

RENT CONTROL BY STATE LAW

OVERVIEW

<p>STATES WITH RENT CONTROL</p>	<p>California, District of Columbia, Maryland, New Jersey, New York</p>
<p>STATES THAT PREEMPT RENT CONTROL</p>	<p>Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin</p>
<p>STATES THAT ALSO PREEMPT MANDATORY INCLUSIONARY ZONING</p>	<p>Arizona, Indiana, Kansas, Tennessee, Texas, Virginia, Wisconsin</p>
<p>STATES WITH NO RENT CONTROL / NO PREEMPTION</p>	<p>Alaska*, Hawaii, Delaware, Maine, Montana, Nebraska, Nevada*, Ohio, Pennsylvania*, Rhode Island, Vermont, Virginia, West Virginia*, Wyoming</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.”¹</p>

¹ Bostrom, Aaron, Honorable Jon D. Russell. *Federalism, Dillon Rule and Home Rule*. Arlington, VA: American Legislative Exchange Council. 2016. Print. [Read More on Page 6.](#)

STATES WITH RENT CONTROL

CALIFORNIA

CITIES – [Alameda](#), [Berkeley](#), [Beverly Hills](#), [Campbell](#), [East Palo Alto](#), [Fremont](#), [Hayward](#), [Los Angeles](#), [Los Gatos](#), [Mountain View](#), [Oakland](#), [Palm Springs](#), [Richmond](#), [San Francisco](#), [San Jose](#), [Santa Monica](#), [Thousand Oaks \(Pre-1988 Tenancy only\)](#), [West Hollywood](#)

DISTRICT OF COLUMBIA

[The entire city is under rent control.](#)

MARYLAND

CITY – [Takoma Park](#)

NEW JERSEY

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](#), [Highland Park](#), [Hoboken](#), [Howell Township](#), [Irvington](#), [Jackson Township](#), [Jersey City](#), [Lakewood Township](#), [Leonia](#), [Linden](#), [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](#), [South Brunswick Township](#), [South Orange Village](#), [Springfield Township](#), [Teaneck Township](#), [Trenton](#), [Union City](#), [Union Township](#), [Verona](#), [Wallington Borough](#), [Washington Township](#), [Wayne Township](#), [West Caldwell Township](#), [West Deptford](#), [West New York](#), [West Orange Township](#), [Woodbridge Township](#), [Woodland Park Borough](#)

NEW YORK

MUNICIPALITIES – [New York City](#); **Albany County**: [Albany](#), [Bethlehem](#), [Green Island](#), [New Scotland](#), [Voorheesville](#), [Watervliet](#); **Erie County**: [Buffalo](#), [Cheektowaga](#), [Depew](#), [Sloan](#); **Nassau County**: [Bellerose](#), [Glen Cove](#), [Long Beach](#), [Cedarhurst](#), [Floral Park](#), [Flower Hill](#), [Freeport](#), [Great Neck](#), [Great Neck Plaza](#), [Hempstead](#), [Lawrence](#), [Lynbrook](#), [Mineola](#), [New Hyde Park](#), [North Hempstead](#), [Oyster Bay](#), [Rockville Centre](#), [Russell Gardens](#), [Thomaston](#), [Baxter Estates](#), [Sea Cliff](#), [Valley Stream](#), [Westbury](#), [Williston Park](#); **Rensselaer County**: [Hoosick](#), [Hoosick Falls](#), [North Greenbush](#), [Rensselaer](#); **Rockland County**: [Haverstraw](#), [Spring Valley](#); **Schenectady County**: [Niskayuna](#); **Westchester County**: [Ardsley](#), [Mount Vernon](#), [New Rochelle](#), [White Plains](#), [Yonkers](#), [Rye](#), [East Chester](#), [Greenburgh](#), [Mamaroneck](#), [Harrison](#), [Croton-on-Hudson](#), [Dobbs Ferry](#), [Hastings-on-Hudson](#), [Irvington](#), [Larchmont](#), [Mount Kisco](#), [Pleasantville](#), [Port Chester](#), [Sleepy Hollow](#), [Tarrytown](#), [Tuckahoe](#)

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)

Black – See website for [more information](#) **Green** – See website for [Westchester County local rent control](#)

STATES THAT PREEMPT RENT CONTROL

ALABAMA

STATUTE - Alabama Code: § 11-80-8.1 Enactment of ordinances, resolutions, etc., controlling rent charged for leasing private property prohibited. 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. 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.

ARIZONA

STATUTE - Arizona Code: § 33-1329 Regulation of rents; authority. Notwithstanding any other provisions of law to the contrary the state legislature determines that the imposition of rent control on private residential housing units by cities, including charter cities, and towns is of statewide concern. Therefore, the power to control rents on private residential property is preempted by the state. Cities, including charter cities, or towns shall not have the power to control rents. The provisions of subsection A shall not apply to residential property which is owned, financed, insured or subsidized by any state agency, or by any city, including charter city, or town.

ARKANSAS

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

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. (5) 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.

STATES THAT PREEMPT RENT CONTROL

CONNECTICUT

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 (1) municipalities have only the powers that are expressly conferred upon them and necessary to effect conferred powers and (2) 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.

FLORIDA

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

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

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.

ILLINOIS

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.

STATES THAT PREEMPT RENT CONTROL

INDIANA

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.

IOWA

STATUTE - Iowa Code: § 364.3 Limitations of powers. 9. 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.

Code: § 331.304 Procedural limitations on general county powers. 11. 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.

KANSAS

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.

KENTUCKY

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 insure 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

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

STATES THAT PREEMPT RENT CONTROL

MASSACHUSETTS

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 S. 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

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

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. Subdivision 1 does not apply to any statutory city unless the citizens of the statutory city have the authority to vote on the issue of rent control granted by other law.

STATES THAT PREEMPT RENT CONTROL

MISSISSIPPI

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

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

CASE LAW - Supreme Court of New Hampshire. 121 N.H. 268 (1981), Leonard Girard & a. v. Town of Allenstown & a. No. 80-359.

NEW MEXICO

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

STATUTE - North Carolina Code - General Statutes § 42-14.1. Rent control. No county or city as defined by G.S. 160A-1 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

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.

STATES THAT PREEMPT RENT CONTROL

OKLAHOMA

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: 1. regulating in any way property belonging to that municipality 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 federal Community Development Block Grant Funds.

OREGON

STATUTE - No. 80-359. ORS 91.225 Local rent control prohibited. 1.) The Legislative Assembly finds that there is a social and economic need to insure an adequate supply of affordable housing for Oregonians. The Legislative Assembly also finds that the imposition of general restrictions on housing rents will disrupt an orderly housing market, increase deferred maintenance of existing housing stock, lead to abandonment of existing rental units and create a property tax shift from rental-owned to owner-occupied housing. Therefore, the Legislative Assembly declares that the imposition of rent control on housing in the State of Oregon is a matter of statewide concern. 2.) Except as provided in subsections (3) to (5) of this section, a city or county shall not enact any ordinance or resolution which controls the rent that may be charged for the rental of any dwelling unit. 3.) This section does not impair the right of any state agency, city, county or urban renewal agency as defined by ORS 457.035 (Urban renewal agencies) to reserve to itself the right to approve rent increases, establish base rents or establish limitations on rents on any residential property for which it has entered into a contract under which certain benefits are applied to the property for the expressed purpose of providing reduced rents for low income tenants. Such benefits include, but are not limited to, property tax exemptions, long-term financing, rent subsidies, code enforcement procedures and zoning density bonuses. 4.) Cities and counties are not prohibited from including in condominium conversion ordinances a requirement that, during the notification period specified in ORS 100.305 (Conversion condominium), the owner or developer may not raise the rents of any affected tenant except by an amount established by ordinance that does not exceed the limit imposed by ORS 90.493 (Prohibited acts following notice of conversion to condominium). 5.) Cities, counties and state agencies may impose temporary rent controls when a natural or man-made disaster that materially eliminates a significant portion of the rental housing supply occurs but must remove the controls when the rental housing supply is restored to substantially normal levels. 6.) As used in this section, "dwelling unit" and "rent" have the meaning given those terms in ORS 90.100. 7.) This section is applicable throughout this state and in all cities and counties therein. The electors or the governing body of a city or county shall not enact, and the governing body shall not enforce, any ordinance, resolution or other regulation that is inconsistent with this section.

SOUTH CAROLINA

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.

STATES THAT PREEMPT RENT CONTROL

SOUTH DAKOTA

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.

TENNESSEE

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

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.

UTAH

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

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.

WISCONSIN

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.

STATES THAT PREEMPT MANDATORY INCLUSIONARY ZONING

ARIZONA

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

STATUTE - IC 32-31-1-20 Privately owned real property; local units prohibited from regulating rental rates unless authorized by general assembly Sec. 20. (a) Subject to IC 36-1-3-8.5, 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. (b) A unit (as defined in IC 36-1-2-23) may not regulate rental rates for privately owned real property, through a zoning ordinance or otherwise, unless the regulation is authorized by an act of the general assembly SECTION 4. **IC 36-1-24.2 Is added to the Indiana code as a new chapter to read as follows; Chapter 24.2. Sales or Leases of Real Property; Prohibited Regulations** Sec. 1. A county or municipality may not adopt or enforce a land use or planning ordinance or regulation that would have the effect of: (1) controlling the amount of rent charged or the purchase price agreed upon for a transaction pertaining to the lease or purchase of privately owned residential or commercial real SEA 558 — Concur property; or (2) requiring real property to be designated or reserved for lease or sale to a group of occupants, owners, or residents classified by income or assets. Sec. 2. A county or municipality may not require an owner of privately owned real property to agree to: (1) a requirement that would have an effect described in section 1(1) or 1(2) of this chapter; or (2) the payment of a fee, in lieu of a requirement described in section 1(1) or 1(2) of this chapter, as a prerequisite to the approval or consideration of: (A) any building or land use permit; (B) any land use petition including, but not limited to, variances, special exceptions, conditional use permits, zoning ordinances, or rezoning ordinances; or (C) any primary, secondary, or revised plats.

KANSAS

STATUTE - 12-16,120. Prohibiting rent control or control of real estate purchase price by political subdivisions; exceptions. (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 or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned residential or commercial property. (b) This section shall not impair the right of any political subdivision to manage and control commercial or residential property in which such political subdivision has an ownership interest. (c) This section shall not impair the right of any owner of privately owned property to enter into a voluntary agreement with a political subdivision to agree to requirements that would have the effect of controlling the amount of rent charged or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned property in return for grants or incentives provided by the political subdivision to the owner of privately owned property. (d) No political subdivision shall require any owner of privately owned property to agree to any requirements that would have the effect of controlling the amount of rent charged or the purchase price agreed upon between the parties to the transaction for the lease or purchase of privately owned property, as a condition for consideration or approval of: (1) Any building permit or plat; or (2) any request for a zoning regulation, boundary, classification or a conditional use permit, or for a change or variance in a zoning regulation, boundary, classification or a conditional use permit.

STATES THAT PREEMPT MANDATORY INCLUSIONARY ZONING

TENNESSEE

STATUTE - Tennessee Code Title 66 - Property Chapter 35 - Rent Control § 66-35-101. As used in this chapter, "local governmental unit" means any political subdivision of the state, including, but not limited to, counties or incorporated municipalities, if such political subdivision provides local government services for residents in a geographically limited area of the state as its primary purpose and has the power to act primarily on behalf of that area.

TEXAS

STATUTE - Local Government Code Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities Subtitle A. Municipal Regulatory Authority Chapter 214. Sec. 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.

VIRGINIA

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

CASE LAW - Supreme Court of Virginia. 198 S.E. 2d 600 (1973) 214 Va. 235

The Board of Supervisors of Fairfax County Et Al., V. DeGroff Enterprises

WISCONSIN

STATUTE - 66.1015 (3) Inclusionary zoning prohibited. (a) In this subsection: 1. "Inclusionary zoning" means a zoning ordinance, as defined in s. 66.10015 (1) (e), regulation, or policy that prescribes that a certain number or percentage of new or existing residential dwelling units in a land development be made available for rent or sale to an individual or family with a family income at or below a certain percentage of the median income. 2. "Median income" has the meaning given in s. 234.49 (1) (g). (b) No city, village, town, or county may enact, impose, or enforce an inclusionary zoning requirement.

STATES WITH NO RENT CONTROL / NO PREEMPTION

ALASKA

OHIO

HAWAII

PENNSYLVANIA

DELAWARE

RHODE ISLAND

MAINE

VERMONT

MONTANA

VIRGINIA

NEBRASKA

WEST VIRGINIA

NEVADA

WYOMING

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.”² So, while these states do not have language implementing or prohibiting rent control, their constitutional structure could allow municipalities the opportunity to implement rent control if they make the case for it.

ALASKA

Dillon Rule State – First Class Cities & Boroughs

NEVADA

Dillon Rule State – Any city or town

PENNSYLVANIA

Dillon Rule State – Optional forms for all local governments

WEST VIRGINIA

Dillon Rule State – Applies to cities with populations larger than 2,000

² Bostrom, Aaron, Honorable Jon D. Russell. *Federalism, Dillon Rule and Home Rule*. Arlington, VA: American Legislative Exchange Council. 2016. Print. [Read More on Page 6.](#)