



(PRACTICE AREA)
Public Law
Litigation

St. Helena Triumphs in Rent Stabilization Measure

SITUATION

Our client, the City of St. Helena, adopted a mobile home rent stabilization ordinance (RSO) late last year that was challenged by a successful referendum petition. As required by the Elections Code, the City Council called a special election, adopted a ballot question and, subsequently, made ballot arguments on the measure.

CHALLENGES

Referendum proponents sued the city, challenging both the ballot question and arguments as false, misleading and, in the case of the question, argumentative. The chief arguments were that the question and arguments both improperly (1) stated that the RSO allowed tenants to opt in by signing short term leases, and (2) used an assertedly euphemistic term “stabilization” instead of “control.” Burke argued on behalf of the City that tenant choice was a verifiable fact under both the RSO and state law, and that the term “stabilization” was a common term used interchangeably with the term “control” by courts, and used almost universally in similar ordinances statewide.

PROCESS

Burke attorneys Tom Brown, Deepa Sharma and Sergio Rudin guided the City through the RSO adoption process and through the process of calling the election and otherwise complying with the Elections Code. After the lawsuit was filed, they briefed the case and argued on behalf of the city.