

Strengthening Renters' Rights: Empowering Renters Through State and Local Tenant Protections

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Affordable, safe, stable, and accessible housing are all key components upon which the foundation of just and equitable communities are not only built, but how neighborhoods – and their residents – thrive as well. Unfortunately, today, a lack of uniform renter protections at the federal level coupled with a lack of affordable and available rental housing for the lowest-income renters has left tenants in a precarious position where they are often at the will of their landlords. For renters, this power imbalance means being at a greater risk of experiencing harassment, racial inequity, and eviction, while in the worst cases, the lowest-income and most marginalized renter households can even experience a higher risk of homelessness as well.

Tenant protections, which are renter rights that are codified into law through legislation, policies, and programs – and can be passed at the federal, state, and local levels – are critical to preventing evictions and keeping renters stably housed. When passed, tenant protections level the playing field between landlords and renter households. By strengthening renters' rights through legislative means, tenants are in a better position to assert their rights and defend themselves against any – and all – threats to their housing stability.

During the COVID-19 pandemic especially, lawmakers at all levels of government recognized the crucial importance of enacting tenant protections. With many short-term policies in place to provide support to renters against the public health crisis, tenants felt relief from policies such as federal, state, and local eviction moratoriums,

emergency rental assistance, landlord-tenant mediation and eviction diversion programs, pay-to-stay provisions, right-to-counsel programs, and even eviction safe-harbors that delayed the eviction process while tenants applied for emergency rental assistance support.

It was through these legal supports that saw nationwide decreases in eviction filings. According to the Eviction Lab at Princeton University, in the 31 cities that the organization tracks, it was found that pandemic-era policies led to eviction filings to fall by more than half of their historical average in the time between March 2020 and December 2021. Not only that, but the Eviction Lab also estimates that the federal eviction moratorium, which lasted until July 2021, helped to prevent at least 1.36 million eviction cases in 2021. With many of these policies now having been rolled back, expired, or depleted, the need for stronger renter rights is wholly important – especially at the state and local level.

Why are Renter Protections Needed?

As mentioned, housing is out of reach for the lowest-income renters, which also includes seniors, people with disabilities, and working families. One of the main factors contributing to this is the lack of affordable and available housing, which in 2023, amounted to a [shortage: https://nlihc.org/gap](https://nlihc.org/gap) of 7.3 million affordable and available homes for renters with extremely low incomes. When coupled with high [rental costs that rose by more than 26% during the COVID-19 pandemic: https://bit.ly/4cM8Mf3](https://bit.ly/4cM8Mf3), and worker wages that have been unable keep up with the high cost of renting, it is no surprise

that a staggering number of renter households have become cost-burdened renters as a result.

According to the U.S. Department of Housing and Urban Development, housing is considered: <https://bit.ly/4ixOvLw> “affordable” if a tenant is not paying more than 30% of their monthly income towards rent and utilities. By this definition, there is no single state across the country today that has enough affordable and available housing: <https://nlihc.org/gap> to meet these criteria. As a result, there were more than 21 million renter households who were cost-burdened by 2023: <https://nlihc.org/oor>, while 11.7 million renter households were “severely cost-burdened,” meaning they were paying at least 50% of their monthly income on rent. When renters overextend their budgets to cover just the cost of housing and utilities, there is little money to spend at the end of the month on other necessary expenses, such as healthcare, childcare, and transportation.

Who is Impacted by Evictions?

Evictions can impact everyone, though the risk is disproportionate amongst the lowest-income and most marginalized renter groups. Between 2007 and 2016, the Eviction Lab found that, on average, 7.6 million individuals were threatened with an eviction annually, with an average of 3.9 million people receiving an eviction judgement during each year throughout this period. Of those who face eviction, those who are most impacted include children, individuals with the lowest-incomes, and Black households, who according to the Eviction Lab, represent over half of all eviction filings (51.1% between 2007 and 2016).

What Tenant Protections Exist for Renters?

Tenant protections can be passed to protect renters at all stages of their lease terms. Not only can renter protections be passed to ensure that tenants can access housing free of discrimination,

such as through source-of-income anti-discrimination policies or policies that regulate tenant screening practices, but tenant protections can also be passed to protect tenants when they are faced with eviction, including through legal assistance programs or relocation support.

There are seven main ways that tenant protections can be categorized as outlined through the National Low Income Housing Coalition, the National Housing Law Project, and the Tenant Union Federation’s National Tenant’s Bill of Rights: <https://bit.ly/4ixOwiY>. Such laws include: (1) the right to a fair application process, (2) the right to a fair lease, (3) the right to freedom from discrimination and harassment, (4) the right to a habitable home, (5) the right to reasonable rent and costs, (6) the right to organize, and (7) the right to safeguards against eviction. In this ecosystem, there is a range of individual, stand-alone, protections that can be passed, though renters’ rights are strongest when passed together. The following details what kinds of tenant protections exist for renters in each of the seven categories mentioned:

The Right to a Fair Application Process: renter protections that fall into this category ensure that tenants are able to secure housing in a fair and equitable manner. By promoting transparency in the application process – and later throughout a tenant’s lease – tenants are better positioned to secure and remain stably housed in the housing of their choice. Some protections that exist under this category seek to mitigate the risk of tenants being denied housing, including by passing laws and policies that regulate tenant screening practices, such as clarifying the criteria a tenant will be screened for.

The Right to a Fair Lease: renter protections that fall into this category work to ensure that prospective renters are not only aware of their legal rights and obligations as a renter, but the legal responsibilities of their landlords as well. To create and enforce a fair lease, some protections that exist under this category include

ensuring that tenants have a written lease, contact information for their landlords, mandatory disclosures of rent and other fees, and notice requirements for lease renewals.

The Right to Freedom from Discrimination and Harassment: renter protections that fall into this category prohibit prejudice against tenants based on protected characteristics or status such as race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, disability, and even income source. Existing renter protections that are commonly passed under this category include source-of-income protections and right to counsel laws to protect against discrimination. As of 2024, 21 states have enacted source-of-income protections for renters, including California, Maryland, Utah, Virginia, and Washington.

The Right to a Habitable Home: renter protections that fall into this category seek to ensure that tenants are able to live in safe and healthy homes free from conditions that compromise a tenant's mental and physical well-being, including conditions that are dangerous or harmful. Protections that fall into this category include ensuring that there is a minimum set of habitability standards, proactive rental inspections, enforcement procedures for emergency repairs, and anti-retaliation protections. As of 2024, eight states nationwide have passed laws strengthening a tenant's right to a habitable home and strengthening code enforcement processes. Such states include Georgia and Minnesota.

The Right to Reasonable Rent and Costs: renter protections that fall under this category seek to ensure that tenants do not face the disparate impacts of sky-high rental costs. Under this category, lawmakers seek to enact protections that mitigate cost burden, and that the lowest-income renter households are not disproportionately harmed. Protections that fall under this category can include rent stabilization

protections and protections against excessive or surprise rental fees, known commonly as "junk fees." As of 2024, 17 states have enacted laws to protect tenants against unreasonable rental costs and fees, commonly known as "junk fees."

The Right to Organize: renter protections that fall into this category protect a tenant's ability to advocate for their own rights, such as by joining a tenant union. Existing renter protections that are commonly passed under this category include guaranteeing a tenant's right to organize free from retaliation.

The Right to Safeguards Against Eviction: renter protections that fall into this category ensure that once a tenant has signed a lease that they are protected from arbitrary and discriminatory evictions. Some protections that are commonly passed under this category include laws that prohibit no-fault evictions, secure a tenant's right to cure – or rectify a lease violation, eviction diversion programs, eviction record sealing and expungement protections, a right to appeal a eviction, and a right to reinstate tenancy by paying off the eviction judgment. As of 2024, 17 states have enacted eviction record sealing or expungement laws, while five states have enacted right to counsel protections for tenants.

NLIHC launched in April 2024 its [State and Local Innovation: https://nlihc.org/state-and-local-innovation](https://nlihc.org/state-and-local-innovation) (SLI) project to support state and local partners in advancing, implementing, and enforcing state and local tenant protections. This initiative, which works to strengthen tenants' rights and prevent evictions, also works to advocate for permanent emergency rental assistance programs, prevent the criminalization of homelessness, provide technical assistance around state housing trust funds, and support the advancement of housing innovations that keep eviction rates down and prevent homelessness.

NLIHC's SLI initiative supports its partners by providing technical assistance and research sup-

port. Not only has [NLIHC tracked the passage of more than 650 renter protections: https://nlihc.org/tenant-protections](https://nlihc.org/tenant-protections), but the SLI initiative has also released a set of toolkits and case studies as part of its *State and Local Protection Series: A Primer on Renters' Rights*. The toolkits cover four key protections: just cause eviction standards, rent stabilization policies, laws that strengthen habitability standards and code enforcement procedures, and laws that limit excessive rental fees. Each toolkit provides an overview of one major tenant protection, details the common components of the protection, lists information about state and local jurisdictions that have adopted the protection, suggests provisions that should be taken into consideration when enacting the protection, and highlights complementary policies that can be passed alongside the protection to ensure the greatest impact possible. The toolkits can be found [here: https://bit.ly/3Gjy1t8](https://bit.ly/3Gjy1t8).

National Low Income Housing Coalition.
State and Local Innovation: https://nlihc.org/state-and-local-innovation.

Conclusion

Overall, in the absence of federal tenant protection policies, there are a number of state and local level safeguards that lawmakers can employ to protect tenants against the risk of housing instability, eviction, and homelessness. Strengthening renters' rights can ensure that tenants are not only able to access safe and stable housing of their choice, but that the lowest-income renters, and those most disproportionately impacted by rising rental costs are able to remain stably housed – in housing of their choosing.

For More Information

National Housing Law Project, National Low Income Housing Coalition, & Tenant Union Federation. (2024). [National Tenants Bill of Rights: https://bit.ly/4ixOwiY](https://bit.ly/4ixOwiY).