



December 5, 2022

The Honorable Marcia Fudge
Secretary
U.S. Department of Housing and Urban
Development
Washington, D.C.

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
Washington, D.C.

The Honorable Merrick Garland
Secretary
U.S. Department of Justice
Washington, D.C.

The Honorable Susan Thompson
Director
Federal Housing Finance Agency
Washington DC

Mr. Brian Deese
Director
National Economic Council
White House
Washington, D.C.

Ms. Susan Rice
Director
Domestic Policy Council
White House
Washington, D.C.

Mr. Rohit Chopra
Director
Consumer Financial Protection Bureau
Washington, D.C.

Mr. Gene Sperling
American Rescue Plan Coordinator &
Senior Advisor to the President
Washington, D.C.

To Secretary Fudge, Secretary Yellen, Secretary Garland, Director Thompson, Director Deese, Director Rice, Director Chopra, and Senior Advisor Sperling:

We, the undersigned members of the National Low Income Housing Coalition's (NLIHC) Tenant Leader Cohort, write to thank the Biden-Harris administration for its unprecedented interest in advancing tenant protections and to encourage the administration to address in any effort to strengthen renter protections the five key policy goals developed by the Tenant Leader Cohort outlined below. We deeply appreciate the opportunity for many of us to attend a recent meeting at the White House – alongside other people with lived expertise, legal aid advocates who have worked directly with impacted people, advocates, and researchers – to discuss critically needed protections for renters and to provide direct feedback on policies that impact our lives and communities. As the administration continues this vital work, we urge you to continue to engage with tenant leaders to ensure that those most impacted can help develop and design policy solutions to protect and empower renters.

NLIHC's Tenant Leader Cohort is a group of tenant advocates and community leaders with lived experience of housing insecurity who work towards housing justice and racial equity in their neighborhoods and greater communities. NLIHC collaborates with the Tenant Leader Cohort to inform its policy priorities so that these priorities best reflect the needs of low-income renters.

The Biden-Harris administration must take every action possible to protect renters and people experiencing homelessness and ensure housing stability. Far too many renters are struggling to

afford rent, and we are increasingly facing the risk of evictions, displacement, and homelessness. It is critical that any effort by the Biden-Harris administration to strengthen greater renter protections address the five key policy goals developed by the NLIHC Tenant Leader Cohort.

Goal 1: Address past and current inequalities by incorporating racial and disability equity in all aspects of policymaking.

Equity must be an explicit goal of federal homelessness, housing, and community development programs. The administration should report publicly an analysis of every homelessness, housing, and community development program and whether and how each program exacerbates, ignores, or ameliorates racial inequities. Agencies must report publicly on legislative changes needed to ensure all programs ameliorate racial inequity. Similar analyses should be conducted regarding transportation, environmental, disaster recovery, and other programs. Federal agencies must ensure that all resources and programs are provided and administered in a way to ensure accessibility and advance equity.

The administration should support and strengthen community-based organizations, including those led by Black and Asian people, Native Americans, Latinos, people with disabilities, women, older adults, and other marginalized populations. Immigrant households and people exiting the criminal legal system must be able to access affordable housing – just like any other eligible household.

The administration must strengthen and enforce the obligation of states and communities to affirmatively further fair housing by undoing residential segregation, equitably distributing investments and resources, and making certain that renters have fair, accessible, and affordable housing options in all communities, including racially and economically integrated neighborhoods and close to key services.

The administration must take action to ensure that people with disabilities have fully accessible – not just adaptable – homes, and to stop landlord discrimination, sexual harassment, and other forms of harassment, including retaliation when individuals invoke their civil, fair housing, and disability rights. The Biden-Harris administration should work with Congress to expand and enforce fair housing protections based on source of income, sexual orientation, and gender identity.

Goal 2: Rebalance the power between landlords and tenants and hold landlords and institutions accountable.

The Biden-Harris administration should implement anti-rent gouging measures to prevent landlords from imposing exorbitant rent increases on tenants, expand source-of-income protections, create just-cause eviction standards, allow tenants to renew leases, expand and enforce habitability standards, expunge eviction records, and establish a national right to counsel for all housing-related matters, including eviction, fair housing, discrimination, and retaliation. The eviction process must be redesigned to focus on housing stability and eviction diversion, prioritizing upstream solutions. The administration should set a minimum filing fee to discourage landlords from filing for eviction and require landlords of federally backed or federally subsidized properties to cover the costs of evictions.

The administration should work with Congress to enact the Tenant Empowerment Act and other legislation to empower tenants to hold federal agencies and landlords accountable.

Tenant protections are effective when there is strong and consistent monitoring, oversight, and enforcement. The administration should request additional funding and staff specifically to monitor and enforce tenant protections. HUD should create a database accessible to the public that would allow tenants to see the outcome of enforcement measures, including what actions HUD has taken and how issues have been resolved.

Goal 3: Ensure tenant representation by having tenants present for every decision made about their homes and communities.

The Biden-Harris administration should direct all federal agencies that administer housing programs to ensure tenants (including, but not limited to, public housing residents, Section 8 residents, and multifamily housing residents) have direct input into the programs and policies that impact them. Tenant engagement should include consultation and feedback from tenants with disabilities, tenants of color, elderly tenants, and other marginalized populations. No policy impacting tenants should be made without tenants playing a key role in the process, from beginning to end.

The administration should work with Congress to increase funding to support tenant organizing, across all forms of subsidized housing. Tenants living in HUD public housing, Section 8, or multifamily housing should have equal access to organizing and training resources. Landlords and public housing agencies can play a role in disbursing such funds, but they should have no authority to influence how resident leaders choose to use these funds.

The administration should create an Office of the Tenant Advocate to engage with the administration on all housing-related issues and to represent the perspectives and interests of tenants.

The administration should direct all federal agencies that administer housing programs provide information on all proposed and final policies in clear, plain language so that people with lived experience – regardless of disability and language proficiency – can provide critically needed feedback. All government websites should be accessible.

Goal 4: Prioritize housing that is deeply affordable and accessible for people with the lowest incomes and greatest needs.

Too often, homes built with federal resources, such as the Low Income Housing Tax Credit, are not affordable to the people who need affordable housing the most. The Biden-Harris administration should prioritize housing investments that serve households with the greatest needs, especially investments to expand rental assistance, the national Housing Trust Fund, and public housing. The administration should support efforts to create a universal basic/guaranteed income, and expand shared equity models, including, but not limited to, community land trusts, resident-led cooperatives, and other tenant-ownership models. The administration should support a “right of first refusal” for residents, including those in manufactured housing communities, to purchase their homes.

The administration should work with Congress to repeal the Faircloth amendment to build more public housing, enact the Ending Homelessness Act to make rental assistance universally available, and enact the Eviction Crisis Act to create a permanent program to provide emergency rental assistance.

Goal 5: Increase resources to help low-income people become homeowners and maintain financial stability.

The administration should expand opportunities for low-income people, including those living in federally assisted housing or with disabilities, to become homeowners. All residents should have access to the Family Self Sufficiency program, down payment assistance, and other programs to help them achieve financial stability.

The administration should strengthen and enforce HUD's Section 3 requirements to create good-paying job opportunities for low-income residents and resident-owned businesses, and provide tenants with funding opportunities for job and education training. HUD should make residents aware of these opportunities and the process for participation.

As the work of our cohort continues, we plan to develop a comprehensive platform to advance renter protections. When we have completed our process, we will request a meeting to discuss our comprehensive proposals.

Strengthening and enforcing renter protections is vitally important to addressing the broader housing crisis. Affordable, stable, and accessible housing and robust housing choice are the foundation upon which just and equitable communities are built, but too often, the power imbalance between renters and landlords puts renters at greater risk of housing instability, harassment, and homelessness, and it fuels racial inequity.

Thank you for your efforts to expand and strengthen renter protections. We look forward to continuing to engage the administration going forward. If you have any questions or need additional information, please feel free to contact NLIHC Senior Vice President for Racial Equity, Diversity and Inclusion Renee Willis at rwillis@nlihc.org or NLIHC Senior Vice President for Public Policy and Field Organizing Sarah Saadian at ssaadian@nlihc.org.

Sincerely,

Loraine Brown

President Emeritus, 334 East 92nd Street Tenant Association
Board Member, National Low Income Housing Coalition
Resident, New York, NY

Geraldine Collins

Executive Director, National Alliance of HUD Tenants
Board Member, National Low Income Housing Coalition
Resident, New York, NY

Kafi Dixon

Founder, Common Good Cooperative
Resident, Boston, MA

Willie "J.R." Fleming

Executive Director, Chicago Anti Eviction Campaign, NFP
Resident, Chicago, IL

Bambie Hayes-Brown

President and CEO, Georgia Advancing Communities Together, Inc.
Board Member, National Low Income Housing Coalition
Resident, Atlanta, GA

Jerry Johnson

Housing Choice Voucher Leader Board Member, Chicago Area Fair Housing Alliance (CAFHA)
Resident, Chicago, IL

Joy Johnson

Founder and Chair, Charlottesville Public Housing Association of Residents
Former Board Member, National Low Income Housing Coalition
Resident, Charlottesville, VA

Rachel Johnson

Member, Faces of HUD Housing Unity Project
Executive Director and Co-Founder, H.O.M.E.R
Organizer, Florida Rising
Resident, Fort Lauderdale, FL

Zella Knight

Member Leader, Residents United Network Los Angeles
Board Member, National Low Income Housing Coalition
Resident, Los Angeles, CA

Rebekah Love

Resident, Louisville, KY

Laura Ramos

President, Everyone for Accessible Community Housing Rolls! Inc.
Resident, Clinton, NJ

Hasson Rashid

Board Member, National Low Income Housing Coalition
Resident, Cambridge, MA

Shalonda Rivers

Member, NAACP Miami Dade Branch
Board Member, National Low Income Housing Coalition
Resident, Opa Locka, FL

Linda Soderstrom

Board Member, Metropolitan Interfaith Council on Affordable Housing (MICAH)
Resident, St. Charles, MN

Mindy Woods

Member Leader, Resident Action Project
Board Member, National Low Income Housing Coalition
Resident, Seattle, WA