 ballot. Weeks later, the Portland Business Alliance (PBA)—the county’s largest chamber of commerce and one that has opposed [other capital gains taxes](#) that would go toward addressing housing issues—[filed a lawsuit challenging](#) the ballot title and explanatory statement as “insufficient, not concise, or unfair,” claiming it did not “adequately disclose to voters that representation applies as broadly as counterclaims, appeals, collection actions, appeals to maintain assistance under federal Section 8 rent assistance, administrative hearings with the

## Tips from ERA

1. Fundraise early! Legal challenges cost money, so unless a lawyer is representing the campaign pro bono, make sure you have funds to pay a legal team to review the language and work with the jurisdiction to defend any legal challenges to getting on the ballot.
2. If timing or getting on a specific ballot matters to your coalition, schedule in time for legal challenges. This means submitting signatures to the elections office earlier than you think you need to.
3. Legal attacks prior to getting on the ballot feel awful, but in the end, very few members of the general public will remember it even happened. No one is tracking the ballot measure until it's on the ballot. It can feel frustrating, but the campaign will get through it and the public will have the final say.

Portland Public Housing Authority, post-foreclosure matters, removal of illegal trespassers and squatters, and more.”<sup>81</sup> It also argued that the title should have disclosed the capital gains tax and the summary should have specified that the tax was adjustable.

The court did not find any issues with the title, but it did order changes to the initiative's summary. Although the lawsuit ultimately failed to derail the initiative, it accomplished what many legal challenges aim to do: delay campaigns from moving forward and force them to spend money on legal defense. According to ERA organizers, the challenge significantly ate into valuable funding and time that would have been used to collect signatures. This setback meant they would not make the deadline to qualify for the November 2022 ballot, so the campaign gathered signatures for the May 2023 ballot instead. Multnomah County requires that, in order to get an initiated ordinance on the ballot, petitioners must submit a number of signatures “equal [to] or exceed[ing] 6% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term.”<sup>82</sup> This meant the ERA campaign needed to collect 22,686 signatures to get on the May 16, 2023 ballot.



**Above:** Campaign volunteers in Multnomah County, Oregon. (Photo courtesy of Eviction Representation for All.)

For months and months, in summer heat and fall rain, organizers and volunteers talked to thousands of Multnomah County residents and collected tens of thousands of signatures. They knocked doors and attended community events, canvassed farmers' markets, music festivals, and other large events. The campaign also encouraged supporters to gather signatures among their friends and community. They provided all the materials on their website for people to download directly and circulate in their community. In November 2022, the campaign submitted over 33,500 signatures to the Multnomah County Elections Office, and one month later, **the county confirmed that their petition contained a sufficient number of qualified signatures**—more than 24,000. On January 26, 2023, the Multnomah County Board of Commissioners received certification of sufficient qualified signatures and was given the opportunity to adopt the proposed legislation or refer it to the next election ballot. They chose the latter, bringing the right to counsel ordinance to voters.

Despite attempts to stop the ERA campaign from advancing this powerful policy to the ballot, the campaign stayed committed and did not let the opposition tire them out. They invested time and energy into fighting the legal challenge and continued with the voter engagement plan that they always had in mind. The ERA campaign's work continues, and they will be mobilizing voters to build electoral power for housing justice in the May 2023 election.

## Running a Ballot Initiative Campaign

**Below:** Pasadena Tenant Justice Coalition members and supporters at a rent control rally celebrating signature collection. (Photo courtesy of Pasadena 4 Rent Control.)



There are many aspects to consider when building out a ballot initiative campaign. For some organizations, switching gears from tenant organizing strategies to electoral organizing strategies can be a difficult transition, as this requires a shift in tactics and messaging. Careful calculations must be made about which organizations to partner with, and at which level, to build a strategic and broad coalition. Once a core group of campaign leaders has been decided on, figuring out how to structure campaign teams is key to being able to mobilize and react to the daily fires of campaign season, in addition to carrying out pre-set plans.

As the campaign gets running, fundraising will be a part of daily operations. Whether the campaign raises \$10,000 or \$500,000, having a firm grasp of what is required in **campaign finance** reporting and organizational record-keeping is necessary for the sustainability of both the campaign and participating organizations. Last, but certainly not least, campaigns face a powerful and well-funded opposition in the form of the real estate lobby, both from national associations and local chapters. Getting a sense of who these players are and how they operate will allow organizers to anticipate and get ahead of their tactics. This section covers what has been seen and experienced in campaigns across the country, including two in-depth case studies from coast to coast: Pasadena, California, and Portland, Maine.



I think ... being able to hear straight from the mouths of our communities of color, people were in a place where they could actually hear it, and make the connection between housing and racism, and make the connection between class and racism, and really begin to think more deeply about how that operates at a local level. So then, being [able] to partner with these different organizations, and to kind of say yes, we will help hold that torch up with you, I think, was ultimately what allowed it to be successful.

**Anna Laguna,**  
**Portland, Maine**

## Building a Campaign Coalition

Campaigns must start with accountability to the people most harmed by the current housing system—specifically, tenants of color and low-income tenants. The decision-making body that steers the campaign should not only have input from these renters, but have them in leadership roles. From there, coalitions should be expanded based on pre-existing relationships. Start with people or organizations that have collaborated before, since there will be pre-existing trust and partners will be aware of how others operate in movement spaces, especially when things get difficult. Then, add people or organizations that are values- or issue-aligned and have a self-interest in winning this issue for their base. Broad coalitions are necessary for electoral wins due to the diversity of bases and interest groups that will need to be reached to win a majority on the ballot. Organizers must work with cross-issue advocates and make a case for shared interests in order to build out these coalitions.

When considering potential partners, think about the different ways in which organizations show up in the political and social landscape and how they complement one another. Will partners deepen or strengthen pre-existing relationships with a portion of the electorate? Can they help broaden the campaign's reach to an audience that is not typically engaged in this issue? Do they have expertise or skills in a particular area that will make the campaign more effective?

Types of Organizations and Groups to Consider for Partnership:

- Tenant organizing organizations
- Tenant unions
- Housing advocates (legal<sup>83</sup>- and policy-related)
- Labor unions
- Faith-based organizing groups
- Housing support services organizations
- LGBTQ+ advocacy organizations
- Neighborhood organizations
- Youth advocacy organizations
- Culturally based advocacy organizations
- Values-aligned community developers
- Racial justice organizations
- Voter engagement organizations
- Political parties (local organizations or chapters)
- 501(c)(4) organizations that have electoral experience



While the root of grassroots organizing lies in transformational rather than transactional relationships, consider alliances based on transactional relationships if there is a shared goal of winning. It does not mean organizations or people must be in relationship in perpetuity; it means they are willing to make strategic decisions to operate in tandem for the duration of a short-term campaign. If things go well, it can evolve into a more productive working relationship. If not, partners will have a shared win and go their separate ways.

## Coalition Agreements

In an ideal world, strong and trusting relationships will exist between all coalition partners, but the speed and urgency of campaign timelines do not always allow time for best practices. As the campaign team expands, be sure to create a coalition agreement. Lay out expectations, roles, and rules of engagement. Organizing landscapes are complex and involve long histories; if tensions have risen before with various groups, acknowledge that beforehand and create a pathway for conflict resolution and accountability. In a high-pressure campaign timeline, it is almost inevitable that those tools will be necessary to keep the coalition aligned and move the work forward.

Important aspects of coalition agreements include, but are not limited to:

- Goals and objectives
- Accountability (to deeply impacted communities and to one another)
- Transparency (in relationships and with information)
- Sharing credit
- Capacity (acknowledging ranges of capacity across organizations)
- Communication
- Decision-making processes

See additional resources from the [RE-AMP Network](#) and [Bolder Advocacy](#).<sup>84</sup>



We're coming in on the tail end of 10 years of housing organizing and people-driven ballot initiative infrastructure in Florida and in Orange County, in particular. [We] have a huge influx of climate refugees who [left] Puerto Rico after Hurricane Maria and then [became] a powerful organizing force around dignified housing for Puerto Ricans in Orange County—they are the ones that start talking about housing as a primary issue for [them]...This didn't happen overnight: there's this legacy and history of organizing rooted in faith, rooted in labor, rooted in climate organizing.

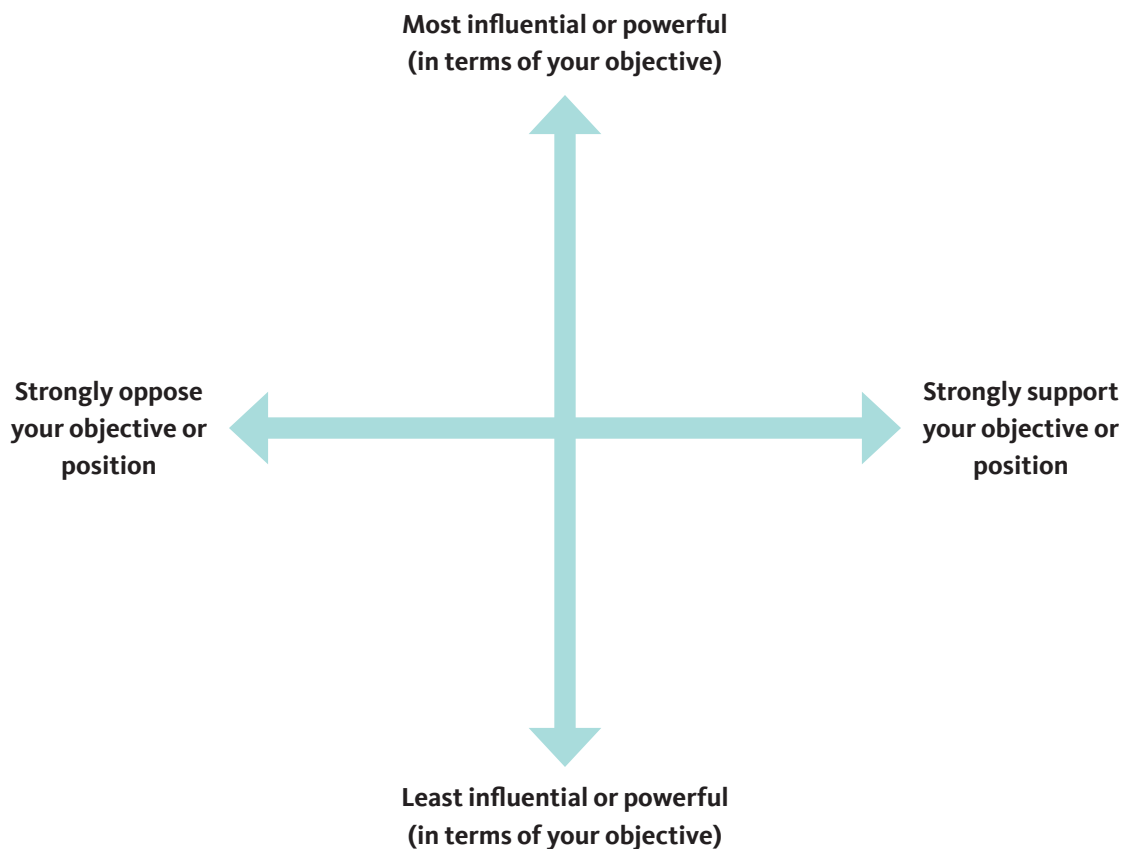
**Ivanna Gonzalez,**  
**Florida Rising**

## Power-Mapping

Next, power-mapping is an exercise that is highly suggested for campaign leaders to complete before launching a campaign. Commonly used across grassroots organizing campaigns, it is an activity that gives organizers a chance to step back and see their social and political landscape from a bird's eye view so that they can assess all the actors. The goal of this activity is to get a holistic sense of allies, opposition, targets, and base so that strategies can be developed to move them in the winning direction (or neutralize them if they are clearly of the opposition).

As coalitions are built and partners move through campaign work together, the following guiding questions are important to remain centered and grounded:

- Who is the campaign most accountable to?
- Who is leading and making decisions for the campaign and/or coalition?
- How are strategies strengthening the power and leadership of those the campaign is accountable to?



By the time Election Day arrives, it is inevitable that mistakes will be made along the way. Staying rooted in values and goals that have existed before and will exist long after the campaign will ensure that decisions are made in a way that the campaign team can be proud of. This is not to say concessions and negotiations will not be made, but they can be made in a way that centers those the campaign is accountable to, rather than sacrificing the original goal in order to achieve a win.

Lastly, it can feel lonely going through the process of running a ballot initiative campaign, but do not forget that hundreds of housing campaigns have been run by people and organizations across the country, and all of them will be glad to share their experience and expertise. Some of the most meaningful research campaign leaders can do in preparation for a campaign—or while troubleshooting in the middle of one—is to talk to people who have run campaigns in the past. Regardless of what political dynamic being faced or harmful talking points being dealt with, chances are someone in another city has tackled the same challenge and can help strategize. Lean on supporters across the country who have this experience to support you down this pathway. Their wisdom is invaluable, and their moral support is life-giving.



What we did is we basically said ... what we're gonna do is we're gonna add five referendums all at once. And the goal to do this was to, rather than just advance a single thing like rent control, it was to advance a vision for how the city could be governed if it were meaningfully thinking about the needs of most of its citizens.

**Jack O'Brien,**  
**Portland, Maine**

## Campaign Structure & Strategies

Leading a campaign is similar to hosting a party that everyone wants to be invited to— make sure everyone brings something valuable to the table! One consistent truth across campaigns of all kinds is that no organization or individual will have as much capacity as they need to contribute to the work. Whether that is due to organizational leadership decisions, budget, or any variety of reasons, the campaign must accept that everyone will be involved at different levels. Rather than see that as a weakness, build campaign structures around that understanding to leverage everyone's strengths and abilities.

One way of thinking about these varying capacities is by organizing campaign partners by tiers or levels of engagement with the campaign.

- The most capacity-intensive level consists of organizations or people for whom the campaign is their top priority. These are organizations that can dedicate significant time and resources (whether financial or in-kind) toward the campaign and are most likely to have been a part of building the foundation for the campaign months or years before its launch.
- The next level includes organizations or people who want to support the campaign but cannot make it their top priority; rather, they see it as one goal among many that they are focused on advancing. They will contribute here and there, but will not be able to maintain a consistent presence throughout the campaign. For example, a statewide advocacy organization may only be able to work on the campaign until the legislative session starts, and a union may not be able to dedicate staff time until a strike ends.
- The final level consists of organizations whose only contribution is that they can endorse the campaign, which may seem small but can be leveraged—because in electoral campaigns, endorsements matter. Organizational endorsements from large unions and political parties can be helpful, depending on the political landscape. While they may not be able to contribute staff time or capacity, the name recognition of those entities can wield a fair amount of political power among the general electorate.

Because organizational capacities vary so much, it is important to make clear the expectations for and from each partner. One way to do this is by having each organization complete a campaign plan, naming their level of engagement and what their contributions will be—whether that is a financial contribution, staff time (specified as hours/week), field capacity (specified as number of voter contacts or volunteer shifts), relationships, or other form. This plan will formalize a set of commitments that can be reviewed over the course of the campaign for accountability and tracking progress.

Beyond tiers or levels of membership, it is also important to create structure around tactics and who is responsible for carrying out which tasks. It is never safe to assume someone else is taking care of a task. In campaigns, that is even more important because it can mean the difference between meeting a filing deadline and not getting on the ballot. Here are some ways campaign work can be categorized and grouped.

Work Group	Potential Members	Tactics/Activities	Other Considerations
Core Decision-Making or Steering Committee	<ul style="list-style-type: none"> <li>• Tenant leaders</li> <li>• Organizations who built the foundation for the campaign</li> <li>• Base-building organizations close to the issue</li> <li>• Legal partners who are values-aligned</li> </ul>	<ul style="list-style-type: none"> <li>• Guide campaign strategy through high-level decision-making</li> <li>• Provide direction to other work groups</li> <li>• Create campaign and fundraising budget</li> </ul>	<p>Try to have a balanced set of expertise on this committee in terms of geographical diversity of base, policy and legal expertise, and experience with tenant and electoral organizing. Furthermore, take careful notes on all decision-making. This will be key in maintaining transparency and trust in the long run.</p>
Communications	<ul style="list-style-type: none"> <li>• Tenant leaders</li> <li>• Campaign spokespeople</li> <li>• Communications staff from partner organizations</li> <li>• People who are social media savvy</li> <li>• People who enjoy writing</li> <li>• Artists</li> </ul>	<ul style="list-style-type: none"> <li>• Create a narrative strategy for the campaign</li> <li>• Create a communications plan for the campaign</li> <li>• Write op-eds for local media outlets</li> <li>• Collect tenant stories for a story bank</li> <li>• Conduct press trainings for campaign spokespeople</li> <li>• Manage campaign website</li> <li>• Create and design content for web and print distribution, murals, etc.</li> </ul>	<p>Narrative, narrative, narrative! Have a deep sense of campaign messaging and have it show up in all campaign materials. There are too many traps to fall into when being reactive with housing messages. See the <i>Building a Housing Justice Narrative</i> section for more.</p>

Work Group	Potential Members	Tactics/Activities	Other Considerations
Field	<ul style="list-style-type: none"> <li>• Tenant leaders</li> <li>• Organizers (from any issue area)</li> <li>• Base-building organizations</li> <li>• Voter engagement organizations</li> <li>• Faith-based organizations</li> <li>• Anyone who cares about the issue!</li> </ul>	<ul style="list-style-type: none"> <li>• Create a field plan for the campaign</li> <li>• Manage voter engagement through voter information system (i.e., VAN)</li> <li>• Volunteer recruitment</li> <li>• Train or on-board volunteers</li> <li>• Cut turf for door-knocking</li> <li>• Flyer</li> <li>• Register new voters or help voters update registration</li> <li>• Phone bank</li> <li>• Text bank</li> <li>• Social media engagement</li> <li>• Drop off yard signs</li> <li>• Engage family, friends, neighbors, affinity groups in conversations</li> </ul>	<p>Field will be the most decentralized piece of the campaign, and there is a lot of beauty in that. 50 volunteers who each talk to 20 friends will have mobilized 1,000 people! One of the most important pieces of volunteer management is to make sure everyone is having a good time—that means giving volunteers the training they need, assigning them turf or activities that feel most comfortable to them, and thanking them for being a part of the movement.</p>
Political	<ul style="list-style-type: none"> <li>• Political directors of organizations</li> <li>• People deeply engaged in electoral politics</li> <li>• People who hold political power and influence due to their role in community</li> <li>• Constituents of elected officials</li> <li>• Supportive elected officials</li> </ul>	<ul style="list-style-type: none"> <li>• Gather endorsements from organizations, labor unions, elected officials</li> <li>• Engage with movable organizations, labor unions and elected officials to ensure they remain neutral or become more supportive</li> <li>• Mobilize endorsers to contribute to the campaign (e.g., donate, host a door-knock)</li> </ul>	<p>The political team's work can quickly build a sense of momentum among elected officials, or even a sense of FOMO (fear of missing out). For example, if a few leading progressive elected leaders come out in support of an issue, it can spur a sense of urgency for others to follow—depending on the political context.</p>
Fundraising	<ul style="list-style-type: none"> <li>• Volunteers</li> <li>• People with electoral fundraising experience</li> <li>• People not shy about asking for money</li> </ul>	<ul style="list-style-type: none"> <li>• Raise money from campaign partner organizations, endorsers, supporters</li> <li>• Organize and host call time</li> <li>• Mobilize supporters to host house parties</li> <li>• Mobilize supporters to launch match campaigns</li> <li>• Search for national funders</li> </ul>	<p>Fundraising can be as small or big of a role as the campaign designs it to be—what matters most is that the campaign is prepared to operate within the budget it sets. If there are plans to hire staff, send multiple rounds of mailers, and place video ads, have a robust fundraising team.</p>

## Special Considerations for Tenant Organizers

For individuals and organizations who are newer to electoral organizing, campaign work will require a shift in strategy. The reality is that, due to barriers in the electoral system, homeowners are much more likely to vote than renters. In a ballot initiative campaign that requires winning over 50 percent of the vote, this means spending more time engaging homeowners than tenant organizers may be accustomed to. Groups who have been historically tenant-focused must be prepared to divert some of their energy toward homeowner engagement—or find coalition partners whose base consists of homeowners. From a capacity angle, tenant organizers should be prepared to have less time to dedicate toward their most impactful work, such as deep canvassing, base-building or eviction defense.

Messaging-wise, be aware that in pursuing the ballot initiative pathway, tenant organizers must be willing to play ball with people who don't share the exact same ideology or values. For example, organizers in Pasadena talked about having to use exceptions to rent stabilization as reasons for some people to vote "yes." While canvassing, one person shared how they had to assure a single-family homeowner that they would be exempt from rent stabilization if they ever chose to rent out their home—due to the Costa Hawkins Act, single family homes are exempt—which helped the homeowner move toward voting "yes." These concessions can be intensely frustrating and some organizers may feel like they are watering the policy down or not staying true to their personal values.

Furthermore, the voice or tone that an individual organization takes may be different and separate from the voice developed for the campaign. Winning an election requires alienating as few people as possible, which often means holding back critiques or direct actions on elected officials that may have been a part of tenant organizing strategies. As campaign strategies are being developed, consider how the tensions between tenant and electoral organizing will emerge in the campaign journey and create plans to work through it so that campaign partners still feel clear and grounded in what they're fighting for, and so that there are healthy ways for them to engage in tension that is inevitable in coalition work. For example, see this resource from [The Wildfire Project](#) about entering into generative conflict.<sup>85</sup>

## Campaign Finance

Campaign budgets range from tens of thousands to millions of dollars, depending on the scale of the campaign. Regardless of how much money the campaign plans on raising or spending, it must be willing to learn (or pay someone who is well-versed in) campaign finance regulations. Here are some of the rules and regulations to pay attention to, depending on the jurisdiction.

### Campaign Registration

Some jurisdictions require political committees to register with the local elections office once it receives contributions or makes expenditures that reach a certain dollar-amount threshold. Depending on the jurisdiction, this might also include a requirement for a new bank account. Take those requirements into consideration when timing a signature collection or campaign launch, especially since the dollar-amount thresholds include in-kind donations such as staff time. For example, if a staff member of a partner organization getting paid \$20/hour collects signatures for five hours, that counts as a \$100 in-kind donation from the organization, even if no one has officially donated funds.

### Campaign Finance Reporting

Check state and local election offices to review their campaign finance reporting deadlines and requirements. These deadlines will take place at various times approaching Election Day (i.e., initial report, eight-week pre-election report, two-week pre-election report) and after the campaign ends (i.e., end-of-calendar-year report). Examine blank forms before fundraising begins so that the campaign is prepared to collect all the necessary information from donors when they give money (e.g., name, address, occupation). Be ready to wrangle in-kind donation information from organizations who are contributing staff time before deadlines. Campaign finance reporting can be both complex and time consuming. Assign this job to a person (or more than one person) who has the time to take it seriously. Alternatively, invest the money to pay for an accounting service so that the campaign has one less thing to worry about. Mistakes in campaign finance reporting can have devastating repercussions on the campaign's financial sustainability and reputation.

## 501(c)(3) Reporting

A common myth among 501(c)(3) nonprofit organizations is that they cannot engage in electoral politics. While 501(c)(3) organizations are not allowed to engage in candidate-based electoral politics, they are allowed to engage in issue-based electoral politics. The most limiting factor for nonprofit organizations is that the IRS limits the amount of direct and grassroots lobbying they can participate in, both of which are key to doing electoral work. In order to ensure campaign partner organizations are operating within those limits, it is of the utmost importance to track all money and staff time that is spent on the campaign. There are many resources available for organizations planning for electoral work:

- [Bolder Advocacy](#)
- [Alliance for Justice](#)
- [National Council of Nonprofits](#)

Bolder Advocacy has a robust [resource library](#) of guidance on lobbying, as well as state-specific guides.\*\*



You can sink a whole campaign with an accounting mistake - and even if it doesn't sink you legally, it could be a huge fine or your opposition could make a big deal about how you did not comply with state and local laws.

**Ryan Bell,**  
**Pasadena Tenants Union**

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\*\* This section on campaign finance does not constitute legal advice. The authors recommend looking into local and state campaign finance laws specific to the jurisdiction the ballot initiative campaign takes place in.

## Facing Opposition

The opposition that housing campaigns face is well-funded and politically connected. And while the most successful campaigns are focused predominantly on engaging community members and changing the minds of voters, it is necessary to have a sense of the opposition. They advance a coordinated agenda across the country to block pro-tenant legislation, shape media narratives about housing policy, and donate millions of dollars to groups seeking to prevent or overturn tenant protection policies. As campaigns across the country have demonstrated, the power of the many can defeat the power of the money. This section walks through who the “opposition” is and how to find more information about them.

### Who is the Opposition?

The US real estate industry was built on a foundation of white supremacy and racial discrimination. In 1924, the National Association of Real Estate Boards, now known as the National Association of Realtors, published the following in its first code of ethics: *“A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.”*<sup>86</sup> From redlining and blockbusting to racial steering and the devaluation of assets in Black communities, racist government policies have been implemented and perpetuated by the real estate industry in accordance with that code of ethics, and the harms of those policies persist into the present. In 2018, the Brookings Institution found that owner-occupied homes in Black neighborhoods are undervalued by \$48,000 per home on average, resulting in \$156 billion in cumulative losses for Black communities.<sup>87</sup> When it comes to the rental housing market, the disparities are just as stark. According to the Eviction Lab, nearly one in four Black renters lived in a county in which the eviction rate for Black renters was more than double the eviction rate for white renters.<sup>88</sup>

Even as the federal government worked to undo harm through landmark legislation, the National Association of Realtors opposed the Fair Housing Act of 1968 and its subsequent expansion in the 1980s, further cementing its role in protecting the property value of whiteness and the discriminatory practices rooted in the real estate sector.<sup>89</sup> Over time, other trade associations have emerged and aligned themselves with those values. In 2021, the Centers for Disease Control and

Prevention issued an extension of the eviction moratorium to keep renters in their homes during the public health emergency. In response, local chapters of the National Association of Realtors filed a lawsuit to end the moratorium.<sup>90</sup> Other industry groups that opposed the moratorium included the National Apartment Association, an industry trade group for landlords, investors, property managers and other stakeholders, and the National Multifamily Housing Council, a public policy group that advocates for policies and donates to candidates that support the trillion dollar apartment industry. Furthermore, the National Apartment Association filed a lawsuit against the federal government demanding compensation for financial damages suffered under the moratorium. In 2022, as the White House began working on a federal renter bill of rights, the same industry groups came together to oppose tenant protections. In recent years, they have spent tens of millions of dollars lobbying at the federal level and have opposed tenant protection policies across the country.<sup>91</sup>

These three groups—the National Apartment Association, the National Multifamily Housing Council, and the National Association of Realtors—represent the interests of landlords and realtors and are some of the largest forces fighting against tenant protection policies. These entities not only pour millions of dollars into federal, state, and local campaigns against protections for renters, they also advise and strategize with local real estate trade associations on how to prevent the advancement of housing policies that help tenants. In this way, they maintain their racialized history and continue standing on the side of policy decisions that disproportionately harm Black and Brown renter communities.

The next tier of trade associations that engage in ballot initiative campaigns are state-level apartment and realtor associations. These entities are likely to create or sponsor political committees or independent expenditure committees that receive and expend donations for the “no” side of tenant protection campaigns. They also donate significant amounts of money to local opposition campaigns and are more present in the public-facing side of campaigns, with members or leaders acting as spokespeople for campaigns against tenant protections.

For example, the California Apartment Association sponsored “Californians for Responsible Housing,” the PAC opposing Proposition 21, which would have expanded local jurisdictions’ ability to enact rent control. The PAC raised over \$100 million to fight Proposition 21, with the largest donations coming from publicly traded real estate investment trusts such as Essex Property Trust, Equity Residential, and AvalonBay

Communities—the emergence of which has harmed renters due to the predatory tendencies of corporate ownership.<sup>92</sup> In St. Paul, the anti-rent stabilization campaign was led by the Minnesota Multi-Housing Association, which created the Sensible Housing Ballot Committee. This political committee raised over \$5 million, with the largest donations coming from the National Association of Realtors, National Apartment Association, and Dominion, a for-profit LIHTC developer that has been accused of unfair practices.<sup>93</sup>

Next, landlords, property management companies, and developers who own, operate, and develop property in the jurisdiction considering tenant protection policies are common donors and spokespeople for anti-tenant protection campaigns. These are entities that have a financial interest in maintaining the current state of housing policy and believe that changes to the legal and regulatory environment will impact their profits and operations in a negative way, whether those changes are related to tenant screening or eviction practices. In recent years, they have started to refer to themselves as “housing providers” in an attempt to steer away from the titles of “landlord” or “property owner.”<sup>94</sup>

The final category of opposition consists of people who do not have a financial interest in preventing policies that protect renters, but are community members ranging from renters to homeowners who may believe one or more of the following:

- There are better ways to protect tenants.
- Our housing system is flawed but the proposed changes are “not what we need,” “too drastic,” “don’t target the problem,” “will make things worse,” and so on.
- Housing scarcity is the real problem and rising rents can be solved by increasing supply.<sup>95</sup>

Many of the people who believe these things will not necessarily remain in the “opposition” category and should be seen as “persuadables.” Polling shows that housing is a concern for people across race, class, and political orientation; through political education, narrative shifting, and direct voter engagement, their ideologies around housing issues can be influenced.<sup>96</sup>



## Tracking Down the Opposition

Groups that have been fighting to advance housing justice already know who the main opposition is—they have most likely faced the opposition at city council meetings, legislative hearings, or in the courts. To gain a deeper understanding of who the opposition is in a ballot initiative campaign, the tool that provides the most transparency is campaign finance reports. Every jurisdiction has requirements on when, how, and what to report on campaign finance, and advocates on both sides of the issue must follow the rules. Campaign finance reports tell a detailed story of who (or what entity) is donating and how much they are donating. Combing through these reports may be a tedious task but it is worthwhile. For instance, the box to the right summarizes key information found in the campaign finance report filed for the Sensible Housing Ballot Committee, which was created to fight rent stabilization in both Minneapolis and St. Paul.

In looking through campaign finance reports, campaign leaders may find entities they are not familiar with or players of which they are unaware. In situations like this, it can be helpful to investigate entities (such as LLCs) and the connections that exist between them. For example, a law firm frequently used by landlords in litigation may be a big donor. **Little Sis** is a grassroots watchdog network that maps these connections. It provides a helpful **toolkit** on how to conduct power research, defined as investigative research that follows the money and connects the dots between key players in the power structure. **Action Center on Race & The Economy** (ACRE) is another source of information on the real estate landlord lobby.

Please reach out to Tram Hoang, Senior Associate, at [housing-team@policylink.org](mailto:housing-team@policylink.org) for a more in-depth resource discussing the tactics the opposition deploys to wield their influence, as well as some strategies to fight back.



We kept up one for one with the apartment association—I don't think they expected us to do that. The one advantage we had was that we were underestimated at every step of the process which was a great position to be in.

**Ryan Bell,**  
**Pasadena Tenants Union**

### Example: St. Paul & Minneapolis Opposition

- Political Committee: Sensible Housing Ballot Committee
- Address: same address as Minnesota Multi-Housing Association
- Major Donors:
  - National Apartment Association: \$125,000
  - National Association of Realtors: \$750,000
  - Minnesota Association of Realtors: \$125,000
  - Minnesota Multi-Housing Association: \$165,000+
  - Minneapolis Area Association of Realtors: \$125,000
  - St. Paul Area Association of Realtors: \$125,000
  - Dominion Development Acquisition LLC (LIHTC developer): \$300,000

# Case Study

## Pasadena, California

### Yes on H by Pasadena 4 Rent Control

Jurisdiction Type: **Charter City** but follows state mandated process

Initiative Type	Signature Requirement	Unique Features of Process	If finding that law is legal and enough valid signatures
Initiated Charter Amendment	15% of registered voters of the city	Initiative proponents “shall publish or post, or both, a notice of intent to circulate the petition.” Cal. Elect. Code § 9256	Goes directly to the ballot

**Below:** Campaign volunteers in Pasadena, California.  
(Photo courtesy of Pasadena 4 Rent Control.)





**Above:** Signs for a campaign rally. (Photo courtesy of Pasadena 4 Rent Control.)

Pasadena’s success story started in 2017 when the Pasadena Tenants Union decided that rent control was the first issue it wanted to tackle and pursued a ballot measure. At that time, continued displacement of working-class tenants made it increasingly difficult for Pasadena renters to organize a strong base. In that year, 56 percent of tenants were burdened by their housing costs.<sup>97</sup> However, that did not stop the Tenants Union from continuing to grow and pursue this cause.

Unfortunately, the Pasadena Tenants Union was unable to garner enough signatures to qualify the measure for the ballot in 2018. In 2019, though, the Pasadena Tenants Union convened a coalition with key allies that continued to broaden the reach of the group. By the time 2020 rolled around, the Covid-19 pandemic posed serious challenges for the campaign to get on the ballot, jeopardizing convening and organizing opportunities. During the pandemic, however, the Tenants Union and overall coalition noticed they had a key window of opportunity to push for a **host of housing justice policies** (rent control, eviction protections, relocation assistance, a rental board, and a rental registry) as they noticed displacement concerns were continuously at the forefront of Pasadena community members’ minds. As a result, in 2021, signature collection for the campaign started in full effect.

### Who helped propel the success of the Yes on H campaign?

- Pasadena Tenants Union
- Democratic Socialists of America – Los Angeles
- Socialists of California Institute of Technology (Caltech) students
- AIDS Healthcare Foundation
- SEIU Local 2015
- Liberty Hill Foundation
- Pasadena Organizing for Progress (POP)
- Making Housing and Community Happen
- Other local tenant unions

### The Opposition

In Pasadena, the opposition of Yes on H organized behind a group known as “No on Measure H—Pasadena Housing Providers for Fair and Equitable Housing” and received the largest donations from:

- National Association of Realtors (\$100,000)
- California Association of Realtors Issues Mobilization PAC (\$95,000)
- California Apartment Association Issues Committee (\$82,500)

**Note:** These donations are from the latest reports published in October 2022 and may not reflect the total donations received up until Election Day.

As they continued to build out their campaign, the team strategized heavily around their signature collection process. Overall, they saw over 300 individual signature gatherers come out to support the cause, and 50 who showed up each week to drive the policy forward. Based on organizers’ own knowledge and previous trial and error, they focused their field efforts on high foot-trafficked areas during the weekends. Grocery stores in lower income neighborhoods, for example, were a key location to get strong tenant representation in the sign-on support for the policy. The campaign team also found value in hiring a firm to help with gathering and conducting their own internal validation of signatures received. Signature collection proved more difficult during summer months when the campaign not only lost some volunteer support due to

students graduating, but the heat and exhaustion made it difficult for members to stay engaged. In addition, paid signature collectors became more expensive as more and more initiatives were attempting to get on the ballot in the Los Angeles area. However, an additional burst of energy kicked in, along with growing outreach support, once the campaign made it onto the ballot.

Outside of signature collection, the Yes on H campaign team employed additional tactics to increase community support for their policy. One of those tactics was polling so that they could test different arguments and identify strong arguments to support their policy as well as anticipate potential weak areas. The campaign team specifically attributes polling as having successfully aided them in gaining support of local labor unions as well. They also found op-eds to be a strong tactic but advised other campaigns to be ready for the opposition to respond swiftly with their own op-eds, many of which bring up talking points or misinformation that can easily distract readers from the bigger picture. The campaign had to be strategic about which opposition op-eds and responses were worth addressing, and which ones would waste valuable time that could be spent engaging potential “yes” voters. Some of their organizers employed creative tactics and “crashed” opposition meetings to learn about and anticipate the opposition’s tactics so that the Yes on H team could respond accordingly or preempt their action.

The Yes on H campaign also strategically assessed and continued to combat harmful narratives that various groups posed against their measure. Overall, they believe their campaign was vastly underestimated by landlords and other interested parties, but once the opposition saw large donations begin to roll into the Yes on H campaign, landlord groups immediately used that as an organizing tactic to ask for donations and mobilize an additional hundreds of thousands of dollars. Yes on H also saw major political opposition when the mayor wrote an op-ed against their campaign. In addition to the opposition publishing op-eds, they were also able to recruit council members to publicly oppose the Yes on H campaign, including multiple former council members and a former mayor. However, the Yes on H campaign team still had the support of two former mayors, two council members, and ultimately, the majority of Pasadena voters.

### **Budget Decisions:**

“No such thing as too much money”

**Total Fundraised:** Over \$500,000.00

- Over 70% spent on the election campaign (5-6 mailers)
- About 25% spent on signature-gathering
- 5% spent on polling (no tracking polls)
- 1% spent on a lawyer
- < 1% spent on an accounting service\*
- < 1% on texting software

**Note:** Campaign leaders emphasized the value of accounting services to handle all financial regulations and hold the campaign within compliance.

### **Legal Considerations**

The Costa-Hawkins Rental Housing Act, passed by the California state legislature in 1995, preempts certain aspects of local rent control laws. Specifically, it mandates vacancy decontrol (allowing landlords to reset rent after a tenant vacates their unit); exempts all units of residential housing constructed after February 1, 1995; and exempts single-family homes and condos from rent control restrictions. However, Costa-Hawkins does not limit what municipalities can do regarding eviction protections.

Organizers drafted Measure H to include a “trigger clause” that will go into effect if Costa-Hawkins is repealed to cover previously excluded units.

Another state law, known as the “California Tenant Protection Act of 2019” (AB 1482) provides minimum just cause and rent control protections, but it does not apply to certain properties including units built within the last 15 years. AB 1482 is an example of “floor preemption,” where municipalities are free to enact stronger protections.

# Case Study

## Portland, Maine

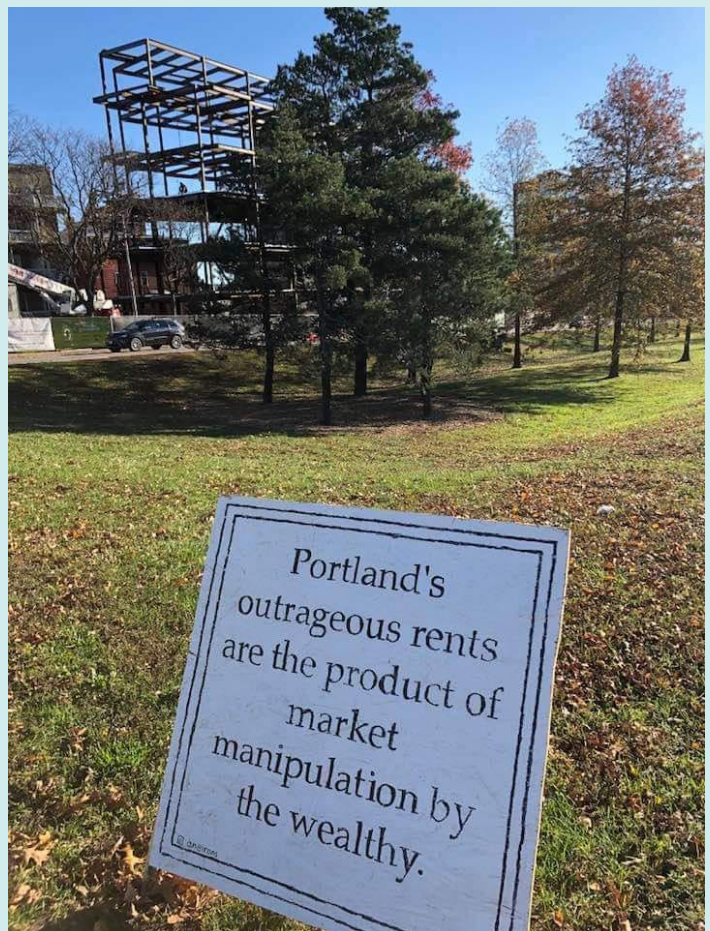
### Question D by Fair Rent Portland and People First Portland

<b>Jurisdiction Type:</b> Charter City		<b>Initiative Authority:</b> State law governs charter amendments but cities can add additional requirements, and charter cities can give their voters authority to initiate ordinances
Initiative Types Available	Signature Requirement	If finding that law is legal and enough valid signatures
Initiated Charter Amendment	20% of the number of votes cast in a municipality at the last gubernatorial election, but in no case less than 10	Goes to ballot
Indirect Initiated Ordinance	1,500 signatures	Goes to ballot, unless city council adopts

Portland, Maine, was beginning to find itself in the midst of an identity crisis: allow gentrification and commodification pressures to change the community they have come to love, or take action and start unpacking all of the systems of power and economic violence that were fueling displacement and leaving so many individuals struggling to stay in the place that they call home? In 2017, organizers decided it was time to start having an important conversation about how all of these systems interact.

While Fair Rent Portland organizers had no expectations of winning their 2017 campaign for rent control, the campaign team tactfully chose to use this 2017 ballot initiative effort to start having meaningful conversations in their communities and fully understand the local opposition. They were also able to map out where big, influential people and groups like the Portland Regional Chamber of Commerce and Southern Maine Landlord Association would take a position on the policy and understand who their allies were in certain spheres of power. The course of the 2017 campaign and the salience of Airbnb made "housing commodification" and "gentrification" terms that Portland residents were increasingly using to describe their city.<sup>98</sup> The campaign team was also comforted by the lessons they learned from efforts in Berkeley and West Hollywood from the 1970s that these sorts of community-initiated, people-first ballot initiatives can take multiple attempts to pass and get right. But the landscape and the community's understanding of housing issues in Portland became more pressing when the pandemic hit in 2020.

**Below:** A yard sign in Portland, Maine. (Photo courtesy of Fair Rent Portland.)





**Above:** Yard signs in Portland, Maine. (Photo courtesy of Fair Rent Portland.)

Organizers from Fair Rent Portland and other anti-gentrification groups joined up in a coalition referendum project, People First Portland, initiated and supported by the local Maine Democratic Socialists of America (DSA) chapter.

Covid-19 made housing and community safety a prevalent issue in cities around the country, but when Portlanders began to witness government officials stall to propose solutions, People First Portland and many coalition partners chose to follow an unusual route to craft their own solutions. In an effort to introduce a vision for how they believed the city should be governed, and with the goal to advance a broad set of issues that the city council had neglected, organizers introduced five referenda at once: inclusionary zoning, rent control, a minimum-wage increase with hazard pay, a ban on facial surveillance technology, and an Airbnb ban. With five referenda on the ballot simultaneously that intertwined various policies across a central set of values, the involved organizations encouraged people to consider initiatives they otherwise might not have if only one issue was proposed at a time. For example, many voters were moved to vote “yes” on multiple issues because the ACLU was supportive of one of the policies. Finally, after all the hard work of organizers, tenants, and advocates **all but one** of the ballot initiatives passed.

The 2020 win was not just confined to the City of Portland, however. As Portland residents were displaced to surrounding areas, the cities they were moving to were feeling increasing gentrification pressures. These displaced residents then started to seed and continue conversations around rent control which ultimately helped areas such as South Portland move toward rent control rather quietly and before the area saw as dramatic of a crisis situation. The Maine DSA aimed to continue to build on this success in Portland itself by undertaking another

### Coalition Composition

- Southern Maine Workers’ Center
- Organizations doing work around LGBTQ+ issues and the local unhoused population
- MaineTransNet
- ACLU supported facial surveillance initiative
- Various local unions supported the labor clause in the inclusionary zoning initiative
- Local Black Lives Matter chapter demanded renters’ rights in their list of demands for the city and supported signature-gathering efforts
- Maine Democratic Socialists of America (DSA)

### The Troll Patrol

Members of the troll patrol were tasked with utilizing online social media spaces as an opportunity to advance the campaign’s narratives. Instead of responding directly to the troll, patrollers were encouraged to provide a deeper analysis of the issue and illustrate what the roots of the arguments against the referenda were truly about. Responses were not necessarily meant for the initial commenter, but more so for other readers who would run across the comments section and be influenced by what they saw.

While there was sometimes a script with standard answers and responses, troll patrolling allowed the campaign team to tame the comment sections and elevate important narratives where debates were taking place about their initiative.

This tactic was especially crucial to use in the comment sections of paid advertisements from opposition groups as it essentially provided free online real estate to elevate more powerful narratives that resonated with community members, using the paid advertisements as a way to reach a broader audience.

package of policies in 2022 under the *Keep Portland Livable* campaign. While the results were mixed, a surprising outcome was their ability to pass a ballot initiative that strengthened the existing rent control ordinance.

## Campaign Tactics: Making a Heart-Centered, Hopeful Campaign

The People First Portland team deployed creative and effective structures and media tactics to fight their opposition and win. Overall, the campaign team had about 10 core people working on the major pieces of the campaign: a point person for each referendum and the overall campaign (to speak to media outlets and present at community forums), a lead for signature collection and flyering/canvassing, two volunteer coordinators who triaged small-lift efforts to about 200 active volunteers, a media team manager, and rotating leads to run steering committee meetings for the entire campaign. The team operated without paid staff and aimed to avoid hierarchy altogether by employing consensus-oriented decision-making. Many of the individuals who worked part-time jobs, but were passionate about the campaign, ended up having more influence on the campaign since they had a greater capacity to devote to it. During the signature-gathering phase of the campaign, the local BLM chapter played a key role. Portland was a major site of the uprising following the murder of George Floyd, and through BLM's work and demands of the city council, residents were able to see how housing, race, and class operated locally to produce racial inequities in housing. This was key in mobilizing voters and volunteers, as half of the signatures were collected during BLM marches, and many of those signees became campaign volunteers.

People First Portland media strategies were some of their most notable successes which included, but were not limited to, the “troll patrol,” a massive flyer distribution effort, and an engaging social media presence. Additionally, the campaign team's volunteer coordinator not only helped people get involved and energized to support the effort on a weekly basis, but created a pipeline of long-term volunteers who began asking for action items after the election was over. In a time of pandemic, worsening crisis, and general hopelessness, the ability of the campaign to build narratives that were heart-centered and positive (such as “Protect the City We Love”) helped volunteers, leaders, and organizers all come together from their lived experience to fight for policies that they knew would help their city thrive. One of the campaign's takeaways around messaging is that “inoculation is key”: it is better to inoculate voters with information than to try to convince them to change their minds later. For instance, during and after the campaign, as the local paper reported on the enormous amount of money that landlords spent on opposition efforts (while renters continued to pay astronomical rents), residents became increasingly skeptical of landlords' claims that rent

control would have “disastrous” effects because landlords “wouldn't be able to afford” not raising rents each year.<sup>99</sup> This is why running the campaign in 2017 was so important in laying the groundwork for future wins.

The successes in Portland are notable given the expansive and powerful opposition that emerged. Not only was the Portland City Council aggressively unfriendly to the ballot initiatives, but the local Chamber of Commerce also criticized the campaign's aim to have people vote on their own policies directly through the ballot as “misguided,” “uninformed,” and “undemocratic.”<sup>100</sup> Therefore, when the Chamber tried to slow down their attempts to advance just policies, People First Portland turned to advancing a package of referenda in order to counter the stall tactic. The National Association of Realtors also sent talking points to supporters on the ground, such as the Southern Maine Landlord Association, that People First Portland was able to collect and preempt with their own talking points and narratives that still reached the hearts of Portland voters. Overall, even though they were outspent by 40 to 1—the opposition raised \$1.5 million whereas People First Portland raised \$35k—rent control won.

peoplefirstportland.org

# Protect the city we love

Keep Portland a light in the darkness.

- A RAISE THE MINIMUM WAGE**  
Raise the minimum wage to \$15/hr and implement hazard pay.
- B BAN FACIAL SURVEILLANCE**  
Ban racist and intrusive facial surveillance technology.
- C ENACT A GREEN NEW DEAL**  
Ensures green buildings, affordable housing, and fully trained workers.
- D PROTECT RENTERS**  
Ban income discrimination, stabilize rents.
- E RESTRICT AirBnbs**  
Protect neighborhoods by limiting STRs to owner occupied units.

Vote **YES** on Questions **A-E**

Small icons for Twitter, Instagram, and Facebook are visible at the bottom left of the flyer.

Image courtesy of People First Portland.

## Building a Housing Justice Narrative

**Below:** Backers show their support for a statewide ballot measure to repeal Costa-Hawkins in California. *(Carlos Delgado/AP Images for AIDS Healthcare Foundation)*





Communications strategies are how we get the word out, but narrative is defining what the word is. Clear and intentional narrative strategy is the backbone to a successful ballot initiative campaign. It creates the foundation for how people engage with the issue and sets the tone for the entire life of the campaign and beyond. What do we mean by narrative? Here is an excerpt from [Governing for All: An Equity Narrative Playbook for Policy-makers](#):

Narratives are the big stories we tell ourselves about the world, rooted in our values, that influence how we process information and make decisions. We reference mental narratives constantly, often unconsciously, and they are so powerful that they often matter more than facts. And while they play on our values and beliefs, they don't come from within us—the narratives we know depend entirely on what we've heard and what we've been exposed to. Every story you share reinforces certain narratives, whether you intend it or not. By repeating the right narratives, you can create a new tipping point in public consciousness and create the conditions for you to advance your agenda and broaden your base.

For far too long, the air in the housing room has been consumed by narratives from the opposition: meritocracy, bootstraps, the deserving and undeserving poor, “the way things are,” the need to allow the private market to operate freely, housing as a commodity and asset...the list goes on. In response, much of the energy invested into narrative has been to combat the opposition's narrative. In turn, housing justice campaigns have gotten good at pointing out why people should not align with the opposition—but there is much room to grow in terms of creating and leading with bold, unapologetic narratives that move people to align themselves with the housing justice movement. Luckily, that has begun to change. Across the country, we have seen housing justice campaigns lead powerfully with messages that move people from helplessness to hope, that share a vision of the world we can create together, and talk about housing in a way that is not just about units, but about racial justice and community cohesion.

## Who We Speak To

Before diving into narrative strategies that work, we must ground ourselves in who we are speaking to. While we all want everyone to share our beliefs around housing justice, we know that is simply not possible. In addition, we know that limited resources impact how many people we can reach. How do we target our efforts? Race-class narrative research shows that the general population can be classified as one of three groups:

- **23 percent** are the base, meaning they support a progressive policy agenda.
- **59 percent** are persuadables, meaning they toggle between views shared by the base and opposition.
- **18 percent** are the opposition, meaning they oppose the policy agenda.

In ballot initiative campaigns, it is most strategic to target resources toward our base and persuadables. It will give you the best chance of winning over 50 percent of the vote. Moving the opposition requires deeper, relational organizing and culture shifts that are unattainable for a ballot initiative campaign to accomplish.

# The Housing Justice Narrative Story Platform

The [Housing Justice Narrative Story Platform](#) consists of a core truth and values that exist in the form of seven storytelling themes, specifically designed for an anti-racist and advocate base and persuadables. Together, these elements provide a structure through which all campaign messaging and communications are borne—from campaign taglines and dinner table conversations, to debate talking points and door-knocking scripts.

## Our Core Truth

When neighboring is an action, spaces and places become home.

## Values

The values of our housing justice story platform are the storytelling themes we will use to shift the culture and achieve housing for all. We will use them to bring our narrative to life, to shift culture, and achieve housing for all.

## Housing Justice Storytelling Themes

- Abundance, Enoughness, and Winning
- Love and Love as a Verb
- To Neighbor, Collective Power, and Solidarity
- Restoration
- Safety, Privacy, and Freedom
- Care, Caretaking, and Stewardship
- Joy

## Tone

A key element of campaign narrative is tone. Public discourse on the housing crisis can often be focused on growing rates of homelessness, rising disparities, criminalization of poverty, and the ever-increasing challenges we face—conveying feelings of fatigue, dreariness, and hopelessness. Successful campaigns present an alternative feeling: they break open the clouds and offer sunshine, boldness, inspiration, and most importantly, the confidence that we can build a better world together. More specifically, different tones can be used to target different audiences. For the anti-racist and advocate base, an effective tone is one that is inspired, present, and visionary, countering pessimism and fatalism while moving the audience toward solutions. For persuadables, it is helpful to be unwavering, accessible, illuminating, and unambiguous. Use language of repair to bring them into the fold. Don't cede from values or policies, but leave spaces for persuadables to feel included. Call them into policy and actions.



Op-eds were a big thing for us—for a while it was like a boxing match in the op-eds... the opposition would release one, then we would release one. You don't know what's coming and then the calculus is do we respond to this or do we let it go?

**Ryan Bell,**  
**Pasadena Tenants Union**

Explore the [Housing Justice Narrative Toolkit](#) for additional guidance on which storytelling themes to use to target different audiences (pg. 25-28), how to leverage a digital strategy to advance the story platform (pg. 32-37), as well as content (talking points, images, videos) that can be downloaded and used immediately (pg. 38-48). Contact Laura Hughes, Director of Narrative Strategy, at [housing-team@policylink.org](mailto:housing-team@policylink.org) if you have questions.

## Additional Tools

The following reports and tools can also be helpful in shaping the campaign's narrative strategy:

- [Messaging This Moment: A Handbook for Progressive Communicators](#) (Center for Community Change)
- [Race-Class: A Winning Electoral Narrative](#) (ASO Communications, Dog Whistle Politics, Demos Action, Lake Research Partners, and Brilliant Corners)
- [Race Class Narrative Workshop & Tools](#) (PowerLabs)
- [Race Class Narrative Example Language](#) (We Make The Future)
- [Race Class Narrative Messaging Checklist](#) (We Make The Future Action)

## The Hangover: Post-Election Day



Election Day happens. Campaign teams stay up late waiting for precincts to report voting results. In some places, it takes days or weeks for all ballots to be counted. Regardless of the outcome, campaigns and volunteers must celebrate all the work that has been done—the countless doors knocked, myths dismantled, meaningful conversations with neighbors—to elevate housing justice to a whole new level in the public discourse. For campaigns that did not meet the 50 percent + 1 vote threshold, know that because of the campaign’s dedication, more people than ever are aware of the housing issues impacting their community. This success can only be built upon. For those who passed the 50 percent + 1 vote threshold, know that the work continues. A law has been passed, and energy must now be focused on ensuring its implementation.

In many ways, the work that remains after Election Day is more challenging than running the ballot initiative campaign itself. Landscapes and power have shifted. Whereas residents held power in the voting process, what happens next goes back to the hands of the political establishment, where the opposition has influence and campaign finance reporting requirements fail to demand transparency for their actions. The very people who opposed the ballot initiative, whether that is elected officials or appointed staff, are now the people the campaign must work with—and hold accountable—to implement the policy according to the will of the voters. The campaign may have ended, but the movement continues. Here are the dynamics that campaigns should be aware of as they reach Election Day, celebrate, pause to rest, and return to work.

“

The opposition began to sow disaster narratives pretty much immediately... Their story was that because our policy put in reasonable rules on how much they could increase rent, their sky was falling. This felt like a clear attempt to instill fear in our city leaders and shape the terms on how the policy was implemented, discussed, and changed.

**Meghan Daly,**  
**Minnesota Youth Collective**

## Claim the Narrative

Whether the campaign wins or loses, it must claim the narrative starting on Election Night. Prepare talking points and communications by telling the story the campaign wants to have read. The fearmongering and misinformation of the opposition will make its way into headlines and their concerns will take center stage. At the same time, create hopeful and celebratory messages to remind everyone of the victory that was won collectively by the people. Focus on how community members came together across race, income, geography, and housing tenure to support their neighbors who rent. Uplift the solidarity that was shown across the city, county, or state, and celebrate the sheer number of voters who came out to say “yes” to the vision the campaign offered. And of course, remind the campaign’s base that the fight is not over. Voters did their jobs by coming out to the polls, but their advocacy must continue to ensure that the policy is implemented, funded, and enforced just as voters envisioned.

Through the campaign season, the campaign will have amassed a new following: people who were not politically active until they discovered housing advocacy, renters who were inspired to fight for their rights, and people whose political education journey began with the campaign. Regardless of their level of involvement, make sure these people stay engaged. Keep building the momentum and use election night results to further grow the movement.

“

[It was our imperative] to continue to make rent stabilization a thing that was relevant—that included telling the story around how rent stabilization out-performed [top-ticket] candidates on the ballot. [This] was a story of how voters are backing rent stabilization when faced with the broader political strategy, which was important when telling the story of Florida in a tough election cycle.

**Ivanna Gonzalez,**  
**Florida Rising**

## Preparing the Coalition

By the time the campaign coalition has reached Election Day, the coalition and its members will have been tested and stretched and will be wearing thin. Take turns resting in the weeks following Election Day, and have days or weeks where coalition members are completely unplugged from work. When everyone comes back, take the time to slow down, be intentional, regroup and regroup. Remember the commitments that were made to one another. Refresh community agreements. Assess the collective work and collaboration on the campaign. What went well and what are opportunities to improve? Build those lessons into strategies moving forward. Are there organizations or people who need to step back from the work in the next phase, due to capacity or other reasons? Are there new organizations who are interested in joining the coalition or have sets of expertise needed for this next phase?

Regroup and plan for the next phase. Recognize that a victory means the campaign is no longer the underdog—the campaign and movement have the upper hand, and that means operating with power and the responsibility to deliver results from the victory. While past fights might have required agitation tactics to urge government and/or elected officials to force them to pass a policy, this next phase will most likely require partnership in supporting them to figure out how to navigate implementation and enforcement. Return to the power-mapping activity and update it for this new post-election context with what has been learned during the campaign cycle. While values and accountability to tenants of color and low-income tenants will remain consistent, understand that this next phase will require the campaign to face different challenges and deploy different strategies.



There has been a regrouping of coalition members and a laser focus on who can commit to keeping the fight going... When folks were looking at rent stabilization, especially with the legal proceedings, there was a clear conversation to couple rent stabilization with the tenants bill of rights to keep things moving. Folks are still engaged. We're still meeting, we're regrouping, we're trying to figure out who will show up for what and where, and how to implement our successes in other counties, the things we've failed on. [We're] looking to do the same with coalition members in other locations. Really, [we're] just regrouping and re-strategizing—thinking of everything as one big strategy within housing justice.

**Cynthia Laurent,**  
**Florida Rising**

## Litigation

Prepare for a lawsuit from landlords or property management companies. This is a common practice after the passage of many tenant protection laws, even if there is no case to be won. Lawsuits are often a tactic of the opposition to undermine the credibility of the new law and waste valuable resources (time and money) to protect it. In many scenarios, there will be legal precedent for the upholding of the law, especially if it is similar to laws passed in other jurisdictions. However, the general public does not have that understanding and only sees headlines like “legality of new tenant protection law questioned in courts,” which is enough to plant a seed of uncertainty about whether or not the results of the election are valid. For renters who benefit from new laws, this may lead to confusion about whether or not the new law is in effect, and will require additional public education and tenant organizing to clarify which rights can be enforced.

When litigation occurs, it is of the utmost importance to have a legal partner in the campaign coalition, specifically one that has experience with legal advocacy and impact litigation. These organizations or individuals will not only have a deeper understanding of the validity of claims made by landlords in litigation, but also have a stronger analysis of the legal landscape (i.e., which courts have better odds for better outcomes, and the timeline and pathway that litigation can take the coalition toward).



[We shifted the messaging] to defend the voice of the voters and less about defend rent stabilization.

**Ivanna Gonzalez,**  
**Florida Rising**

*Commenting on the messaging used for post-election day litigation.*

If the opposition deploys litigation as a tactic, respond with the following strategies:

- **Clear the record with the base.** Use race-class narrative to remind voters of their collective victory, name the villain and their tactics, and call them to action again with a tangible next step.
- **Develop a legal strategy for the campaign in partnership with legal partners.** This is more of an internal strategy, but it is still important to think through. Can or should campaign partners intervene in litigation? Can or should legal partners submit amicus briefs? Legal battles are time- and resource-intensive, so consider these factors in deciding.
- **Engage with government officials, such as city attorneys and elected officials.** Depending on how risk-averse the jurisdiction is, engagement can vary from reassuring the city or county that the lawsuit is frivolous or has no chance of success, to helping them develop a legal strategy, to pushing them to defend the law in court. Understand that the city or county officials might not have experience in housing law and can benefit from shared learning from the campaign's legal partners. As expected, elected officials and their legal staff can be more driven by legal arguments and odds of success than the moral argument of protecting renters or stabilizing communities.

## Implementation & Enforcement

Whether policies are passed by ballot initiative or through traditional legislative channels, a variety of implementation issues can arise after enactment that require vigilance from the campaign to ensure effective rollout of the program.

Depending on the structure of the implementing jurisdiction, this can involve a variety of steps. Here are some to consider:

- **Giving a government agency or department the authority to implement and enforce a policy.** If not already defined in the ordinance language, the jurisdiction may have to use its legislative powers to grant a specific department or office the authority to implement and enforce the policy. Make sure the campaign is prepared for this process. Know which departments or offices are being considered, have a sense of which ones might be more willing to engage in the work, make a case for which one should be chosen, and start building relationships with key staff within those departments or offices.
- **Allocating funds toward implementation and enforcement.** In some cases, the tenant protection passed may already have a funding mechanism incorporated into it. If not, the jurisdiction may have to pass budget resolutions (or other fiscal mechanisms) to allocate funding for implementation and enforcement. For example, a right to counsel policy might require funds to establish a new contract with a local legal aid organization to provide legal counsel for renters facing eviction. Other policies may require hiring new staff or allocating additional funds for an outreach and marketing campaign to notify landlords and tenants of the new law.
- **Influencing rulemaking or regulations for implementation.** Following the passage of a new law, some jurisdictions undergo a rulemaking or regulations process to provide clarity around definitions and process for implementation (i.e., how is “rent” defined, what counts as a “just cause” or “good cause,” or what is the process for a landlord to request an exception to the annual rent cap). This is where details are important, because the elected officials influencing the drafting of these definitions and processes are being lobbied from every direction. Pay very close attention to the language being drafted and make sure exceptions or exemptions are not being incorporated that go beyond what the voters passed. Ensure that the processes for implementation are reasonable and fair to renters and don't fall into the trap of giving landlords the benefit of the doubt while requiring so much more of tenants (i.e., landlords can self-certify for excessive rent increases but tenants have to complete multiple forms to file a complaint).

## Implementation & Enforcement in the Right to Counsel Context

In the right to counsel context, when the appropriation for the program is made separately from the enactment, delays in appropriation can result. Such was the case in Maryland, where a concurrent funding bill failed to pass and a second funding bill responsible for a portion of the funding was not passed until a year later. Other right to counsel implementation issues can include problems hiring and retaining sufficient numbers of attorneys, developing effective outreach programs, increasing court cooperation, developing a well-organized intake system, and delays in establishing a government agency to implement the law. For example, in Detroit, the city was required to create an Office of Eviction Defense by a

deadline of October 1, 2022, but it experienced setbacks in the bidding process. In New York City, after the pandemic eviction moratorium expired, the housing court resumed evictions at a breakneck speed, outpacing the ability of legal services providers to staff up to meet the increased demand. In response, NYC organizers are demanding courts slow their eviction dockets, continuing cases until there are sufficient attorneys to provide representation to all eligible tenants.

The National Coalition for a Civil Right to Counsel (NCCRC) facilitates a monthly right to counsel implementation working group and explores right to counsel implementation issues in more detail in *A Right to Counsel for Tenants: A Comprehensive Guide* (forthcoming, 2023).



Advocates fought hard in that [the Rent Stabilization Working Group] space to get some really good protections included and to sort of mitigate some of the worst impulses around that table.

**Meghan Daly,**  
**Minnesota Youth Collective**

- **Creating structures and capacity for notification and enforcement.** As with any new law, there will be a need to notify all impacted parties of the change in regulation. This requires more than the regular “know your rights” trainings offered to renters. It calls for a jurisdiction-wide public information campaign to let both tenants and landlords know about new regulations. Consequently, there must also be processes in place for renters to report when laws are not being followed and accountability structures in place for landlords who are not following the law. This is where most policies face the steepest uphill battle. There is rarely proactive enforcement being done to ensure that laws are being followed, which means tenants are held responsible for knowing when their rights are being violated—and even more unjustly, held responsible for enforcing their rights. This is particularly problematic in light of the fact that nationwide, only about 3 percent of renters have access to counsel.<sup>101</sup>

Many jurisdictions rely on tenant organizing as the main mechanism for reporting when laws are broken but often do not fund the work of organizers. Furthermore, some jurisdictions do not have the staff capacity or political will to enforce punishments or fines when landlords fail to comply. Capacity and political will are two elements that may have to be developed over time, with community advocacy being key to advancing them. It may require the campaign to be active in the annual budget process to ensure funds are being dedicated to implementation and enforcement. Campaign partners should also consider engaging philanthropic partners in conversations about funding the increased capacity of the campaign. Finally, enactment of a right to counsel for tenants facing eviction can help greatly with enforcement of all new rental protections.

- **Engaging in government-convened advisory boards or work groups.** Some jurisdictions will create a work group, advisory board, or other body that will be tasked with making recommendations (or decisions) about the policy and its implementation. These bodies are generally convened or facilitated by government staff but consist of unpaid individuals identifying across the spectrum of stakeholders, ranging from tenants and housing advocates to landlord associations and developers. While serving in these bodies can be challenging and require a lot of patience, oftentimes other members have contradicting values or want to repeal the law altogether. Therefore, it is vital to the success of the policy that campaign leaders and members of the base volunteer for these roles. It is in these spaces that the campaign can get a sense of the arguments being made against the ordinance, the ways the opposition is trying to undermine the policy, and where the ordinance can be defended from amendments or poor implementation practices.
- **Celebrating wins.** Campaigns are accustomed to telling stories that demonstrate the need for tenant protections, such as families who are evicted because of rent hikes or lack of representation in housing court. However, now that the campaign has won, make sure stories of the policies' success are also being told. Tell stories of how the policy is working as designed, such as families being able to stay in their home because of rent stabilization or successfully fighting an unjust eviction through right to counsel. These are the stories that start to shift the narrative on housing by showing people that there are solutions to the housing crisis, and harm can be repaired now.

With all of these steps, it is important to keep the base engaged. Implementation and enforcement can get wonky and technical, but that does not mean it is too complicated to share the work with people who are not trained policy advocates. Be transparent in notifying the base of what needs to happen next, of who holds power in these processes, and how they can leverage their electoral power to pressure elected officials into honoring the will of voters when they passed the policy on Election Day. Reaching out to elected officials and submitting public testimony, either in-person or virtual, is a short and simple way for people to stay engaged in advocacy that is necessary to keep building momentum around the policy. Posting selfies or stories on social media about how tenant protections have changed their lives and what life is like now is another powerful way to shift public narrative.



## Case Study

### St. Paul, Minnesota

#### Ballot Question 1 by the **Keep St. Paul Home Campaign**

Jurisdiction Type: <b>Charter City</b>		Initiative Authority: <b>State law requires initiated charter amendments and permits charter cities to adopt initiated ordinances</b>	
Initiative Types Available	Signature Requirement	Unique Features of Process	If finding that law is legal and enough valid signatures
Charter Amendment	5% of the total votes cast at the last previous state general election in the city. (Minn. Stat. Section 410.12; Minn. Const. Art. XII, Section 5)		Goes to ballot
Ordinance (Indirect)	8% of those who voted for the office of mayor in the last preceding city election	“No ordinance adopted by the voters on initiative . . . shall be repealed within one year after its approval.” St. Paul, Minnesota Charter, Sec. 8.06	Goes to council which has 60 days to adopt without change;  If council doesn't adopt, goes to ballot

On November 2, 2021, the Keep St. Paul Home campaign and 53 percent of St. Paul voters passed what was, at the time, the country’s strongest and most comprehensive rent stabilization policy: a 3 percent annual rent cap applicable to all units, with rent increases tied to the unit (vacancy control), and without exemptions for building types or age. Neighbors across the city celebrated what they had accomplished together: a show of solidarity in the form of nearly 31,000 votes winning six out of the seven wards in St. Paul to enact powerful legislation advancing racial justice in housing by preventing renters from getting economically displaced from their homes and communities.

However, the dominant public narrative, as influenced by landlords, developers, and local and national media, was quite the opposite. Headlines ranged from “St. Paul’s Mayor Is Already Scrambling to Amend the City’s Harmful Rent Control Law” to “Developers Pause St. Paul Projects after Rent Control Vote,” rather than focusing on the impact it would have on the majority of St. Paul residents who rented their homes.<sup>102</sup>

Campaign organizers combated the disaster narratives by utilizing race-class narrative—a tool they had used effectively during the campaign—to clearly name who the villains were, how the opposition was trying to hold the city hostage, and reminding community members of their victory and the importance of not giving in to fear.<sup>103</sup>

During the campaign, only two of the seven St. Paul city council members endorsed rent stabilization, and the St. Paul mayor, Melvin Carter, only tepidly endorsed **via Twitter** saying, “I am voting ‘yes’ for rent stabilization. Not because the policy is flawless as drafted—we can and must make it better, quickly—but because it’s a start.” The St. Paul City Charter allows the city council to amend ordinances passed via ballot initiative. Campaign organizers noted that this lack of support and enthusiasm from city leaders—in addition to the mayor asking the city council to create a new construction exemption shortly after Election Day—signaled to developers and landlords that they could start lobbying for amendments immediately after Election Day, and they did.



**Above:** Campaign volunteers in St. Paul, Minnesota. (Photo courtesy of Keep St. Paul Home.)

Organizers quickly pivoted to focusing on implementation, while contending with mounting lobbying pressure from real estate interests. With the ordinance passing on November 2, 2021, and an implementation date of May 1, 2022, the city had six months to create implementation rules and a process for landlords to request exceptions. However, by January of 2022, there was very little public information coming from the city notifying residents of implementation plans. Organizers mobilized residents to demand holistic community engagement and transparency around a deadline for implementing the ordinance according to the will of the voters. In March and April of 2022, community members and advocates testified in front of the city council in support of various ordinances that would support an effective implementation of the rent stabilization ordinance: one to pass a budget resolution allocating city funds to effectively administer and enforce the rent stabilization ordinance, one to clarify definitions in the ordinance language, and one to give the Department of Safety and Inspections (DSI) the right to administer and enforce the ordinance. While there was a public comment period for DSI's proposed rulemaking, it included an incredibly quick turnaround time with a deadline for comments that was just a few days before the ordinance took effect on May 1—a signal for organizers that there was no way DSI would meaningfully engage with the public through the rulemaking process. Their responses to the public were perfunctory and did not engage with the substance of comments, leading to very few changes to the rules.

### Who led and supported the Keep St. Paul Home campaign on its path to victory?

- Housing Justice Center
- HOME Line
- West Side Community Organization
- Southeast Community Organization
- Frogtown Neighborhood Association
- The Alliance for Metropolitan Stability
- Jewish Community Action
- Minnesota Youth Collective
- Take Action MN
- ISALAH and Faith in Minnesota
- SEIU MN State Council
- Twin Cities Democratic Socialists of America (DSA) Chapter
- Councilmember Mitra Jalali

Once implementation began in May 2022, it became clear to residents and advocates that DSI was not adequately enforcing the ordinance, which they suspect was due to a combination of political and staff capacity reasons. There was a massive gap in public education and messaging from the city about people's rights under the new rent stabilization ordinance, which legal advocacy organizations have tried to fill despite limited capacity. Residents who received illegal rent increases reached out to DSI and were told the city did not have the resources to pursue legal action or criminal citation against the landlord and suggested that the renter find an attorney to exercise their private right of action. Currently, the burden of enforcement is falling on renters themselves with tenant and community organizations playing as much of a role as they can. While local legal aid organizations have been able to help some tenants fight illegal rent increases, these organizations also face limited capacity issues, especially as post-moratorium eviction rates continue to rise. As an additional example of ongoing reluctance to enforce the rent stabilization ordinance, DSI has also been silent on the issue of whether the outcome of an individual tenant's appeal of a landlord's exception to a 3 percent rent increase applies to all rental dwellings in a building.<sup>104</sup> By not applying appeal results to all units, DSI forces every rental household in a building to file appeals of their own, creating inefficiencies for everyone involved: renters, landlords and the city. Tenants asked for this to be addressed in their appeal, but the city has not yet acted.

Furthermore, before implementation of the ordinance even began, the mayor assembled a stakeholder group to make longer term changes to the ordinance. The majority of this group's membership represented real estate interests, though there were also community members and advocates who represented the views of “yes” voters—an important role since this was an unelected body tasked with making changes to a policy adopted by the majority of St. Paul voters. Pro-rent stabilization advocates organized the stakeholder group to pass a set of recommendations that sought to mitigate some of the worst impulses coming out of the table (i.e., vacancy decontrol and a 30-year new construction exemption), and even included the addition of just cause protections.

However, the recommendations were largely ignored by the majority anti-rent stabilization city council, who voted to fundamentally weaken the ordinance with changes including partial vacancy decontrol, a 20-year new construction exemption, and an exemption for all affordable housing in St. Paul. On January 1, 2023, thousands of renters who were protected from the original policy lost their rent protections due to actions of city council to create new exemptions and are once again at the whim of their landlord.

Finally, as campaign organizers had feared, **property owners filed a federal lawsuit over St. Paul's rent stabilization ordinance** shortly after implementation began, claiming a lack of constitutional due process and illegal taking of private property.<sup>105</sup> While advocates do not anticipate that the case will succeed, they recognize that it is a scare tactic and hope it does not cause city council to further amend or repeal the ordinance (which is how the council responded to a **lawsuit against tenant protections passed in 2021**). While there is still much work to do around implementation, enforcement, giving the ordinance real teeth, and strengthening it in the future, organizers are confident that there are many potential avenues for their work—from fighting for more resources for DSI to enforce the ordinance, mobilizing voters to fight for the strong ordinance they won in the first place, to making rent stabilization a priority issue in the 2023 city council election.

**Below:** Campaign volunteers in St. Paul, Minnesota. (Photo courtesy of Keep St. Paul Home.)



# Case Study

## Orange County, Florida

### Rent Stabilization Ordinance by Florida Rising

<b>Jurisdiction Type:</b> Charter County		<b>Initiative Authority:</b> State mandates initiated charter amendments and allows cities to adopt process for initiated ordinances	
Initiative Types Available	Signature Requirement	Unique Features of Process	If finding that law is legal and enough valid signatures
Charter Amendment	10% of the county electors in each commission district as of January 1 of the year in which the petition is initiated	After confirming 1% signatures collected, legal review panel reviews proposed law, ballot title and summary, etc. for compliance	Goes to ballot
Indirect Initiated Ordinance	7% of the county electors in each commission district as of January 1 of the year in which petition is initiated	If found compliant with law, public hearing held  If not found compliant, signature collection must stop!	Goes to Board of County Commissioners which has 60 days to adopt without change  If Board doesn't approve, then it goes to ballot
Legislatively Referred	Placed on ballot by majority vote of Board of Commissioners. The county legislature “shall have the power to carry on county government,” which includes the power to “[p]lace questions or propositions on the ballot.” (Fla. Stat. § 125.01) The county government can also refer charter amendments to voters. (Orange County Charter, Sec. 602)		
<b>Preemption Landscape:</b> Florida preempts its municipalities from enacting rent control, but there is an exception for emergencies where ratified by voters. Fla. Stat. § 166.043 (applicable to municipalities); Fla. Stat. § 125.0103 (applicable to counties)			

In Orange County, the historic placement of rent stabilization on the November 2022 ballot was made possible by a long legacy of housing organizing by labor, faith, and climate organizers, many of whom were climate refugees who left Puerto Rico after Hurricane Maria. Years of people-driven ballot initiative infrastructure and electoral organizing by Florida Rising and other organizations helped create a progressive four-person majority on the Orange County Commission and build the power to pressure the Commission majority into acting boldly on housing justice. Rent stabilization required a unique path in Florida due to state

preemption: the state preempts municipalities from enacting rent control unless there is “a housing state of emergency that is a grave threat to the general public.”<sup>106</sup> In that case, the municipality may ask voters to implement a one-year rent stabilization measure. After months of organizing and public testimonies in which residents told the stories of the housing emergency they were experiencing—and despite the obstructionist actions of a mayor who did not support rent stabilization—the Commission voted (4-3) in favor of referring the law to the ballot in August 2022.

This exception to the state rent control preemption, though enacted in 1977, had never been used before. There were many questions about how it would be interpreted by the state legal system, and concerns around legal vagueness, especially considering the lack of definition for terms used in the state statute. Organizers, led by Florida Rising, tried to define the housing emergency themselves by illustrating how renters across the county were experiencing rent increases, eviction, and displacement as contributions to the public record. The opposition to the rent stabilization campaign, led by the Florida Apartment Association and Florida Association of Realtors, immediately took advantage of the unprecedented use of this loophole and filed a lawsuit against Orange County, contending that it violated both the state's preemption law and its Constitution.<sup>107</sup> Days before Election Day, on October 27, the Fifth District Court of Appeals ruled in support of the Association of Realtors and found that the county had not met its burden to show “an existing housing emergency...so grave as to constitute a serious menace to the general public,” and failed to show that rent stabilization was “necessary and proper to eliminate the emergency.”<sup>108</sup> In reaching this conclusion, the Court mainly relied on the research and testimony of a consultant the county hired to research its housing market, and

mostly ignored the offerings of legal analyses and resources from advocates.

The Court reasoned that emergencies are “sudden” and “unexpected,” but the consultant’s research indicated that the housing issues suffered by Orange County were more so the result of “historic structural issues” like population increases over the course of a decade and longstanding housing shortages. The Court also concluded that there was no evidence of a threat to the public, since the consultant testified that essential workers could still afford to reside in the community and there was no evidence that the homeless population had become so large as to overwhelm public services. On the contrary, more than half of tenants in Orange County are cost-burdened, meaning they spend more than 30 percent of their income on housing costs.<sup>109</sup> This statistic jumps to 84 percent of renters when looking at those living at less than 200 percent of the poverty level<sup>110</sup>—a situation in which many essential workers find themselves. The consultant even indicated that rent stabilization was “not likely to have much of an effect on rental conditions in the market,” despite research showing that rent stabilization increases stability and affordability for tenants.<sup>111</sup> In addition to suing the county, the

**Below:** Campaign volunteers in Orange County, Florida. (Photo courtesy of Florida Rising.)



real estate lobby raised and spent over \$2 million against rent stabilization, and donated over \$50,000 to the candidate who ran against Commissioner Maribel Gomez Cordero, who voted in support of rent stabilization.

Despite this setback and the odds being stacked against them, core leaders decided to continue running the “Yes” campaign by contextualizing this battle under a larger strategy to gain political capital for future wins. This strategy paid off beyond belief as **59 percent of Orange County** voters supported the one-year rent stabilization ordinance, showing the Commission—and the country—that voters demand bold action on rent and housing stability.

Electoral results told a powerful story: rent stabilization vastly outperformed candidates and other issues on the ballot. More Orange County voters voted for rent stabilization, a potentially unenforceable issue with more than \$2 million against it, than the other questions the legislature put on the ballot. It also received more than twice the votes as the mayor of Orange County in his re-election campaign. After the results of Election Day, the campaign had two imperatives: to continue uplifting the electoral victory of rent stabilization and to pressure the Commission to appeal the Fifth District Court’s decision in order to defend the people’s will against corporate greed. Soon thereafter, the margin of victory on the ballot compelled the mayor to vote to support the appeal, even though he had originally voted against its referral in August. On November 17, 2022, the County Commission voted (5-2) to appeal the court ruling.<sup>112</sup>

While the appeal makes its way through the courts, Florida Rising is busy building upon the momentum of Election Day. After recovering from post-election exhaustion and two hurricanes, they came back and regrouped with coalition members to determine who was able to commit to continuing the fight. They ensured that the commissioners would not just file the appeal and wash their hands of housing issues by consistently broadcasting the narrative that on Election Day, voters did not only overwhelmingly support rent stabilization—they supported rent stabilization and housing justice. In terms of engaging their base and supportive voters, organizers intentionally pivoted to advancing other housing policies that would not face a similarly difficult legal pathway as rent stabilization. They did not want people to be discouraged by the litigation, and instead, re-engaged volunteers who had participated in the campaign’s field program to encourage them to continue holding elected officials accountable.

### In Retrospect

Looking back, organizers wished they had started making a stronger case for Orange County’s housing emergency as a “grave threat to the general public” sooner by framing their stories slightly differently. Rather than focusing on the impact of displacement on renters alone, they would have made the case for how systemic landlord profiteering causes damage to everyone and disintegrates the very fabric of communities—and in doing so, creates a threat to the general public. As they got further along in the campaign, organizers did use this messaging tactic and talked about the larger impacts. Unfortunately, these comments were not formal remarks made at council sessions, and therefore, were not considered a part of the public record used to justify the county’s decision.

On January 24, 2023, just months after the election, Florida Rising successfully won another huge victory: the Orange County Commission voted unanimously to pass a Tenant Bill of Rights that includes some of the strongest renter protections in the country, such as requiring 60-day notice for rent increases above 5 percent, banning landlords from discriminating against renters for their source of income, and creating a dedicated office designed to help tenants work with landlords.<sup>113</sup> Future work will include building power beyond Orange County and connecting with other leaders in large cities to illustrate how all Floridians have a stake in the fight for housing justice. Together, they will continue to advance policies that create more equitable housing conditions for renters, from a landlord registry to increase transparency and accountability in property ownership and management in communities, to right to counsel policies that will mandate legal representation for any renter facing eviction.

# The Future Movement: Leveraging Wins for a Just Housing System

**Below:** Affordable Housing building in San Jose, California. (by Will Buckner, is licensed under [CC BY 2.0](#))



## Housing Justice Wins Are Paving the Way for Our Future

The future of housing justice ballot initiatives is being built upon with each passing month and year as communities organize, strategize, and envision the policies that resonate with their neighbors and the community's needs. Cities across the country have been able to pass huge electoral wins and then strengthened, or adjusted the policy in future years. Portland, Maine, for example, passed a rent stabilization ballot initiative in 2020 that brought out 88 percent of voters, and when they came back to amend and strengthen that same policy in 2022, voters still had a high turnout rate in favor of the new adjustments. Other cities like Richmond and Oakland, California, were also able to build on previous wins in 2022 to bolster existing housing justice policies and ensure the highest level of protections were available to tenants in the area.

While these cases clearly indicate how the first iteration of a policy does not have to be the strongest when it is initially passed to pursue lasting housing affordability and anti-displacement, it is still best to start out with the coalition and campaign's strongest policy. Although a campaign can always adjust in the future, that is more time and resources that could be used for another complementary housing policy campaign, instead of the same one. Additionally, if future complementary policies are pursued (such as a right to counsel after just cause protections were passed the previous cycle), previous campaigns led by similarly valued groups can provide guiding information on the attitudes of voters, coalition spaces, and organizing structures and tactics that worked well with the community.

In many jurisdictions across the nation, organizing coalitions put forward a series of ballot initiatives that were meant to complement one another and be a package to build economic relief for families. Portland, Maine, was one key place where this tactic was employed in 2020 and 2022. While the package of referenda saw mixed results in 2022, the 2020 campaign saw a series of wins that were meant to accomplish a variety of things. First, and most importantly, the package of referenda was meant to introduce a holistic vision of how the organizers wanted the city to be governed by advancing a set of key issues that were not being taken up by their local government and were increasingly meaningful to the community. The ability to utilize a wide array of ballot initiatives that were intertwined across a central set of values helped to create a wide coalition of supporters that claimed a stake in the overall fight for economic, housing, and racial justice. Many voters were even

prompted to vote "yes" for a specific policy because they knew that another organization they trusted was in support of an aspect of the package.

While Portland saw notable success in 2020, this is not always the case. Campaign teams can put a host of policies on the ballot, but there is always a risk that support can be lost if select policies in a package are supported far more than others. Therefore, it is important to consider how the local electorate responds to certain issues and be sure that coalition partners, organizations, and overall narratives are continuously distinguishing between the various issue areas that a package of policies is looking to address.



## Reflections:

### Hopes for Future Ballot Initiatives

Organizers, tenants, advocates, and leaders across the nation have an endless well of wisdom and knowledge to share to inform the ballot initiative campaigns we will see in the future. It is important to emphasize that this guide only covers the surface of what it takes and what to anticipate when pursuing a ballot initiative. As organizers have said, the campaign is only a quarter of the work. There is still much more to learn after an election is over and for future elections to create the housing futures we all strive for, but there is collective hope among housing justice advocates for what can be accomplished in the future.



Over the last year, we've seen a variety of successful housing justice ballot initiatives across the country, including several related to rent stabilization! It is amazing to think that the Keep St. Paul Home campaign may have provided inspiration to others in some small way. I hope that more and more people leverage the power of direct democracy as part of a larger movement to win housing policies that benefit the multiracial working class. I found through personal experience that ballot initiatives can be a great way to invite more people in, develop new strengths within our movements, and build a larger base of power that will be instrumental when it comes to the implementation and enforcement of policy down the road. Here's to more victory in 2023 and the years to come!

In November of 2021, St. Paul voters passed the strongest rent stabilization policy in the country. Since then, renters and organizers have experienced a variety of setbacks as the policy has been picked apart and rent stabilization protections narrowed, covering fewer tenants. My wish for St. Paul in the next year is that we are able to remember what it felt like to work together and win, reflect on what Mariame Kaba tells us about hope, and cut through some of the understandable despair because there is still so much work to be done. The Keep St. Paul Home campaign expanded the horizon of what we believe we can win, and I see so many opportunities to create stronger protections for St. Paul renters in the coming years.

**Meghan Daly,**  
**Minnesota Youth Collective**



It's my hope that people can continue to form alliances across socioeconomic lines in their communities. The electoral success of the St. Paul rent stabilization ordinance and the Minneapolis rent stabilization ballot initiative would not have been possible without the support of property owners as well as renters. It's my hope that housing justice advocacy organizations continue to put their values and resources behind policies that will directly benefit the neediest renters in our communities. It's my hope that we all continue to fight for cities, neighborhoods, even blocks where everyone can feel at home in their home.

**Daniel Suitor,**  
**HOME Line**



My hope is that there is serious community buy-in, not just when there is a large campaign, but ongoing buy-in in the outcomes of our communities. As we saw on this ballot initiative, when this type of issue is brought to the forefront, it positively impacts other candidates who are like, 'this issue is important to me as well.' This also provides an opportunity for everyone to have access to quality housing, [and] for housing to stop being looked at as a financial commodity, but instead that [housing] is a necessity and a human right.

**Cynthia Laurent,**  
**Florida Rising**

# Appendix

## Common Terms and Definitions

### Ballot Initiative (Community-Led)

A process that allows voters to introduce a new law (or an amendment to a law), either by sending the law to the city or county legislature or to voters directly after enough valid signatures are collected. In some places, community-led ballot initiatives may be called ballot measures, popular initiatives, voter initiatives, citizen initiatives, propositions, or even **referenda**. We use **community-led ballot initiatives** to distinguish from “legislatively referred” ballot initiatives, which are ballot initiatives that the legislature sends to the voters. This guide mostly focuses on community-led ballot initiatives and only those that are “binding” (meaning they result in a new or amended law) instead of “advisory.”<sup>114</sup> The term “ballot initiative” is used as shorthand for “community-led ballot initiative.” The three types of ballot initiatives that may be available locally are **direct initiated ordinances**, **indirect initiated ordinances**, and **initiated charter amendments**. For additional information, see the *An Introduction to the Ballot Initiative Process: Types of Ballot Initiatives* section.

### Campaign Finance Law

Rules about how and when the ballot initiative campaign can spend money. These laws may also require the campaign to register with the local elections office. The city or county elections office may be able to give you information about these laws. For more about campaign finance, read *Running a Ballot Initiative Campaign: Campaign Finance*.

### Canvassers

The people who collect voter signatures in support of the ballot initiative. May also be called “**sponsors**” or “**circulators**,” though “sponsors” is sometimes used to mean the individuals applying (“petitioning”) to begin the ballot initiative campaign.

### Charter

May also be called a “home rule charter.” The document that sets out the rules for a **charter city or county**. Charters vary in terms of what information they contain: “Some charters deal

mainly with the... structure and function [of government], leaving the details to ordinances. Others specify . . . the powers, duties, and responsibilities of the [city or county’s elected officials and staff].”<sup>115</sup> Still others may have substantive rights. Some cities or counties may have charters that simply mirror their state constitution or laws. The local charter may have **subject matter restrictions** or information about the number of signatures you need to collect to send the ballot initiative to voters.

### Charter City or County

A charter city or county is one whose process and organization, as well as its powers and the role of its leaders, are described in its **charter**. *Compare with general law city or county*. May be called a “**home rule city or county**” in some places.

### Circulators

See **canvassers**, above.

### Fiscal Considerations

Some cities or counties may complete a “fiscal review” (estimating the cost of reviewing and certifying the ballot initiative **petition**) and/or a “fiscal impact statement,” sometimes called a “fiscal note” (estimating how much it would cost to implement the proposed law). Sometimes, the fiscal impact statement must be included on the petitions that **canvassers** circulate or as part of the ballot initiative’s title. Other times, the fiscal information is published before the election.

If the ballot initiative needs to have funding attached, you may need to identify a funding source and/or an increased source of revenue. Both of these requirements apply to statewide ballot initiatives in Arizona, for example.

### General Law City or County

A local government that does not have a **charter**. General law cities and counties are usually governed only by their state law and constitution (and court interpretations of these laws). Compare with **charter city or county**.

## Home Rule City or County

See **charter city or county**, above.

## Legislative Alteration

Sometimes called “legislative tampering.” In this guide, the term refers to the legislature amending or repealing a **direct** or **indirect initiated ordinance** that voters enacted. Typically, the legislature cannot amend or repeal an **initiated charter amendment** that the voters approved, because changing a local **charter** usually requires voter approval (unless the initiated charter amendment itself says the legislature is allowed to make changes on its own, which is rare).

## Local or Special Legislation

A common type of **subject matter restriction** that applies to statewide ballot initiatives. If the state says that statewide ballot initiatives cannot cover **local or special legislation**, it means that they cannot cover topics that only impact certain localities. Instead, statewide ballot initiatives must address things that are of “common interest to the whole state.”

## Petition

The document that **sponsors** or **petitioners** use to apply for city or county approval of the ballot initiative campaign. After the city or county approves the petition, the **canvassers** can start gathering signatures.

## Petitioner(s)

The person or people asking the city or county approval to circulate their ballot initiative. Some places may use the word **sponsors** instead.

## Referendum (Referenda, *pl.*)

Usually, this term means a ballot initiative that would repeal a law. This guide does not focus on referenda. But some places use this word to mean the same thing as a “binding” **community-led ballot initiative**, which would result in a new or amended law.

## Single-Subject Rule

A law that says a ballot initiative cannot cover more than one subject, topic, or issue. Whether a ballot initiative covers more than one subject is a legal question that a city or county legal department or clerk usually determines.

## Sponsors

This term often means the people applying (“petitioning”) for city or county approval to circulate the ballot initiative, but other places use the word **petitioners** instead. “**Sponsors**” may also be used to refer to the people who collect signatures in support of the ballot initiative. At the state level, the signature collectors are usually called “**circulators**” or “**canvassers.**”

## Subject Matter Restriction (or Subject Restrictions)

A law that limits the topics that a ballot initiative can cover. To learn about **subject restrictions** in the jurisdiction, look to the state constitution and statutes, the local ordinances or charter, or some combination of these.

# Notes

- 1 Ben Kelly, “Rent Control, Rent Stabilization and Eviction Protections in November 2022 Elections,” original research by PolicyLink (2022, unpublished); National Low Income Housing Coalition, *Voters Choose Housing: A Summary of Housing and Homelessness Ballot Measures in the November 2022 Elections* (Washington, DC: NLIHC, 2022), <https://nlihc.org/resource/nlihc-releases-report-housing-and-homelessness-ballot-measures-november-2022-elections>.
- 2 National Low Income Housing Coalition, *Promoting Housing Stability Through Just Cause Eviction Legislation* (Washington, DC: NLIHC, 2022), <https://nlihc.org/sites/default/files/Promoting-Housing-Stability-Through-Just-Cause-Eviction-Legislation.pdf>.
- 3 “Tenant Right to Counsel,” National Coalition for a Civil Right to Counsel webpage, accessed February 8, 2023, [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel).
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## Author Biographies

**Tram Hoang**, Senior Associate, supports the PolicyLink housing team in transforming our nation's housing system through policy analysis, research and advocacy, narrative change, and building the capacity of our partners in movement spaces.

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