

RENT CONTROL BY STATE LAW

OVERVIEW

STATES AND FEDERAL DISTRICTS WITH STATEWIDE AND DISTRICTWIDE RENT CONTROL	District of Columbia , Oregon
STATES WITH STATEWIDE RENT CONTROL & LOCAL ORDINANCES IN EFFECT	California
STATES WITH NO STATEWIDE RENT CONTROL; COUNTY AND CITY LAWS IN EFFECT	Maine , Maryland , New Jersey , New York
STATES THAT PREEMPT RENT CONTROL	Alabama , Arkansas , Colorado , Connecticut , Florida , Georgia , Idaho , Illinois , Iowa , Kentucky , Louisiana , Massachusetts , Michigan , Minnesota , Mississippi , Missouri , New Hampshire , New Mexico , North Carolina , North Dakota , Ohio , Oklahoma , South Carolina , South Dakota , Utah , Washington
STATES THAT PREEMPT RENT CONTROL & MANDATORY INCLUSIONARY ZONING	Arizona , Indiana , Kansas , Tennessee , Texas , Wisconsin
STATES WITH NO RENT CONTROL/ NO PREEMPTION	Delaware , Hawaii , Montana , Nebraska , Wyoming
DILLON RULE STATES WITH NO RENT CONTROL/ NO PREEMPTION	<p>Alaska, Nevada, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia</p> <p>Dillon Rule States – “Dillon Rule creates a framework where local governments can only legislate what the state government has decreed. If local governments wish to exercise authority outside what has been delegated, they may approach the state and make their case.”</p>

RENT CONTROL BY STATE LAW

DISTRICT OF COLUMBIA

DISTRICTWIDE RENT CONTROL

Code of the District of Columbia Title 42 Real Property Chapter 35 Rental Housing Generally Subchapter II
[Rent Stabilization Program 42-3502](#)

OREGON

STATEWIDE RENT CONTROL

STATUTE – Oregon Senate Bill 608 SECTION 2. ORS 90.323 is amended to read: 90.323.

- 1) *If a tenancy is a week-to-week tenancy, the landlord may not increase the rent without giving the tenant written notice at least seven days prior to the effective date of the rent increase.*
- 2) *For purposes of this section, the term “consumer price index” refers to the annual 12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor in September of the prior calendar year. [(2)]*
- 3) *[If a tenancy is a month-to-month tenancy] During any tenancy other than week-to week, the landlord may not increase the rent:*
 - a. *During the first year after the tenancy begins.*
 - b. *At any time after the first year of the tenancy without giving the tenant written notice at least 90 days prior to the effective date of the rent increase. Enrolled Senate Bill 608 (SB 608-INTRO) Page 4*
 - c. *During any 12-month period, in an amount greater than seven percent plus the consumer price index above the existing rent except as permitted under subsection (7) of this section. [(3)]*
- 4) *The notices required under this section must specify:*
 - a. *The amount of the rent increase;*
 - b. *The amount of the new rent; [and]*
 - c. *Facts supporting the exemption authorized by subsection (7) of this section, if the increase is above the amount allowed in subsection (3)(c) of this section; and*
 - d. *The date on which the increase becomes effective. [(4)]*
- 5) *This section does not apply to tenancies governed by ORS 90.505 to 90.850.*
- 6) *A landlord terminating a tenancy with a 30-day notice without cause as authorized by ORS 90.427 (3) or (4) during the first year of a tenancy may not reset rent for the next tenancy in an amount greater than seven percent plus the consumer price index above the previous rent.*
- 7) *A landlord is not subject to subsection (3)(c) or (6) of this section when:*
 - a. *The first certificate of occupancy for the dwelling unit was issued less than 15 years from the date of the notice of the rent increase; or*
 - b. *The landlord is providing reduced rent to the tenant as part of a federal, state or local program or subsidy.*
- 8) *A landlord that increases rent in violation of subsection (3)(c) or (6) of this section is liable to the tenant in an amount equal to three months’ rent plus actual damages suffered by the tenant.*

**Not intended for use as legal advice. Information pulled from publicly available sources.*

CALIFORNIA

STATEWIDE, COUNTY, & MUNICIPAL RENT CONTROL

STATUTE – California Assembly Bill 1482

An act to add and repeal Sections 1946.2, 1947.12, and 1947.13 of the Civil Code, relating to tenancy.

This bill would, until January 1, 2030, prohibit an owner of residential real property from, over the course of any 12-month period, increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. The bill would prohibit an owner of a unit of residential real property from increasing the gross rental rate for the unit in more than 2 increments over a 12-month period, after the tenant remains in occupancy of the unit over a 12-month period. The bill would exempt certain properties from these provisions.

COUNTY SPECIFIC LAWS – Los Angeles County (unincorporated areas)

CITY SPECIFIC LAWS – Alameda, Berkeley, Beverly Hills, Campbell, Culver City, Gardena, East Palo Alto, Fremont, Hayward, Inglewood, Los Angeles, Los Gatos, Milpitas, Mountain View, Oakland, Palm Springs, Richmond, Sacramento, San Francisco, San Jose, Santa Ana, Santa Monica, Thousand Oaks (Pre-1988 Tenancy only), Vallejo, West Hollywood

MAINE

NO STATEWIDE RENT CONTROL; COUNTY & CITY LAWS IN EFFECT

Provides for Home Rule through state constitution.

CITY SPECIFIC LAWS –

Portland (*Rent Control Ordinance caps the amount that landlords may increase the rent annually*)

* Home Rule States – Home Rule creates a framework in which local governments can legislate as they see fit, so long as the state government (or federal government) has not strictly prohibited it. Local governments may exercise authority at a similar level as the state itself and retain the right to enact their own laws and regulations.

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MARYLAND

NO STATEWIDE RENT CONTROL; COUNTY & CITY LAWS IN EFFECT

No statewide rent control, some cities and counties are under rent control:

MD Local Gov Code § 13-923 (2018)

The County Commissioners of Washington County may enact a local law or adopt regulations to control the increase of rent in the county.

MD Local Gov Code § 13-922 (2018)

The governing body of Frederick County may enact an ordinance to control the increase of rent in the county.

Montgomery County Code Section 29-55

Rent increases and late fees [[during]] following the COVID-19 state of emergency – prohibited.

Takoma Park Rent Stabilization Law

All landlords who are under rent stabilization are required to give at least a two-month written notice of a rent increase and cannot increase the rent more than the city's rent stabilization allowance in effect at the time of the increase. The Current Rent Increase Allowance is 1.6% and applies to all rent increases occurring between July 1, 2019 through June 30, 2020.

6.20.010 Application of rent stabilization—Scope, rent increases, notification requirements, annual reporting.

- 1) Rent Increases. Rent increases shall be limited to the rent increase amounts authorized by this chapter for regulated rental units.*
- 2) Frequency of Rent Increases. Rents for any individual rental unit may not be increased more often than permitted by this chapter.*
- 3) Notice of Rent Increases. Notification of any rent increase authorized by this chapter shall be provided in writing to the tenant at least two months prior to the date the rent increase is to take effect.*
- 4) Reporting of Rents. Landlords must file an annual rent report with the Department on a form prescribed by the Department.*

MUNICIPALITIES –

Atlantic City, Atlantic Highlands, Barnegat Township, Bayonne, Belleville, Bergenfield Borough, Bloomfield, Caldwell Borough, Camden, Cedar Grove, Cherry Hill Township, Chesilhurst Borough, Cliffside Park Borough, Clifton City, Dumont Borough, East Brunswick, East Orange, East Rutherford, East Windsor, Eatontown, Edgewater Borough, Edison Township, Egg Harbor, Elizabeth, Elmwood Park Borough, Englewood, Ewing Township, Fair Lawn, Fairview, Fort Lee, Franklin Township, Gloucester Township, Guttenberg Town, Hackensack City, Haddon Township, Hamilton Township, Hammonton, Hasbrouck Heights, Hazlet, Highland Park, Hoboken, Howell Township, Irvington, Jackson Township, Jersey City, Lakewood Township, Leonia, Linden, Lindenwold, Little Falls Township, Little Ferry Borough, Lopatcong, Lyndhurst, Mantua Township, Maplewood Township, Maywood Borough, Metuchen Borough, Middlesex, Morristown, Neptune Township, New Brunswick, New Milford Borough, Newark, North Arlington Borough, North Bergen, North Brunswick, North Plainfield, Nutley Township, Old bridge Township, Orange Township, Palisades Park Borough, Passaic City, Paterson, Pennsauken Township, Perth Amboy, Piscataway, Pittsgrove Township, Randolph Township, Red Bank, Ridgefield Borough, Ridgefield Park Village, River Edge Borough, Robbinsville, Roselle Borough, Rutherford, Sayerville Borough, Shamong, South Brunswick Township, South Orange Village, Springfield Township, Spring Lake Heights, Teaneck Township, Trenton, Union City, Union Township, Verona, Wallington Borough, Washington Township, Wayne Township, Weehawken, West Caldwell Township, West Deptford, West New York, West Orange Township, Weymouth, Woodbridge Township, Woodland Park Borough

STATEWIDE TENANT PROTECTION-

[Housing Stability and Tenant Protection Act of 2019](#)

MUNICIPALITIES -

[New York City](#)

Nassau County:

[Baxter Estates](#), [Cedar Hurst](#), [Floral Park](#), [Freeport](#), [Glen Cove](#), [Great Neck](#), [Great Neck Plaza](#), [Hempstead](#), [Long Beach](#), [Lynbrook](#), [Mineola](#), [North Hempstead](#), [Rockville Centre](#), [Russell Gardens](#), [Thomaston](#)

Rockland County:

[Haverstraw](#), [Spring Valley](#)

Westchester County:

[Ardsley](#), [Crantonon-Harmon](#), [Dobbs Ferry](#), [East Chester](#), [Greenburgh](#), [Harrison](#), [Hastings-on-Hudson](#), [Irvington](#), [Larchmont](#), [Mamaroneck](#), [Mount Kisco](#), [Mount Vernon](#), [New Rochelle](#), [Ossining](#), [Pleasantville](#), [Port Chester](#), [Rye](#), [Sleepy Hollow](#), [Tarrytown](#), [Tuckahoe](#), [White Plains](#), [Yonkers](#)

Orange: Municipalities that have opted into only the [Emergency Tenant Protection Act of 1974](#)

Blue: Municipalities that have opted into both the [Emergency Tenant Protection Act of 1974 \(ETPA\)](#) and [Senior Citizen Rent Increase Exemption \(SCRIE\)](#)

Green: See website for [Westchester County local rent control](#)

ALABAMA

PREEMPTS RENT CONTROL

STATUTE – Alabama Code: § 11-80-8.1

Enactment of ordinances, resolutions, etc., controlling rent charged for leasing private property prohibited.

- (a) *As used in this section, "local governmental unit" means any political subdivision of this state including, but not limited to, a county, city, town, or municipality, if the political subdivision provides local government services in a geographically limited area of this state as its primary purpose and it has the power to act primarily on behalf of that area.*
- (b) *A local governmental unit shall not enact, maintain, or enforce an ordinance, resolution, or rule that would have the effect of controlling the amount of rent charged for leasing private property. This section does not impair the right of any local governmental unit to manage and control property in which the local governmental unit has a property interest.*

ARKANSAS

PREEMPTS RENT CONTROL

STATUTE - Arkansas Code: § 14-16-601

Rent control preemption.

- (a) *As used in this section, "local governmental unit" means a political subdivision of this state, including, but not limited to, a county, city, village, or township, if the political subdivision provides local government services for residents in a geographically limited area of this state as its primary purpose and has the power to act primarily on behalf of that area.*
- (b) *A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.*
- (c) *This section does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.*

COLORADO

PREEMPTS RENT CONTROL

STATUTE - Colorado Code: § 38-12-301

Control of rents by counties and municipalities prohibited.

The general assembly finds and declares that the imposition of rent control on private residential housing units is a matter of statewide concern; therefore, no county or municipality may enact any ordinance or resolution that would control rent on either private residential property or a private residential housing unit.

For purposes of subsection (1) of this section, an ordinance or resolution that would control rent on either private residential property or a private residential housing unit shall not include: A voluntary agreement between a county or municipality and a permit applicant or property owner to limit rent on the property or unit or that is otherwise designed to provide affordable housing stock or (b) The placement on the title to the unit of a deed restriction that limits rent on the property or unit or that is otherwise designed to provide affordable housing stock pursuant to a voluntary agreement between a county or municipality and a permit applicant or property owner to place the deed restriction on the title.

An agreement authorized pursuant to subsection (2) of this section may specify how long either private residential property or a private residential housing unit is subject to its terms, whether a subsequent property owner is subject to the agreement, and remedies for early termination agreed to by both the permit applicant or property owner and the county or municipality. Notwithstanding any other provision of this section, a county or municipality may not deny an application for a development permit as defined in section 29-20-103(1), C.R.S., because an applicant for such a permit declines to enter into an agreement to limit rent on either private residential property or a private residential housing unit.

This section is not intended to impair the right of any state agency, county, or municipality to manage and control any property in which it has an interest through a housing authority or similar agency.

CONNECTICUT

PREEMPTS RENT CONTROL

STATUTE - CGS § 7-148b.

The Connecticut law does not permit municipalities to adopt rent control ordinances.

The Connecticut Supreme Court reached the conclusion after finding

- (a) municipalities have only the powers that are expressly conferred upon them and necessary to effect conferred powers and*
- (b) the legislature's 1956 repeal of laws authorizing municipalities to enact rent control made it clear that rent control is contrary to the legislature's will (Old Colony Gardens, Inc. v. Stamford, 147 Conn. 60 (1959)).*

However, Connecticut law authorizes municipalities to establish fair rent commissions to "control and eliminate excessive rental charges." Commissions can receive and investigate rent complaints, issue subpoenas, hold hearings, and order landlords to reduce rents.

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FLORIDA

PREEMPTS RENT CONTROL

STATUTE - 125.0103

Ordinances and rules imposing price controls; findings required; procedures.

(1)(a) Except as hereinafter provided, no county, municipality, or other entity of local government shall adopt or maintain in effect an ordinance or a rule which has the effect of imposing price controls upon a lawful business activity which is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

GEORGIA

PREEMPTS RENT CONTROL

STATUTE - Georgia Code: § 44-7-19

Restrictions on rent regulation by local governments.

No county or municipal corporation may enact, maintain, or enforce any ordinance or resolution which would regulate in any way the amount of rent to be charged for privately owned, single-family or multiple-unit residential rental property. This Code section shall not be construed as prohibiting any county or municipal corporation, or any authority created by a county or municipal corporation for that purpose, from regulating in any way property belonging to such county, such municipal corporation, or such authority from entering into any agreements with private persons, which agreements regulate the amount of rent to be charged for such rental properties.

IDAHO

PREEMPTS RENT CONTROL

STATUTE – Idaho Code: § 55-307 (2019)

(2) A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property. This provision does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

ILLINOIS

PREEMPTS RENT CONTROL

STATUTE – Illinois Code: § SOILC: S825

Rent Control Preemption Act – Sec. 5. Rent control prohibited.

A unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.

This Act does not impair the right of a unit of local government to manage and control residential property in which the unit of local government has a property interest.

Sec. 10. Home rule preemption. A home rule unit may not regulate or control the amount of rent charged for leasing private residential or commercial property. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution. Sec. 99. Effective date. This Act takes effect upon becoming law.

IOWA

PREEMPTS RENT CONTROL

STATUTE - Iowa Code: § 364.3

Limitations of powers.

A city shall not adopt or enforce any ordinance imposing any limitation on the amount of rent that can be charged for leasing private residential or commercial property. This subsection does not prevent the right of a city to manage and control residential property in which the city has a property interest.

STATUTE - Iowa Code: § 331.304

Procedural limitations on general county powers.

A county shall not adopt or enforce any ordinance imposing any limitation on the amount of rent that can be charged for leasing private residential or commercial property. This subsection does not prevent the right of a county to manage and control residential property in which the county has a property interest.

KENTUCKY

PREEMPTS RENT CONTROL

CASE LAW - Kentucky Code: § 65.875

Prohibition against local rent control on private property.

Notwithstanding the provisions of KRS 67.712, 67.083, 82.082, and 83.420, to ensure uniformity and statewide application, only the General Assembly shall enact legislation which would control rents on private property. This section is not intended to impair the right of any city, county, or urban-county to manage and control any property in which it has an interest through a housing authority or similar agency which provides housing assistance, nor is this section intended to include those programs operated by any city, county, or urban-county pursuant to federal grant programs.

LOUISIANA

PREEMPTS RENT CONTROL

STATUTE & CASE LAW - Louisiana Code: § RS 9:32S8

Lessor's right to own, control, use, enjoy, protect and dispose of property and things.

Every lessor, in accordance with the provisions of Article I, Section 4 of the Louisiana Constitution of 1974, shall have the right to the ownership, control, use, enjoyment, protection and right to dispose of private property including any alienation there of by lease or otherwise, where a person by law or contract has a legal right to give to another the enjoyment of a thing or property for a valid consideration; which said rights shall include all rights granted to lessors by Title IX of the Louisiana Civil Code dealing with lease, and which said rights shall not be altered, abridged or diminished except by state law, and which said rights are subject to the reasonable exercise of the police power.

Court of Appeal of Louisiana, Fourth Circuit: 351 So. 2d 247 (1977) Morris Lee JAVERS, Jr. Dennis Reed and Genevieve Cole v. COUNCIL OF the CITY OF NEW ORLEANS, Hon. Philip C. Ciaccio, Hon. A. L. Davis, Jr., Hon. Joseph V. DiRosa, Hon. Clarence O. Dupuy, Hon. Frank A. Friedler, Jr., Hon. John D. Lambert, Jr., Hon. James A. Moreau

MASSACHUSETTS

PREEMPTS RENT CONTROL

STATUTE – Massachusetts Code: Ch. 40P § 4-5

Massachusetts rent control prohibition act. Section 4.

No city or town may enact, maintain or enforce rent control of any kind, except that any city or town that accepts this chapter may adopt rent control regulation that provides:

- (a) after six months from the date of the initial adoption of rent control regulation by a particular city or town, compliance on the part of property owners as to the rent control regulation or any subsequently adopted rent control regulation shall be entirely voluntary and uncoerced, and the property of a person or entity declining to have his or its property subjected to such regulation shall be wholly unaffected by any aspect of the rent control regulation or any subsequently adopted rent control regulation;*
- (b) such regulation may not include the regulation of occupancy, services, evictions, condominium conversion or the removal of properties from such regulation nor may such regulation apply to any rental unit that is owned by a person or entity owning less than ten rental units or that has a fair market rent exceeding \$400;*
- (c) a municipality adopting such regulation shall compensate owners of rent controlled units for each unit in the amount of the difference between the unit's fair market rent and the unit's below market, rent controlled rent, with such compensation coming from the municipality's general funds, so that the cost of any rent control shall be borne by all taxpayers of a municipality and not by the owners of regulated units only.*

Section 5. Because rent control is a matter of statewide concern, this chapter shall preempt, supersede or nullify any inconsistent, contrary or conflicting state or local law.

MICHIGAN

PREEMPTS RENT CONTROL

STATUTE - Michigan Code: § 123.411

"Local government unit" defined; rent control prohibited; management and control of residential property.

Sec. 1.

- 1) *As used in this section, "local governmental unit" means a political subdivision of this state including, but not limited to, a county, city, village, or township, if the political subdivision provides local government services for residents in a geographically limited area of this state as its primary purpose and has the power to act primarily on behalf of that area.*
- 2) *A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property. This section does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.*

MINNESOTA

PREEMPTS RENT CONTROL

STATUTE - Minnesota Code: § 471.9996

Rent control prohibited.

Subdivision 1. In general. No statutory or home rule charter city, county, or town may adopt or renew by ordinance or otherwise any law to control rents on private residential property except as provided in subdivision 2. This section does not impair the right of any statutory or home rule charter city, county, or town:

1. *to manage or control property in which it has a financial interest through a housing authority or similar agency;*
2. *to contract with a property owner;*
3. *to act as required or authorized by laws or regulations of the United States government or this state; or*
4. *to mediate between property owners and tenants for the purpose of negotiating rents.*

Subdivision 2. Exception. Subdivision 1 does not preclude a statutory or home rule charter city, county, or town from controlling rents on private residential property to the extent that the city, county, or town has the power to adopt an ordinance, charter amendment, or law to control these rents if the ordinance, charter amendment, or law that controls rents is approved in a general election. Subdivision 1 does not limit any power or authority of the voters of a statutory or home rule charter city, county, or town to petition for an ordinance or charter amendment to control rents on private residential property to the extent that the power or authority is otherwise provided for by law, and if the ordinance or charter amendment is approved in a general election. This subdivision does not grant any additional power or authority to the citizens of a statutory or home rule charter city, county, or town to vote on any question beyond that contained in other law.

CITY SPECIFIC LAWS -

Minneapolis (Allows City Council to Enact Rent Control), St. Paul

MISSISSIPPI

PREEMPTS RENT CONTROL

STATUTE - Mississippi Code: § 21-17-5

Powers of governing authorities.

(2) Unless such actions are specifically authorized by another statute or law of the State of Mississippi this section shall not authorize the governing authorities of municipalities to

- a) levy taxes of any kind or increase the levy of any authorized tax,*
- b) issue bonds of any kind,*
- c) change the requirements, practices or procedures for municipal elections or establish any new elective office,*
- d) change the procedure for annexation of additional territory into the municipal boundaries,*
- e) change the structure or form of the municipal government*
- f) permit the sale, manufacture, distribution, possession or transportation of alcoholic beverages,*
- g) grant any donation; or*
- h) without prior legislative approval, regulate, directly or indirectly, the amount of rent charged for leasing private residential property in which the municipality does not have a property interest.*

MISSOURI

PREEMPTS RENT CONTROL

STATUTE - Senate Bill 602. Section 2.

No county or city, or county or city with a charter form of government may enact, maintain, or enforce, any ordinance or resolution which regulates the amount of rent to be charged for privately-owned, single-family, or multiple-unit residential or commercial rental property. This section shall not be construed as prohibiting any county or city, or any authority created by a county or city for that purpose from:

- 1) Regulating in any way property belonging to that city, county, or authority;*
- 2) Entering into agreements with private persons which regulate the amount of rent charged for subsidized rental properties; or*
- 3) Enacting ordinances or resolutions restricting rent for properties assisted with community development block grant funds.*

NEW HAMPSHIRE

PREEMPTS RENT CONTROL

CASE LAW - Supreme Court of New Hampshire. 121 N.H. 268 (1981),

Leonard Girard & a. v. Town of Allentown & a. No. 80-359.

The court found that a statute providing that towns may make bylaws for “the making and ordering of their prudential affairs” did not authorize towns to adopt and enforce a rent control ordinance.

NEW MEXICO

PREEMPTS RENT CONTROL

STATUTE - Chapter 47 - Property Law. Article 8A - Rent Control Prohibition, 47-8A-1. Section 47-8A-1 - Rent control prohibition.

- a) *No political subdivision or any home rule municipality shall enact an ordinance or resolution that controls or would have the effect of controlling rental rates for privately owned real property.*
- b) *This section does not impair the right of a state agency, county or municipality to otherwise manage or control its property.*
- c) *The provisions of Subsection A of this section do not apply to privately owned real property for which benefits, or funding have been provided under contract by federal, state or local governments or a governmental instrumentality for the express purpose of providing reduced rents to low- or moderate-income tenants.*

NORTH CAROLINA

PREEMPTS RENT CONTROL

STATUTE - North Carolina Code - General Statutes § 42-14.1.

Rent control.

No county or city as defined by G.S. 160A1 may enact, maintain, or enforce any ordinance or resolution which regulates the amount of rent to be charged for privately owned, single-family or multiple unit residential or commercial rental property. This section shall not be construed as prohibiting any county or city, or any authority created by a county or city for that purpose, from:

- 1) *Regulating in any way property belonging to that city, county, or authority;*
- 2) *Entering into agreements with private persons which regulate the amount of rent charged for subsidized rental properties; or*
- 3) *Enacting ordinances or resolutions restricting rent for properties assisted with Community Development Block Grant Funds.*

NORTH DAKOTA

PREEMPTS RENT CONTROL

STATUTE - 47-16-02.1.

Rent controls - Prohibited.

A political subdivision may not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property. This section does not impair the right of a political subdivision to manage and control residential property in which the political subdivision has a fee title interest.

OHIO

PREEMPTS RENT CONTROL

House Bill 340 Amends Revised Code Sec. 5321.19

(A) Except as provided in division (B) of this section, no political subdivision may enact, adopt, renew, maintain, enforce, or continue in existence any charter provision, ordinance, resolution, rule, or other measure that is in conflict with this chapter, or that regulates the rights and obligations of parties to a rental agreement that are regulated by this chapter, including, without limitation, by any way imposing or requiring rent control or rent stabilization.

Sec. 5321.20 The general assembly therefore finds and declares that, for these reasons, attainment of an adequate housing supply is a matter of overriding statewide interest that requires a uniform approach to rent control and rent stabilization measures in residential premises throughout the state. The general assembly finds and declares that Chapter 5321. of the Revised Code is a statewide and comprehensive legislative enactment regulating all aspects of the landlord-tenant relationship with respect to residential premises. The general assembly further finds and declares that the imposition of rent control and rent stabilization on private residential premises by any political subdivision is a matter of statewide concern and would be inconsistent with the statewide, comprehensive legislative enactment in this chapter.

OKLAHOMA

PREEMPTS RENT CONTROL

STATUTE - Oklahoma Statutes Title 11. Cities and Towns § 11-14-101.1.

Rent control - Prohibition.

- a) No municipal governing body may enact, maintain, or enforce any ordinance or resolution which regulates the amount of rent to be charged for privately owned, single-family or multiple unit residential or commercial rental property.*
- b) This section shall not be construed to prohibit any municipality, or any authority created by a municipality for that purpose from:

 - a. regulating in any way property belonging to that municipality or authority;*
 - b. entering into agreements with private persons which regulate the amount of rent charged for subsidized rental properties; or*
 - c. enacting ordinances or resolutions restricting rent for properties assisted with federal Community Development Block Grant Funds.**

SOUTH CAROLINA

PREEMPTS RENT CONTROL

South Carolina Code of Laws Title 27 - Property and Conveyances Chapter 39 - Rent Section 27-39-60.

Counties and municipal corporations restricted from regulating rent charged for certain dwellings. No county or municipal corporation may enact, maintain, or enforce any ordinance or resolution which would regulate in any way the amount of rent to be charged for privately owned, single family, or multiple unit residential, or commercial rental property. This section may not be construed as prohibiting any county or municipal corporation, or any authority created by a county or municipal corporation for that purpose, from regulating in any way property belonging to the county or municipal corporation or from entering into any agreements with private persons which regulate the amount of rent to be charged for rental properties.

SOUTH DAKOTA

PREEMPTS RENT CONTROL

STATUTE - South Dakota Code Title 6 Local Government Generally Chapter 01. Acts and Records of Local Officers §6-1-13

Rent control of private residential property prohibited.

No local governmental unit may enact, maintain, or enforce any ordinance, resolution, or other enactment that would have the effect of controlling the amount of rent charged for leasing private residential property. This section does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

UTAH

PREEMPTS RENT CONTROL

STATUTE - 57-20-1

Rent and fee control prohibition.

- 1) *A county, city, or town may not enact an ordinance or resolution that would control rents or fees on private residential property unless it has the express approval of the Legislature.*
- 2) *This section does not impair the right of a state agency, county, city, or town to enforce its zoning, building, and planning authority.*

WASHINGTON

PREEMPTS RENT CONTROL

STATUTE - RCW 35.21.830.

Controls on rent for residential structures—Prohibited—Exceptions.

The imposition of controls on rent is of statewide significance and is preempted by the state. No city or town of any class may enact, maintain, or enforce ordinances or other provisions which regulate the amount of rent to be charged for single-family or multiple-unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any city or town from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

ARIZONA

PREEMPTS RENT CONTROL & INCLUSIONARY ZONING

STATUTE - Arizona Revised Statutes Title 9 - Cities and Towns § 9-461.16

Residential housing; requirements; fees; prohibition.

- (a) *Except as provided in subsection B of this section, a city or town shall not adopt a land use regulation or general or specific plan provision, or impose as a condition for approving a building or use permit, a requirement or fee that has the effect of establishing the sales or lease price for a residential housing unit or residential dwelling lot or parcel or that requires a residential housing unit or residential dwelling lot or parcel to be designated for sale or lease to any particular class or group of residents.*
- (b) *This section does not limit the authority of a city or town to adopt or enforce a land use regulation, general or specific plan provision or condition of approval creating or implementing an incentive, density bonus or other voluntary provision or condition designed to increase the supply of moderate or lower cost housing.*

INDIANA

PREEMPTS RENT CONTROL & INCLUSIONARY ZONING

STATUTE – Indiana Code: § 32-31-1-20

Privately owned real property; regulation of rental rates.

This section does not apply to privately owned real property for which government funds or benefits have been allocated from the United States government, the state, or a political subdivision for the express purpose of providing reduced rents to low- or moderate-income tenants. Regulation of rental rates for privately owned real property must be authorized by an act of the General Assembly.

KANSAS

PREEMPTS RENT CONTROL & INCLUSIONARY ZONING

STATUTE - Kansas Code Chapter 12. - Cities and Municipalities Article 16. - Miscellaneous Provisions 12-16, 120

Rent control by political subdivisions precluded. 12-16,120. Rent control by political subdivisions precluded.

- (a) *No political subdivision of this state, including but not limited to a county, municipality or township, shall enact, maintain or enforce any ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.*
- (b) *This section shall not impair the right of any local unit of government to manage and control residential property in which such local unit of government has a property interest.*

TENNESSEE

PREEMPTS RENT CONTROL & INCLUSIONARY ZONING

STATUTE - Tennessee Code Title 66 - Property Chapter 35 - Rent Control 66-35-102

Rent control by local governments prohibited.

A local governmental unit shall not enact, maintain or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.

TEXAS

PREEMPTS RENT CONTROL & INCLUSIONARY ZONING

STATUTE - Texas Local Government Code - LOC GOV'T § 214.902.

Rent Control

- a) *The governing body of a municipality may, by ordinance, establish rent control if:

 - 1) *the governing body finds that a housing emergency exists due to a disaster as defined by Section 418.004, Government Code; and*
 - 2) *the governor approves the ordinance.**
- b) *The governing body shall continue or discontinue rent control in the same manner that the governor continues or discontinues a state of disaster under Section 418.014, Government Code.*

WISCONSIN

PREEMPTS RENT CONTROL & INCLUSIONARY ZONING

STATUTE - 66.1015

Municipal rent control, inclusionary zoning, prohibited.

- 1) *No city, village, town or county may regulate the amount of rent or fees charged for the use of a residential rental dwelling unit.*
- 2) *This section does not prohibit a city, village, town, county, or housing authority or the Wisconsin Housing and Economic Development Authority from doing any of the following:*
 - a. *Entering into a rental agreement which regulates rent or fees charged for the use of a residential rental dwelling unit it owns or operates.*
 - b. *Entering into an agreement with a private person who regulates rent or fees charged for a residential rental dwelling unit.*

DELAWARE

NO RENT CONTROL/ NO PREEMPTION

Provides for Home Rule through legislative statute to any municipality.

HAWAII

NO RENT CONTROL/ NO PREEMPTION

Provides for Home Rule through state constitution.

MONTANA

NO RENT CONTROL/ NO PREEMPTION

Provides for Home Rule in state constitution to municipalities.

NEBRASKA

NO RENT CONTROL/ NO PREEMPTION

Provides for Home Rule in state constitution.

WYOMING

NO RENT CONTROL/ NO PREEMPTION

Provides for Home Rule in state constitution for municipalities.

**Not intended for use as legal advice. Information pulled from publicly available sources.*

ALASKA

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State – First Class Cities & Boroughs

Provides for Home Rule in state constitution to First Class Cities & Boroughs.

NEVADA

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State – Any city or town

Provides for Home Rule in state constitution to any city or town.

PENNSYLVANIA

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State – Optional forms for all local governments

Provides for Home Rule in state constitution via legislation all local governments.

RHODE ISLAND

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State –

Applies the Dillon Rule to matters or governmental units not accounted for in the constitutional amendment or statute which grants Home Rule.

VERMONT

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State –

Applies the Dillon Rule to matters or governmental units not accounted for in the constitutional amendment or statute which grants Home Rule.

VIRGINIA

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State –

Applies the Dillon Rule to matters or governmental units not accounted for in the constitutional amendment or statute which grants Home Rule.

WEST VIRGINIA

DILLON RULE STATE
WITH NO RENT CONTROL/ NO PREEMPTION

Dillon Rule State –

Applies to cities with populations larger than 2,000.