



Asset Management Notice

To: All Owners and Managers

Notice # 2023-01

From: Bob Conroy, Director of Asset Management

Issued: 01/26/2023

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I. LIHTC Allocating Agency Utility Allowances Updated 1/1/2023

Attachments:

- The White House Blueprint For A Renters Bill Of Rights

I. LIHTC Allocating Agency Utility Allowances Updated 1/1/2023

The LIHTC Allocating Agency Utility Allowance charts for Tenant-Furnished Utilities and Other Services has been updated effective 1/1/2023.

Please follow the provided [link](#) to get to our Partners, Asset Management section of our website. You will find the latest charts available under Rent & Income Charts- LIHTC Allocating Agency Utility Estimates Effective 1/1/2023. To determine which region the property is designated to, we have provided a [list](#) of towns and locations with a region designation assigned. The following links will take you to the corresponding page based on region.

[Region 1](#) [Region 2](#) [Region 3](#)

If you have questions concerning this information, please contact your Asset Manager.

Attachments:

- The White House Blueprint For a Renters Bill of Rights

Please note that MaineHousing provides notices as a service to our partners. Notices are not intended to replace ongoing training and do not encompass all compliance and regulatory changes that may occur on the wide arrange of housing programs in which we work. MaineHousing recommends partners establish an ongoing training program for their staff.

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THE WHITE HOUSE BLUEPRINT FOR A RENTERS BILL OF RIGHTS

PREPARED BY THE DOMESTIC POLICY COUNCIL AND
NATIONAL ECONOMIC COUNCIL

JANUARY 2023

Legal Disclaimer

The *Blueprint for a Renters Bill of Rights* is a white paper published by the White House Domestic Policy Council and National Economic Council. It is intended to support the development of policies and practices that promote fairness for Americans living in rental housing.

The *Blueprint for a Renters Bill of Rights* is a statement of principles; it is not binding and does not itself constitute U.S. government policy. It does not supersede, modify, or direct an interpretation of any existing Federal, state, or local statute, regulation, or policy. Any federal agency actions referenced in this document will be implemented separately by the relevant federal agencies pursuant to their legal authorities. It does not constitute binding guidance for the public, states, localities, or Federal agencies and therefore does not require compliance with the principles described herein. Adoption of these principles may not meet the requirements of existing statutes, regulations, policies, or the requirements of the Federal, state, or local agencies that enforce them. These principles are not intended to, and do not, prohibit or limit any lawful activity of a government agency.

The appropriate application of the principles set forth in the *Blueprint for a Renters Bill of Rights* depends significantly on the context in which the principles are being applied. In some circumstances, application of these principles in whole or in part may not be appropriate. Even in contexts where these principles may not apply in whole or in part, Federal departments and agencies remain subject to existing laws, regulations, and policies that govern rental housing.

The *Blueprint for a Renters Bill of Rights* is not intended to, and does not, create any legal right, benefit, or defense, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person, nor does it constitute a waiver of sovereign immunity.

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Over 44 million households, or roughly 35 percent of the U.S. population, live in rental housing. And while federal laws such as the Fair Housing Act, the American with Disabilities Act, the Violence Against Women Act, and Fair Credit Reporting Act offer renters certain focused protections, there is no comprehensive set of federal laws protecting renters. Instead, our nation's rental market is defined by a patchwork of state and local laws and legal processes that renters and rental housing providers must navigate.ⁱ

That patchwork of renters rights, a shortfall of affordable housing, and a longstanding challenge of rents rising faster than incomes contribute to housing insecurity that millions of American renters experience every year. This is particularly true when there are dramatic rent increases, like the 17.2 percent increase in average rents that occurred in just one year between February 2021 and 2022.ⁱⁱ Many rental housing providers act responsibly and provide tenant protections beyond what is required by federal, state and local laws. However, research and reporting have documented ways that some renters are exploited by housing providers—who do not abide by the law or the lease agreement—with little recourse that results in the loss of their housing.ⁱⁱⁱ

Providing principles and best practices for tenant protections is important for a well-functioning housing market but also for the larger society—and is the key goal of this Blueprint for a Renters Bill of Rights (Blueprint). The federal actions announced at the same time as this Blueprint will promote those principles. This Blueprint sets out five common-sense principles that create a shared baseline for fairness for renters in the housing market, which include the need for renters to have access to:

- Safe, Quality, Accessible and Affordable Housing;
- Clear and Fair Leases;
- Education, Enforcement, and Enhancement of Renter Rights;
- The Right to Organize; and
- Eviction Prevention, Diversion, and Relief.

This Blueprint and the federal actions that promote these principles were developed as part of a six-month process to seek and distill input from people across the country—from tenants to housing providers, legal associations, and advocates. By engaging in dialogues, listening sessions, roundtable discussions, and stakeholder meetings, people from across the United States spoke up about the importance of tenant protections, rental affordability, and resident-centered property management practices. In doing so, they played a central role in shaping this Blueprint for a Renters Bill of Rights and the new commitments by federal agencies to advance a stronger, more equitable rental market.

In addition to underpinning the policy actions that the Administration is announcing today, these principles will, where possible, guide future federal policies and programs and updates to rulemaking, guidance, and notices governing existing policies and programs.



First Principle: Access to Safe, Quality, Accessible and Affordable Housing

Renters should have access to housing that is safe, decent and affordable and should pay no more than 30 percent of household income on housing costs. Owners of rental housing and state and local governments should ensure that homes for rent meet habitability standards and are free of health and safety hazards, such as lead or mold. In addition, owners should provide services and amenities as advertised or included in the lease (such as utility costs and functional appliances) and ensure that the residential housing unit is well maintained (including common areas). Renters should face minimal barriers when applying for housing and receiving housing assistance, which includes minimally burdensome application and documentation requirements and fair and equal tenant screening. Increases in rents should be reasonable, with the acknowledgement that rents may need to increase to cover operating costs. These increases should be transparent and fair to protect against gouging.

Why this Principle is Important

Even before the pandemic, rents were rising much faster than wages. In 2019, almost one quarter of the 44 million renter households spent at least half their earnings on rent.^{iv} In the last three years, rental affordability has worsened, with rents rising nearly 26 percent nationally during the pandemic,^v forcing many Americans to make difficult trade-offs in their household budgets between food, healthcare, and education because “the rent eats first.”^{vi} Housing is essential to a broad set of outcomes. Housing affordability, quality, safety, stability, and location affect people’s health.^{vii} A clear example of this is the negative impact of lead exposure on children’s development.^{viii} Higher out-of-pocket rent burdens are associated with increased likelihood of postponing medical services and negative health outcomes, particularly for households with the highest cost burdens.^{ix}

The recent pandemic highlighted the longstanding reality that renters often face significant burdens when trying to access the housing assistance they need.^x This is why the Biden-Harris Administration made significant efforts to reduce application and administration burdens in its emergency rental assistance programs, which resulted in an equitable distribution of resources to renters in need.^{xi}

Limited housing supply has created more competition for fewer available units, which gives owners even more leverage in deciding to whom to rent to, what lease terms to offer, and whether and how much to raise rents. At the same time, the housing stock in America is aging, and more rental housing is facing obsolescence or poor housing conditions.

From Principle to Practice

The Biden-Harris Administration is committed to advancing housing affordability and quality, and providing financial support to renters and housing providers. The American Rescue Plan provided over \$33 billion to assist renters and housing providers with emergency rental



assistance, emergency housing vouchers, subsidies for new housing supply, and resources for fair housing and legal counsel. Earlier this year, to reduce housing costs, the Administration released a [Housing Supply Action Plan](#) highlighting a broad set of legislative and administrative actions that would help to close the housing supply gap in five years. In fiscal year 2022 and fiscal year 2023, the President’s Budget proposed the largest expansion of the Housing Choice Voucher program in decades as a down payment toward ensuring every extremely low-income household can access affordable housing.

The Administration is announcing the following new actions:

Increasing Housing Affordability and Access:

- The Federal Trade Commission (FTC), an independent agency, has announced it will explore ways to expand the use of its authority under the FTC Act to take action against acts and practices that unfairly prevent consumers from obtaining and retaining housing. The FTC has indicated it will issue a Request for Information along with the Consumer Federal Protection Bureau (CFPB), an independent agency, to obtain data to assist in identifying these practices and the harms they cause to housing applicants and those renting for use in enforcement and policy actions.
- The Department of Justice (DOJ) will host a workshop with law, technology, and other subject matter experts on the impact of modern methods of information-sharing in consumer-facing markets. This workshop may inform potential guidance updates around anticompetitive information sharing.
- As announced in November, the Federal Housing Finance Agency (FHFA), an independent agency, will increase affordability in the multifamily rental market by classifying multifamily loans with loan agreements that restrict rents at levels affordable to households with incomes between 80 and 120 percent of Area Median Income as “mission driven.” In 2023, FHFA required that at least 50 percent of all Freddie Mac and Fannie Mae purchases of multifamily loans be mission-driven. In 2022, Freddie Mac and Fannie Mae purchased a combined \$142 billion in multifamily loans supporting over one million units. If the same activity holds in 2023, this would mean an investment in approximately 700,000 affordable units.
- FHFA and the Enterprises, Fannie Mae and Freddie Mac, has announced it will launch a process to conduct stakeholder outreach and engagement to identify the opportunities and challenges of adopting and enforcing tenant protections including policies that limit egregious rent increases at properties with Enterprise-backed mortgages going forward. These efforts will ensure future initiatives by the Enterprises will continue to be informed by data analysis, diverse viewpoints, and best practices in the multifamily market. FHFA will maintain transparency throughout the process and provide periodic updates, including one within six months, to interested stakeholders on any developments.
- The Department of Defense (DoD) will ensure that military members can receive housing assistance from their installation Military Housing Office regardless of whether they live on- or off-base, to include assistance finding suitable, affordable housing; inspecting housing units prior to leasing; negotiating rents; reviewing leases; resolving landlord



disputes; and addressing accessible housing issues and potential housing discrimination complaints.

- The Department of Housing and Urban Development (HUD) will seek public comment on ways it can improve its Section 504 regulations and the accessibility standards for HUD-assisted facilities to ensure that individuals with disabilities have equal access to all HUD-assisted programs, activities, and facilities, such as public housing, affordable housing, homeownership programs, homeless shelters, and disaster recovery.
- Building from existing stakeholder engagement, the White House, Department of Agriculture (USDA), the Department of the Treasury (Treasury), and HUD will meet with a broad, diverse, and varying group of tenants and tenant advocates on a quarterly basis to hear their perspectives on dynamics in the rental markets and opportunities to strengthen tenant protections. These meetings will enable multiple agencies and their staff to learn from the lived experience and expertise of tenants and their advocates and will inform agencies' policymaking and enforcement efforts.

Improving Housing Quality

- USDA will pilot a program in 2023 that will institute a uniform and independent inspection protocol across its housing portfolio, using trained inspectors and ensuring equitable treatment of tenants.
- HUD will launch the National Standards for the Physical Inspection of Real Estate (NSPIRE) nationwide in fiscal year 2024. NSPIRE is the new physical inspection model designed to promote HUD's goal of reducing health and safety hazards in the home and identifying concerns important to tenants that live there. NSPIRE aligns multiple HUD programs to a single set of inspection standards so that the same expectations of housing quality can be achieved across HUD programs. NSPIRE is the product of a years-long collaboration with a diverse group of stakeholders, including resident groups, property owners and managers, public housing agencies, and public health and public safety professionals, who have provided critical input to the standards, processes, and protocols.
- FHFA, Freddie Mac, and Fannie Mae are updating the Enterprises' radon testing due diligence standards for multifamily housing to ensure they are comprehensive, data informed, fully understood by property owners, and properly implemented and enforced.



Second Principle: Clear and Fair Leases

Renters should have a clear and fair lease that has defined rental terms, rights, and responsibilities. Leases should not include mandatory arbitration clauses, unauthorized terms, hidden or illegal fees, false representations, or other unfair or deceptive practices. A lease should provide a transparent policy regarding security deposits, with those deposits being appropriately sized and placed in an interest-bearing account for the duration of the lease. The lease should also provide reasonable advance notice of actions related to the unit, including notice of entry for inspection by the housing provider and significant changes to the unit. Finally, the lease terms should be written in simple and clear language accessible to the renter, and the leasing process should ensure tenants understand the terms of the lease through a plain-language briefing.

Why this Principle is Important

A lease establishes the foundation for the housing provider and tenant relationship, highlighting the rights, responsibilities and recourse that exists for both parties. A lease covers the terms for what is likely the largest single expense a household makes each month and over the course of a year. A 2022 study of leases in Philadelphia found that over time, leases have increasingly used unenforceable terms, meaning a provision that would not hold up if contested in court, such as a disclaimer of liability of negligence.^{xii} Similarly, a 2017 study of leases in the Greater Boston Area found a prevalence of unenforceable provisions in leases, and the systemic lack of disclosure of what rights tenants do have.^{xiii} The trend of more leases with problematic provisions could be partially attributed to increased use of shared forms, which are easily accessible through the internet and may include terms that are not legally enforceable in the state or locality in which the property is located.^{xiv} These lease terms likely affect tenant decisions and behavior, because tenants often believe the terms are enforceable^{xv} and renters must pursue legal recourse if the landlord tries to enforce such terms.

Research also suggests that consumers often do not read contracts.^{xvi} In the case of residential leases, some renters may not read their lease at all because they see it as a “take it or leave it” document. Others may not read it because they believe it is written in legal language they will not understand. Few renters who read the lease and find concerning provisions mention their concern to landlords or leasing agents or contest the lease.^{xvii}

From Principle to Practice

A key exemplar of the clear and fair lease principle in federal policy is the Department of Defense Tenant Bill of Rights, which informs the model lease it implemented for the Department’s privatized housing program.^{xviii} To ensure prospective and existing military housing tenants understand the terms of the lease with the private sector housing provider, DoD provides a supplemental plain language briefing. To resolve any issues that are not being addressed by their housing provider, military members have access to a Military Tenant Advocate employed by the installation.

Separately, in 2022, HUD released new [guidance](#) to include costs such as security deposits as an eligible use of administrative fees that public housing agencies receive to operate the housing



voucher program. Such policies are important because security deposits are a standard part of most housing lease agreements but often a barrier for low-income tenants to securing housing.

The Administration is announcing the following new actions:

- USDA will institute a broad set of actions that will advance clear leases and ensure tenants can seek compliance with lease terms without facing retaliation across its portfolio of 400,000 units of multifamily rental housing. Specifically, USDA is developing a clear and fair lease that is similar to the model lease used in HUD Section 8 properties. USDA will also create a tenant grievance FAQ outlining clear steps for tenants appealing a management decision, and will distribute it to owners and management agents, ask for distribution to tenants and tenant advocacy groups. Further, USDA Rural Development is working to create a Tenant Rights and Responsibilities brochure modeled after HUD Multifamily's [brochure for assisted housing residents](#), increasing consistency between the two agencies and clarifying Rural Development tenants' rights and responsibilities. USDA will explore updating its regulations to require borrowers with federal credit from the department's Rural Housing Service to utilize the brochure.



Third Principle: Education, Enforcement, and Enhancement of Rights

Federal, state, and local governments should do all they can to ensure renters know their existing legal rights, and to protect renters from unlawful discrimination and exclusion that can take many different forms. Government bodies at all levels should ensure that rights and protections provided under the Fair Housing Act and other federal laws and regulations, as well as state and local fair housing laws and regulations, are known and enforced.

The Fair Housing Act bans discrimination based on race, color, religion, sex (including sexual orientation and gender identity), disability, familial status, and national origin, including practices that have an unjustified disparate impact on a protected class. The Fair Housing Act and state and local laws should be expanded to expressly prohibit discrimination based on source of income. All renters should also be safeguarded against sexual harassment by housing providers and their staff. And survivors of domestic and dating violence, stalking, and sexual assault should not be penalized because of the acts of abusers.

It is important to note that exclusion in rental markets manifests in different ways, such as through inaccurate information appearing in tenant background checks. It is essential that tenant background checks are legal, fair, and non-discriminatory to ensure renters can access housing and have neighborhood choice. Housing providers are required by law to inform applicants for rental housing why they were denied or charged more.

Why this Principle is Important

Discrimination and exclusion have long been significant factors shaping the housing market.^{xix} While the Fair Housing Act is an important cornerstone of ensuring that the housing market is equal and fair,^{xx} there is a continuing need to bolster existing laws and enforcement efforts and to pass new laws to address the nation's fair housing needs.^{xxi} To this day, millions of renters experience discrimination in the housing market annually, although a large share never report it.^{xxii}

Discrimination in housing takes many forms, many of which can be difficult to identify.^{xxiii} For example, research finds that in many markets property managers are less likely to respond to prospective Black and Latino tenants when they inquire about open rental listings, thus driving disparate housing options and outcomes.^{xxiv} People with disabilities face unequal treatment, access barriers, harassment, retaliation, discriminatory statements, and failure to provide reasonable accommodations for policies and allowance for reasonable modifications to unit design at disproportionate levels.^{xxv} Likewise, survivors of domestic violence, dating violence, sexual assault, and stalking are at greater risk of homelessness and housing discrimination because of the violence committed against them. Congress recently addressed this through strengthened protections in the 2022 reauthorization of the Violence Against Women Act.^{xxvi}



Housing discrimination also results from algorithms and credit reports used routinely in background checks and screening reports on tenant applicants, which can have negative effects on housing options,^{xxvii} particularly for Black, Latino, and Asian households who are at greater risk of error in these reports.^{xxviii} Although housing providers are legally required to provide adverse action notices (i.e., notice that information in a credit report was used to deny or alter the terms of the offer for credit, housing, employment, insurance, or other benefits), many applicants for rental housing do not receive any notice of the reason they are denied housing. Receiving notice of the reason for the denial would enable them to correct errors in a tenant screening report or address other reasons that might affect future housing access.

Source of income discrimination is the practice of not renting to a household or withholding property services, facilities, or privileges based on the source of income of the individual, which can include a Housing Choice Voucher, other forms of housing subsidy, or non-wage income sources, such as alimony or child support.^{xxix} Source of income discrimination can be used as a proxy for other forms of discrimination. Laws that ban discrimination based on source of income can both increase a household's ability to find housing with the Housing Choice Voucher and broaden the neighborhoods they can access.^{xxx} Further efforts to partner with housing providers and reduce administrative burdens associated with accepting rental assistance serve as important complements to such mandates.^{xxxi}

From Principle to Practice

HUD's Office of Fair Housing and Equal Opportunity (FHEO) has issued several guides and materials to inform landlords and tenants about important fair housing obligations. If tenants or persons seeking housing believe they have been discriminated against, they can [reach out to FHEO](#), which enforces the Fair Housing Act for HUD. HUD is finalizing a rule to clarify that the Fair Housing Act continues to bar practices with unjustified discriminatory effects notwithstanding efforts to weaken its reach. In addition, HUD has published a proposed Affirmatively Furthering Fair Housing rule to strengthen and better align grantee planning efforts to advance fair housing goals.

The Housing and Civil Enforcement Section of the Civil Rights Division at the DOJ has taken several recent enforcement actions under the Fair Housing Act to ensure that providers do not unlawfully discriminate against renters, including with respect to sexual harassment in [United States v. Centanni](#) (D.N.J.) and race discrimination in [United States v. Crimson Management, L.L.C. et al.](#) (N.D. Ga.). DOJ has also taken several recent enforcement actions aimed at rectifying disability discrimination in rental housing, including in [United States v. Heritage Senior Living, LLC et al.](#) (E.D. Pa.), [United States v. Miyamoto \(D. Wy.\)](#), and [United States v. Melinda S. Moore Housing, Inc., et al. \(W.D. Va.\)](#).

The federal government has advanced other rights beyond those protected by the Fair Housing Act. For example, discrimination against a holder of a Housing Choice Voucher is banned in the federal Low Income Housing Tax Credit (LIHTC) program, which is the largest affordable housing production program in the country. The CFPB has released [advisory opinions](#)^{xxxii} affirming that background check companies that use poor matching procedures, such as name-only matching can violate the Fair Credit Reporting Act's accuracy and permissible purpose



provisions due to the high risk of including information on the wrong tenant in screening reports for rental properties. In addition, the CFPB issued a bulletin affirming the responsibility of background check companies to use adequate procedures when reporting eviction information.^{xxxiii} In November, the CFPB issued two companion reports describing the [tenant background check market](#) and [difficulties faced by prospective renters due to these reports](#).

The Administration is announcing the following new actions:

Tenant Background Checks:

- The CFPB has said it will identify guidance or rules that it can issue to ensure that the background screening industry adheres to the law, and coordinate law enforcement efforts with the FTC to hold tenant background check companies accountable for having reasonable procedures to ensure accurate information in the credit reporting system. The CFPB has also stated that it will continue to coordinate with federal and local government agencies to ensure that tenant screening companies do not illegally disseminate false and misleading information about tenants and that tenants can challenge erroneous information. People experiencing problems with a tenant background check can submit a complaint to the CFPB at www.consumerfinance.gov/complaint.
- HUD, FHFA, FTC and USDA have said they will work with CFPB to release best practices on the use of tenant screening reports, including the importance of communicating clearly to tenants the use of tenant background checks in denying rental applications or increasing fees and providing tenants the opportunity to address inaccurate information contained within background screening reports. HUD, FHFA and USDA have said they will strongly encourage property owners in their respective portfolios to align with these best practices and inform them of any additional relevant legal requirements in their respective portfolios. HUD will also release guidance addressing the use of tenant screening algorithms in ways that may violate the Fair Housing Act.

Source of Income Discrimination:

- Discrimination based on a person's source of income is not expressly prohibited under the Fair Housing Act. There are several ongoing agency actions that will be enhanced, consistent with agency authorities, to reduce such discrimination going forward. Consistent with existing LIHTC rules, the Treasury Department reiterates that LIHTC building owners should lease units in a manner consistent with HUD's nondiscrimination rules and are prohibited from refusing to lease units to prospective tenants due to their status as holders of Housing Choice Vouchers or certificates of eligibility. The Treasury Department will meet with tenants, advocates, housing providers, and researchers to discuss ways to further the goals of tenant protections, including those around source of income, as well as broader issues of affordability and eviction prevention with respect to the LIHTC incentive.
- HUD will explore opportunities to address source of income discrimination through guidance.



- Fannie Mae launched the Expanded Housing Choice pilot program to offer a pricing incentive to property owners who agree not to discriminate against voucher holders. Such efforts present a critical opportunity to increase the share of owners who participate in the Housing Choice Voucher program.

Protecting Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking:

- The Violence Against Women Act, which was reauthorized on March 15, 2022 (“VAWA 2022”), provides critical housing protections for survivors of domestic violence, dating violence, sexual assault, and stalking (“survivors”) accessing and maintaining federal housing programs. HUD will implement, via rulemaking, guidance, and other means, VAWA 2022’s new housing protections for survivors and HUD’s new enforcement authorities. In addition, HUD’s upcoming Community Compass NOFO will include up to \$5 million for a Technical Assistance Provider(s) to provide ongoing training and technical assistance to HUD grantees and other stakeholders on VAWA’s housing protections and remedies for survivors.



Fourth Principle: The Right to Organize

Renters should have the freedom to organize without obstruction or harassment from their housing provider or property manager and should not risk losing their housing because of organizing. Moreover, tenant associations should be recognized by their housing providers or management companies. A renter should be able to identify the owner of their building and how to contact them to engage in important conversations about their property. Such engagement should be a feature of a healthy and productive tenant-landlord relationship.

Why this Principle is Important

Organizing is an essential means for renters to advocate for resources and policy reform to meet community housing quality, accessibility, and affordability needs.^{xxxiv, xxxv} Organizing often highlights structural issues in housing markets, and tenants frequently offer innovative solutions that question status quo responses, because the status quo solution sometimes does not work for them.^{xxxvi} Moreover, tenant organizing serves as an important platform for renters to engage in a broad set of community and political processes at the federal, state, and local levels, from which they may otherwise be marginalized.^{xxxvii}

There is abundant research that shows organizing has been met with retaliation from housing providers or property managers, such as prohibiting the use of public spaces, threatening eviction, or actually filing an eviction action.^{xxxviii} For these reasons, some tenants fear that organizing to improve their current housing situation and advocating for community investment and resources will result in losing their housing rather than seeing much needed improvements.

From Principle to Practice

Tenants in different types of HUD programs have *recognized rights to organize*. The tenants of multifamily HUD-assisted housing and public housing projects have the right to establish and operate a tenant organization for the purpose of creating a positive living environment and addressing issues related to their living environment. HUD's Multifamily Brochure on Resident Rights and Responsibilities is an important resource for tenants of assisted housing seeking to understand their rights related to habitability, repairs, and the right to organize. The brochure states that residents should be able to: organize without retaliation from housing providers; provide leaflets and post materials in common areas; be recognized as having a voice in residential community affairs; use appropriate common space or meeting facilities to organize; and meet without representatives or employees of the housing provider present.^{xxxix} HUD recently published a [Resident Organizing and Participation Toolkit for residents of public housing](#), which provides comprehensive guidance on creating or supporting resident organizations: guides for organizing and running an effective resident council; sample documents to help formally establish and run the resident council; tools for effective use of tenant participation funds; and case studies and profiles of resident councils and public housing agencies that support resident organizing and participation across the country.^{xl} HUD is currently working on webinar training to complement the existing toolkit.



The Administration is announcing the following new actions:

- The DoD commits to ensuring that military members living in DoD’s government-owned, government-controlled, or privatized housing have the right to organize and affirms their right to report housing issues to their chain of command and/or Military Housing Office without fear of retribution or retaliation.
- HUD’s Office of Multifamily Housing is developing a NOFO to distribute appropriated funds to support tenant capacity building activities, including tenant education and outreach.
- HUD’s Office of Multifamily Housing will build on existing training and technical assistance strategies to promote engagement with residents and implementation of the Rental Assistance Demonstration (RAD) resident protections, including grievance procedures, by owners of RAD-converted properties. This will include fact sheets and similar public resources, targeted outreach to owners of recently converted properties, and measures to refresh awareness of program expectations following completion of the conversion process.



Fifth Principle: Eviction Prevention, Diversion, and Relief

Renters should be able to access resources that help them avoid eviction, ensure the legal process during an eviction proceeding is fair, and avoid future housing instability. To prevent evictions, renters should have access to just- or good-cause eviction protections that require a justified cause to evict a tenant, and tenants need to receive adequate notice if their lease is not being renewed. Renters should be able to avoid an eviction filing through alternatives to the eviction system, such as eviction diversion and grievance procedures that prevent formal legal proceedings through negotiation, mediation, or arbitration. Resolutions from these processes could include: a grace period for late rent; the ability to preserve tenancy through curing the lease violation by paying rent or correcting the violation; access to a standardized, formal dispute resolution process prior to litigation; and opportunities to meaningfully participate in a pre-eviction diversion program.

If an eviction is filed, tenants should be given 30 days' notice of an eviction action and the right to counsel during an eviction proceeding. The eviction proceedings should be fair and provide: protection from extrajudicial evictions and lockouts; a hearing in a language the tenant understands or with qualified interpreters; a trained, competent, and independent hearing officer; due process protections, including a written record and the ability to present evidence, cross examine, and conduct discovery; and the ability for a tenant to appeal an eviction judgment without bond requirements.

Eviction case filings should immediately be sealed, including in cases of nonpayment of rent, thereby reducing the chance for people to be locked out of future housing opportunities without a chance to defend themselves. Eviction records—both filings and executed judgements—should remain sealed for any minors, for tenants who prevail in their eviction cases, and for tenants who reinstate their tenancy after the entry of judgment. Courts should only unseal eviction records after a judge decides against the tenant, though records listing minors as well as default judgements should remain sealed. Provisions for sealing tenant records should be tailored to state law and procedures.

And for those renters carrying rental debt, fair debt collection practices should include: the ability to enforce payment of rental debt only if there is clear, unambiguous evidence that the debt is owed; and freedom from unfair, deceptive, or abusive attempts to collect.

Why this Principle is Important

Before the pandemic, roughly 900,000 evictions were completed against tenants every single year.^{xli} An eviction order increases homelessness and reduces earnings, durable consumption, and access to credit.^{xlii} Evictions themselves are associated with a broad set of negative outcomes, including short- and long-term negative impacts on health.^{xliii}



Research demonstrates that the process leading up to and during an eviction is full of inequities that negatively impact low-income households' ability to remain housed.^{xliv} Such findings indicate that not only does excessive debt accumulate during the eviction process due to late fees, but that the accumulated debt is then sometimes maintained and leveraged by housing providers who use it to threaten a tenant with eviction.^{xlv}

Tenants know that the impact of an eviction extends well beyond the eviction itself. For example, eviction records are often included in background checks even when a case is dismissed on the merits or dismissed because the tenant pays overdue rent. An eviction filing often continues to appear on a tenant's screening report and impedes a renter's future ability to find housing.^{xlvi} Although many states have passed laws to seal eviction records, when eviction records are not sealed immediately, they can still haunt families. This is because background check companies may fail to remove records from their databases after they are sealed.

Prior to the pandemic, few federal or local efforts supported eviction prevention or a fair eviction process and only a few of these have been evaluated. Research shows that significant procedural differences in the eviction process across jurisdictions can affect outcomes.^{xlvii} Preliminary evidence on the role of legal representation suggests that it may reduce the odds of an eviction filing resulting in a warrant to evict.^{xlviii} One study found that the expiration of pandemic eviction moratoria was associated with a doubling of instances of COVID-19 and a five-fold increase in COVID-19 mortality,^{xlix} suggesting these moratoria reduced COVID-19 transmission and mortality.

From Principle to Practice

The Emergency Rental Assistance program (ERA) has made over 8 million payments to renters and their housing providers to prevent evictions, and over \$769 million has been expended on housing stability services. The American Rescue Plan's State and Local Fiscal Recovery funds are also being used to support eviction prevention and diversion efforts. As part of a whole-of-government response, DOJ led an effort to encourage states and localities to develop and deploy eviction diversion programs. Over the past couple of years, HUD [awarded](#) \$40 million in eviction protection grants.

The FHFA requires that tenants of multifamily properties with mortgages backed by Fannie Mae or Freddie Mac, who are subject to eviction for nonpayment of rent, must be given 30 days' notice to vacate before the tenant can be required to leave the unit. This requirement applies to all Enterprise-backed multifamily properties, regardless of whether the loan is in forbearance.

The Administration is announcing the following new actions:

- HUD will issue a notice of proposed rulemaking, to build upon the previously [issued Interim Final Rule](#), that will propose to require that PHAs administering a public housing program and owners of project-based rental assistance properties provide no less than 30 days advanced notification of lease termination due to nonpayment of rent.



- HUD will award \$20 million for the Eviction Protection Grant Program in fiscal year 2023, which will fund non-profits and governmental entities to provide legal assistance to low-income tenants at risk of or subject to eviction.
- FHFA, Freddie Mac, and Fannie Mae have indicated their commitment to publishing information about the Enterprise Look-Up Tools, which allow tenants to determine if their property is backed by Fannie Mae or Freddie Mac financing and requires the 30-day notice to vacate for non-payment of rent. The Enterprises will continue to publish this information and assess how the individual tools might be enhanced to improve utility.
- Freddie Mac is conducting research on marketable baseline tenant protections and plans to publish a paper as part of FHFA's Equitable Housing Finance Plan initiative. The forthcoming paper will be a survey of each state's landlord-tenant acts across a series of topics that span the rental experience, including tenant screening, habitability, and notice requirements. It also will provide a consolidated source of information on current state landlord-tenant laws, which differ state to state, for the public and industry stakeholders. Mac intends to utilize its research to develop potential incentives for enhanced tenant protections in 2024.

ⁱ One example of this variation can be found here: <https://www.avail.co/education/laws>.

ⁱⁱ <https://www.zillow.com/research/zillow-rent-report-october-2022-31676/>

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^v This number was calculated using data from Zillow.

^{vi} https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_rent_eats_first_airgood-obrycki_hermann_wedeen_2021.pdf

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