

The National Tenants Bill of Rights: A Policy Platform for Federal Tenant Protections

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In June 2024, NLIHC, National Housing Law Project (NHLPP), and Tenant Union Federation (TUF) launched the National Tenants Bill of Rights to shift the balance of power between tenants and landlords. The comprehensive proposal was written with direct input from tenant leaders, people with lived experience of housing instability, legal aid experts, and advocates nationwide. When introduced and enacted as federal legislation, the National Tenants Bill of Rights will correct the power imbalance between tenants and landlords that fuels racial inequities and puts the 114 million people who rent their homes at greater risk of housing instability, harassment, eviction, and homelessness.

America's housing crisis is worsening, with high rents, more eviction filings, and increased homelessness in many communities. Tenants are struggling to make ends meet. Much of the housing crisis debate focuses on increasing housing supply. However, building more units alone will not solve this crisis—we need a comprehensive solution that centers tenants. We must also increase rental assistance, strengthen prevention tools, and enact robust tenant protections. The National Tenants Bill of Rights provides a model for doing just that. Our economy runs on the 114 million people who rent. Federal policy should address the needs of tenants, just like it addresses the needs of homeowners. Solutions to our nation's housing crisis that address housing affordability and supply must be paired with strong and enforceable tenant protections to help prevent housing instability and homelessness, redress long-standing racial and social inequities, and advance housing justice.

Why do we need a National Tenants Bill of Rights?

Everyone deserves a safe, stable, and affordable home. However, many of the 114 million renters in the United States lack basic rights. This lack of tenant protections perpetuates housing instability and, in the worst cases, leads to homelessness. When tenants have the rights they deserve, their lives and their communities improve. The typical tenant is [rent-burdened](https://nyti.ms/3Ry1Vw4): <https://nyti.ms/3Ry1Vw4>, spending 30% or more of their income on rent. Landlords have hiked rents nearly 30% higher than they were before the pandemic. Millions of tenants are forced to make impossible choices between rent and other necessities, like medicine or food for their children. The systemic lack of protections paves the way for precarity that often results in housing instability and homelessness.

In most parts of the country, a landlord can evict a tenant for no reason and with only a few days' notice. Eviction courts provide only the thinnest veil of due process for tenants. Faced with threats of eviction and homelessness, unlivable living conditions and few avenues for recourse, tenants endure egregious rent increases and landlord harassment, with few options for recourse against their landlords. This precarity is amplified for tenants of color, disabled tenants, families with children, and older tenants, whose rental housing options are limited by historical segregation and present-day discrimination.

Institutional investors and corporate landlords have exploited the lack of tenant protections in the housing market to amass excessive profits and power, putting small landlords at a disad-

vantage and harming renters and their communities. Treating tenants' homes as vehicles for profit, these bad actors have cultivated a predatory rental market with business models built on aggressive rent hikes and displacement. This market has thrived because of widespread industry capture of state legislatures, attacks on local tenant protections, and federal unwillingness to intervene in the tenant-landlord relationship. Even in states and localities where advocacy and organizing have resulted in vitally important tenant protections, this patchwork of safeguards leaves many renters behind. Tenants need a national solution to meet the scale of this problem.

NLIHC, NHLP, and TUF created the National Tenants Bill of Rights to correct the balance of power between tenants and landlords and advance racial and social equity. The National Tenants Bill of Rights is a practical policy agenda for renters that affirms the federal government's duty to provide all tenants with fundamental protections. Tenants, organizers, legal experts, and housing justice advocates from across the country helped craft this policy agenda. Designed to shape action at the federal level and provide a floor of basic protections for all tenants, the policy agenda's principles are also applicable at the state and local levels to strengthen and enforce tenants' rights.

Background: The White House Blueprint for a Renters Bill of Rights

In January 2023, after a months-long process to gather input, the Biden-Harris Administration released a Blueprint for a Renters Bill of Rights prepared by the Domestic Policy Council and National Economic Council. The Blueprint was a statement of principles, and though it was not binding and did not establish new federal policy, the Blueprint signaled policies and practices that could strengthen and enforce critical

renter protections. The commitments in the Blueprint are aligned with five principles for renter protections, including ensuring (1) access to safe, quality, accessible, and affordable housing; (2) clear and fair leases; (3) enforcement of renter rights and protection from unlawful discrimination and exclusion; (4) the right to organize without obstruction or harassment from landlords; and (5) eviction prevention, diversion, and relief.

Importantly, the White House Blueprint announced new actions for federal agencies implementing housing assistance. As of January 2023, the Biden-Harris Administration committed several agencies to taking action, including the Federal Housing Finance Agency (FHFA), Federal Trade Commission (FTC), Consumer Financial Protection Bureau (CFPB), U.S. Department of Agriculture (USDA), Department of Justice (DOJ), Department of Defense (DoD), and Department of the Treasury (Treasury).

The White House committed FHFA to launching a public process to examine proposed renter protections and anti-rent gouging measures for new federally backed mortgages. In 2023, FHFA opened a Request for Input (RFI) concerning how the agency can create and enforce renter protections for households living in rental properties with federally backed mortgages. NLIHC, the NLIHC Tenant Leader Collective, Partnership for Just Housing, 17 Senators, and many others submitted over 3,500 comments in support of federal tenant protections. In response to learning that FHFA received more than 3,500 additional comments that were submitted confidentially, NLIHC, the Revolving Door Project, and People's Action Homes Guarantee submitted a FOIA Request focused on the non-public comments submitted to the agency. NLIHC and the Revolving Door Project sent a [letter: https://bit.ly/44H2oDH](https://bit.ly/44H2oDH) on November 13, 2024 to FHFA Director Sandra Thompson presenting conclusions from an analysis of the more than 3,500

publicly available comments and urging Director Thompson to make public an additional 3,500 comments submitted confidentially, as well as those submitted after the deadline. The letter also urged Director Thompson to act swiftly to enact clear, strong, and enforceable renter protections for households living in properties with federally backed mortgages. In January 2024, FHFA released [a summary of the RFI comments: https://bit.ly/3RyzoGE](https://bit.ly/3RyzoGE), but did not commit to further action. On July 12, 2024, FHFA announced the introduction of minimal new renter protections in properties receiving a federally backed mortgage. Specifically, covered housing providers will be required to provide tenants with a) 30-day written notice of a rent increase, b) 30-day written notice of a lease expiration, and c) a 5-day grace period for rent payments. These policy changes will do little to protect renters from the power imbalance between tenants and landlords that fuels racial inequities and puts the 114 million people who rent their homes at greater risk of housing instability, harassment, eviction, and homelessness.

The White House Blueprint in January 2023 committed to quarterly meetings with renters and advocates to continue the conversation on renter protections and will launch a Resident-Centered Housing Challenge, a call to action to housing providers and other stakeholders to commit to renter protections. In a July 2023 fact sheet, the Biden-Harris Administration announced over 100 public and private sector entities have pledged to align with the principles in the Blueprint for a Renters Bill of Rights, but did not announce any federal action to enforce these actions.

Other federal agency actions mentioned in the White House Blueprint for a Renters Bill of Rights include:

- The Federal Trade Commission (FTC) and Consumer Financial Protection Bureau (CFPB) will collect information to identify unfair prac-

tices that prevent tenants from accessing or staying in housing, informing each agency's enforcement actions. This is the first time the FTC has acted on renter protections.

- The CFPB will issue guidance and coordinate with the FTC on enforcement to ensure accurate credit reporting.
- HUD will publish a notice of proposed rulemaking that would require public housing authorities and owners of project-based rental assistance properties to provide at least 30 days' advanced notice before terminating a lease due to nonpayment of rent.
- The U.S. Department of Agriculture (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
- The Department of Justice (DOJ) committed to hosting 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.
- The Department of Defense (DoD) committed 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.
- The Department of Treasury 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.

In a [statement: https://bit.ly/3kL3VUE](https://bit.ly/3kL3VUE) on the Blueprint, NLIHC president and CEO Diane Yentel stated, “Strengthening and enforcing renter protections is vitally important to addressing the broader housing crisis. There is a tremendous power imbalance in our housing system that tilts heavily in favor of landlords at the expense of low-income and other marginalized renters, putting families at greater risk of housing instability and homelessness and fueling racial inequity. The Administration’s announcements today are an important step towards achieving President Biden’s commitment to establishing a Renters Bill of Rights, but there is much more work still to be done.” She added: “The time, energy and focus that the Biden-Harris Administration dedicated to strengthening tenant protections and to hearing directly from impacted people at the White House is significant and historic,” she continued. “But while today’s actions include important steps forward, the White House missed opportunities to act on other key recommendations. NLIHC remains committed to working closely with the Administration and Congress to take necessary actions to ensure renters with the lowest incomes remain stably housed.”

The National Tenants Bill of Rights

A BRIEF HISTORY OF THE NATIONAL TENANTS BILL OF RIGHTS

Tenant organizers have worked tirelessly in their communities to improve safety and living conditions for decades. Organizations like the National Alliance of HUD Tenants (NAHT), Residents United Network (RUN) in California, Resident Action Project (RAP) in Washington, Residents Organizing for Change (ROC) in Oregon, Residents Organized for Housing Louisiana (ROHLA), Housing Justice for All in New York, Kents Tenants Union in Ohio, Autonomous Tenants Union in Chicago and many, many more have paved the way for tenants’ rights.

The COVID-19 pandemic drew much attention to the imbalance of power between landlords and renters, and the short-term policies enacted to protect millions from evictions helped both stabilize households and bring awareness to the need for improvements in tenants’ rights. The National Tenants Bill of Rights is the result of decades of national and local organizing by tenants, advocates, and organizations to secure tenants’ rights. This policy agenda was built on their historic and effective leadership.

During the COVID-19 pandemic, tenants across the country recognized the need for legislation to address the power imbalance with landlords and advocated fiercely to find safety in their own homes. However, the differences between local and state jurisdictions, combined with the barrier of state preemption laws, created a patchwork of tenant protection legislation. Now, too many renters are left without basic renter protections, and there is no standard of tenant protections for the nation’s 114 million renters. In forming the National Tenants Bill of Rights, NLIHC, NHLP, and TUF drew inspiration from the over 300 tenant protections enacted since the COVID-19 pandemic began and worked with tenant leaders to build upon these policies. Leaning on NLIHC, NHLP, and TUF’s respective tenant leader networks was pivotal, and having tenant leader support will be critical to the success of any tenant protection legislation. NLIHC urges advocates to work with tenant leaders in drafting similar policies at the state, local, and federal levels. Specifically, the National Tenants Bill of Rights was formed in consultation with NLIHC’s Tenant Leader Collective, Tenant Talk Live, the ERASE Cohort, and the NHLP Housing Justice Network.

THE NATIONAL TENANTS BILL OF RIGHTS: LEGISLATIVE PLATFORM

The National Tenants Bill of Rights sets out seven essential rights that establish a baseline of tenant protections in the rental housing market. These

rights follow a tenant's experience applying for housing, signing a lease, and living in their home. The following 7 rights are an overview of the full policy platform, and don't encompass the full platform. Read the complete National Tenants Bill of Rights at <https://nlihc.org/sites/default/files/TBOR-Final.pdf>

The National Tenants Bill of Rights includes seven essential rights:

- 1. The Right to A Fair Application** – Discriminatory screening practices by landlords and tenant screening companies prevent prospective tenants from being fairly considered when they apply for housing. To ensure fair opportunity for all, landlords should only consider information relevant to an applicant's ability to perform their obligations as a tenant.
- 2. The Right to A Fair Lease** – Leases shape the legal relationship between landlords and tenants, often reflecting their imbalance of power. To correct this imbalance, leases should clearly define the duties and rights of both landlords and tenants and avoid predatory and deceptive terms.
- 3. The Right to Freedom from Discrimination and Harassment** - Home should be a sanctuary for tenants. Currently, tenants are vulnerable to discrimination, violations of privacy, and harassment by their landlords. To ensure a basic level of privacy and quiet enjoyment, tenants should have the tools to prevent this behavior. Tenants also need the federal government to robustly enforce federal anti-discrimination laws to prevent landlord abuses.
- 4. The Right to A Habitable Home** – Tenants deserve to feel safe in their homes. Safe homes include working appliances and fixtures, reliable utilities, effective pest control, and prevention from deadly health hazards. When something is in need of repair, tenants should have a clear way to communicate their concerns to a landlord and the landlord should be obligated to fix habitability concerns promptly.

- 5. The Right to Reasonable Rent and Costs** – Rent is often the largest expense in a household's budget, and financial stability is largely absent in a system where landlords hike rents dramatically higher and at a faster rate than the growth of wages. To protect tenants from financial shocks that put them at risk of eviction and further harm, safeguards are necessary to prevent rent gouging and excessive or hidden fees. Landlords should be limited to reasonable rent increases, and they should only be allowed to assess fees that have been clearly disclosed in the lease.
- 6. The Right to Organize** – To correct the power imbalance between tenants and landlords, tenants must have the ability to organize without fear of retaliation or eviction from landlords, owners, and management.
- 7. The Right to Safeguards Against Eviction** – Tenants should not have to risk losing their homes in eviction court in a manner of minutes. Tenants deserve a basic level of due process in eviction proceedings and have protections from illegal evictions and evictions without good cause.

How Advocates Can Take Action

While the National Tenants Bill of Rights has not yet been formally introduced in Congress, there are many members of Congress who have introduced similar tenant protection legislation. Advocates at NLIHC, NHLP, and TUF will continue to identify Congressional champions and advocate for legislation to fully enact federal tenant protections.

- Endorse the National Tenants Bill of Rights at <https://p2a.co/g19d6fg>.
- Invite your neighbors and anyone in your local community to endorse and get involved, including your tenants union or homeowners association!
- Stay tuned with NLIHC, NHLP, and TUF at <https://nlihc.org/national-tenants-bill-rights>.

URGE LEGISLATORS TO:

- Endorse: <https://p2a.co/g19d6fg> the National Tenants Bill of Rights!
- Introduce legislation modeled in the National Tenants Bill of Rights.
- Hold hearings on the need for national tenant protections and the power imbalance between landlords and renters.
- Meet with their local tenant organizers to understand the impact of a lack of tenant protections.
- Meet with community advocates, legal aid attorneys, housing and homeless service providers to better understand the housing needs of their communities.

For More Information

NLIHC's National Tenants Bill of Rights homepage: <https://nlihc.org/national-tenants-bill-rights>.

The National Tenants Bill of Rights full policy platform: <https://bit.ly/4cc0VXa>.

The National Tenants Bill of Rights fact sheet: <https://bit.ly/4bgqyES>.

The National Tenants Bill of Rights section summaries: <https://bit.ly/3zbmCI2>.

Tenant Union Federation: <https://tenantfederation.org/>