

Protect Tenants from Landlord Abuse in the Rental Housing Market

There are more than [114 million tenants](#) in the United States rental housing market, and many are denied basic rights. The power imbalance between tenants and landlords, compounded by the outsized influence of the real estate industry on policymakers, has exacerbated the housing crisis in the United States. Faced with threats of eviction and homelessness, tenants often endure egregious rent increases, landlord harassment, and poor living conditions just to keep a roof over their heads.

Institutional investors and corporate landlords have exploited a shortage of rental housing and the widespread lack of tenant protections to amass excessive power and profits, putting small landlords at a disadvantage in the market and harming tenants and their communities, especially at a time of steep rent inflation. This instability is amplified for tenants who are Black, Indigenous, and people of color (BIPOC) and whose rental housing options are limited by historical segregation and present-day discrimination, as well as disabled tenants, families with children, and older tenants.

Although increasing housing supply is important, the federal government cannot build its way out of the problems of precarity that tenants face in today's market. A comprehensive and just approach to protecting tenants in today's rental housing market must include fair

treatment of tenants, enforcement of their rights, and housing stability.

To address many of these issues, the National Housing Law Project, along with the National Low-Income Housing Coalition and the Tenant Union Federation, developed the [National Tenants Bill of Rights](#), a comprehensive policy agenda that establishes a baseline set of tenants' rights for renters nationwide. The next administration should use the National Tenants Bill of Rights as a roadmap to establish meaningful protections for all tenants and should condition federal funding to states on local tenant protections and equitable landlord-tenant law. In the federally-assisted housing programs, tenants should have an authentic policymaking and enforcement role so that they can fully benefit from the various protections afforded to them.

Pandemic-era policies demonstrated the federal government's ability to swiftly mobilize to help keep tenants stably housed. Similarly, the interagency collaboration resulting in the [White House Blueprint for a Renter's Bill of Rights](#) was possible because of a strong commitment from the federal government to protect tenants. The new administration should go farther and take action to set a floor of tenant protections across the country, ensuring no tenant gets left behind.

Recommendations

Require owners and landlords to adopt tenant protections whenever they receive financial backing from the federal government.

- **Expand protections for tenants living in multifamily properties with federally-backed mortgages.** The government-sponsored enterprises (GSEs) Freddie Mac and Fannie Mae provide [\\$150 billion](#) in financing to owners and landlords every year, backing approximately one-quarter of multifamily assets in the U.S. Despite their significant influence in the private rental market, tenants who live in GSE-backed properties have minimal protections. Through its oversight and conservatorship of the GSEs, the Federal Housing Finance Agency (FHFA) should condition the receipt of federally-backed financing on the landlord's adoption of comprehensive tenant protections, as outlined in the [National Tenants Bill of Rights](#).
 - » Building upon new multifamily tenant protections that are scheduled to go into effect in early 2025, FHFA should require borrower-landlords to adopt a lease addendum with comprehensive tenant protections, including a cap on rent increases.
 - » FHFA and the GSEs should also establish practical enforcement mechanisms for tenants, including creating an office where tenants can direct their complaints and questions about the property they live in.
- **Establish enforceable tenant protections for rental homes that are upgraded or built with funding from the *Inflation Reduction Act (IRA)*.** Rental housing is eligible for IRA rebates, and the IRA requires states to allocate at least 10% of rebate funding and rooftop solar investments to upgrade low-income multifamily buildings.
 - » Tenants should retain the same or better protections from displacement, no-cause evictions, and rising rents after the infusion of IRA resources into their properties as they did before.
 - » Federally-assisted tenants should maintain the same utility allowance that they received before IRA-related improvements or the relevant federal housing agency should create a new utility allowance formula that reflects the actual post-improvement cost for tenants.
 - » Affordability terms should be extended commensurate with the level of IRA investment made into the project.
 - » The involved federal agencies should collaborate to produce consumer protection requirements for all federal programs, like the [DOE's consumer protection best practices](#) for the IRA home energy rebates program, and align the requirements as closely as possible across federal programs.

Rein in unfair and deceptive corporate practices in the rental housing industry.

- **The Federal Trade Commission (FTC) should finalize its junk fees trade regulation.** The final rule should plainly include applications to the rental housing industry. FTC should also issue interpretive guidance specific to the industry that is accessible to tenants.
- **FTC and the Department of Justice should continue to investigate and take enforcement actions against landlords and third-parties within the rental housing industry that engage in unfair and deceptive practices.** Ongoing investigations that threaten housing stability for tenants include deceptive practices committed by Invitation Homes and anti-competitive practices perpetrated by RealPage.
- **The Consumer Financial Protection Bureau (CFPB) should engage in rulemaking under the Fair Credit Reporting Act.** CFPB has the authority to further restrain tenant screening companies from disseminating inaccurate and biased information about tenants.

Enforce fair housing and other civil rights for tenants.

- **Release the Department of Housing and Urban Development (HUD)'s final rule on Affirmatively Furthering Fair Housing (AFFH).** Because of historical redlining and present-day discrimination in the housing market, Black, Indigenous, and people of color (BIPOC) are more likely to be tenants. [While only 28% of white households rent their homes, 58% of Black and 52% Hispanic households rent their homes.](#) The AFFH rule would require federal agencies and federal funding recipients to take proactive steps to address long standing patterns of segregation, discrimination, and divestment.
- **Finalize HUD's rule on Reducing Barriers to HUD-Assisted Housing.** This rule will further fair housing by reducing criminal records barriers that disproportionately harm BIPOC communities, people with disabilities, and survivors of gender-based violence. HUD should take additional actions to address the harmful effects of local crime-free programs and nuisance property ordinances.
- **Implement [Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing](#).** HUD should exercise enforcement against landlords who take unjustified actions against applicants and tenants on the basis of criminal records, eviction records, and credit histories. HUD should also engage in rulemaking to adopt these principles for the federally subsidized housing programs. In addition, HUD should undertake a fair housing study of application fees and their steering impact on people of color and other protected groups.
- **Increase housing stability for survivors of gender-based violence.** The federal agencies subject to the housing provisions of the *Violence Against Women Act* (VAWA) should fully implement the legislation in partnership with survivors and their advocates, including taking the following actions:
 - » The federal agencies should overhaul the emergency transfer and family break-up processes to center survivors and their safety and trauma concerns, and to ensure that they have a meaningful and timely opportunity to make a safe move;
 - » Congress should extend VAWA's housing protections to human trafficking survivors;
 - » HUD should ensure that VAWA self-petitioners' eligibility for HUD housing subject to Section 214 of the Housing and Community Development Act is fully implemented;
 - » The incoming president's first budget should request a significant increase of funding for HUD's Office of Fair Housing and Equal Opportunity to meet the demands of their new authority to investigate and resolve complaints of VAWA violations; and
 - » HUD should issue guidance on Section 603 of VAWA 2022, which prohibits state and local government recipients of Community



Development Block Grant funding from interfering with the right to report crime or seek emergency assistance. These violations frequently happen through the enforcement of discriminatory local crime free programs and nuisance property ordinances.

- **Congress should appropriate sufficient funds necessary to create a unique pot of tenant-based vouchers for survivors.** These vouchers would assist tenants that need to move for safety or trauma concerns and live in a covered housing program.
- **Ensure that families and individuals do not lose their housing because of their immigration status.** Consistent with statute, the next administration can keep immigrant families together in all federally-assisted housing by allowing their housing assistance

to be prorated. The administration should counter the chilling effect of past administrations' anti-immigrant rules by engaging in affirmative outreach, language access enforcement, and education.

- **Protect BIPOC communities from environmental racism.** Localities often use their zoning and land use authority to place toxic industry directly proximate to communities of color, without consideration of the civil rights, environmental, and public health impact. HUD and the Department of Justice should issue joint correspondence on how municipalities can violate the *Fair Housing Act* and Section 109 of the *Housing and Community Development Act* when they disproportionately place toxic industry in or near BIPOC communities.

Safeguard tenants against evictions.

Evictions have devastating health and economic impacts on families. The largest demographic of people threatened with eviction each year are [children under the age of 18](#), with Black families facing a disproportionate amount of eviction filings.

- **The next president's budget should direct Congress to create an Office of Eviction Prevention at HUD and to permanently authorize HUD's Eviction Protection Grant Program.** Currently, no federal agency is responsible for ending the U.S. eviction crisis. Although HUD plays a crucial role in ensuring that low-income tenants remain safely housed, dedicated resources will ensure that eviction prevention remains central to the agency's mission and enable cross-agency collaboration.
- **Mandate a 30-day eviction moratorium for any local housing covered by a Presidential Disaster Declaration (PDD).** Tenants living in areas impacted by a PDD may be unable to pay rent in the immediate aftermath of a disaster, or may be temporarily absent from their unit due to evacuation.
- **Include tenants as authentic stakeholders and prioritize eviction prevention over rent collection in the policymaking process for federally subsidized housing.** HUD should use its oversight powers to ensure that tenants are receiving the full benefit of their good cause eviction protections. Nonpayment evictions should rarely occur if housing providers accurately calculate tenant income and rent, update utility allowances, and offer hardship exemptions to extremely low-income tenants.
- **HUD should finalize its rule to make permanent the 30-day notice requirement for nonpayment evictions in the Public Housing and Project-based Rental Assistance (PBRA) programs.** 30 days' notice allows families time to move and can be the difference between staying housed and becoming homeless.

Strengthen tenant protections in federally subsidized housing programs.

- **Federal agencies should update and strengthen protections in their model lease and lease addendums to align with recommendations from the [National Tenants Bills of Rights](#).** HUD should update and strengthen the HUD Model Leases and Voucher Program Tenancy Addendums, and USDA should establish a similar model lease and/or addenda for use in its programs.
- **HUD should add tenant protections to the Community Development Block Grant Disaster Recovery program.** HUD should leverage its role in rental housing development and finance post-disaster to ensure that tenants at those properties have protections in line with the [National Tenants Bill of Rights](#).
- **The next administration should work with Congress to incorporate robust tenant protections into the *Affordable Housing Credit Improvement Act* (AHCIA) before reintroduction.** The Low-Income

Housing Tax Credit (LIHTC) program lacks basic tenant protections that are standard in every other federal housing program. The AHCIA proposes a massive expansion of the program but does little to provide greater housing affordability and stability for the low-income tenants the program is intended to serve.

- » Protections should include a more specific definition of good cause that only allows evictions for material and culpable conduct, fair lease requirements (e.g., automatic one-year lease renewals, limits on late fees), standardized admissions policies and lease addendums, protections for tenants in expiring properties, establishment of a tenant grievance procedure, and should expressly allow Treasury to recapture credits and take other enforcement actions deemed necessary to address owner noncompliance with the VAWA.

Devote resources to federally-assisted tenants who organize and protect them from retaliation.

Frequently, tenants face retaliation when they organize. HUD should more aggressively educate tenants on their explicit rights and the resources available to them. HUD should assist in the creation of resident councils and tenant organizations through technical assistance for Public Housing Authorities.

- **HUD should increase the per-unit dollar amount for Public Housing resident councils.** The current \$15 per unit allocation to resident councils is outdated and inadequate to meet the needs of tenant organizations.
- **HUD should continue to request and release all available funding for PBRA organizing.** Appropriators should provide at least \$10 million for organizing within Project-based communities.
- **HUD should support legislation creating additional organizing protections and funding for voucher tenants and tenants living in LIHTC-developed housing.** HUD should encourage Congress to pass the *Tenant Empowerment Act* and *The Tenant Right to Organize Act* to create parity for federally subsidized housing.

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