



November 13, 2023

The Honorable Sandra Thompson  
Federal Housing Finance Agency  
400 7th Street SW, 9th Floor  
Washington, D.C. 20219

To Director Thompson:

We, the undersigned organizations, write to thank you for leadership in helping to implement the Biden-Harris administration's *Blueprint for a Tenant Bill of Rights* by opening a historic Request for Information (RFI) on "Tenant Protections for Enterprise-Backed Multifamily Properties" at the Federal Housing Finance Agency (FHFA). Over the past several months, we have worked with tenant-led organizations and housing advocates to encourage renters to share with FHFA their experiences and the need for reforms to dramatically shift the power imbalance between landlords and renters.

We write to share a preliminary analysis from the National Low Income Housing Coalition (NLIHC) of the more than 3,500 public comments submitted in response to FHFA's RFI. The analysis found that a majority of these public comments were submitted in favor of robust renter protections and call on the agency to take bold action to ensure renters are fairly and equitably treated in the housing market.

We are deeply concerned, however, that FHFA's process for collecting confidential comments unfairly favors landlords, despite the agency's stated commitment to "a transparent process that includes broad participation from diverse voices"<sup>1</sup> and despite the Biden-Harris administration's pledge to "ensur[e] renters have a seat at the table"<sup>2</sup> to "advance a stronger, more equitable rental market."<sup>3</sup> During a meeting held with FHFA on October 18, 2023, NLIHC learned from FHFA staff that more than 3,500 comments were submitted confidentially, including several comments that were submitted after the established, public deadline. FHFA staff informed NLIHC in the meeting that they would make an effort to read and consider comments submitted after the deadline. FHFA has had similar conversations with other tenant advocates. By allowing landlords to submit comments confidentially outside of the public eye and by considering comments submitted after the deadline, FHFA's process for input continues an inequitable system where landlords maintain tremendous power over renters that put renters at risk of housing instability, displacement, and in worst cases, homelessness.

To ensure a fair and equitable process, we strongly urge FHFA to 1) make public the over 3,500 comments submitted confidentially, while redacting personally identifying information; 2) disregard any comments submitted after the deadline; and 3) act swiftly to enact clear, strong, and enforceable renter protections for households living in rental properties with federally backed mortgages.

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<sup>1</sup> <https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-to-Request-Input-on-Multifamily-Tenant-Protections.aspx>

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/07/27/fact-sheet-biden-harris-administration-takes-action-to-protect-renters/>

<sup>3</sup> <https://www.whitehouse.gov/wp-content/uploads/2023/01/White-House-Blueprint-for-a-Renters-Bill-of-Rights-1.pdf>

## RFI Comment Analysis

As expected, tenants across the country voiced their strong support for tenant protections against rent gouging, unjust evictions, and other protections. NLIHC staff conducted an internal analysis by reading every comment submitted and categorizing key information about the content of the comment and the commenter. NLIHC's analysis shows that of the 3,522 comments submitted by mid-August, 69% were submitted in support of tenant protections.

Many of these pro-tenant comments were from individual tenants, often associated with tenant unions like Kansas City Tenants Union (198 comments), People's Action/Homes Guarantee campaign (118), Neighbor 2 Neighbor (138), Progressive Leadership Alliance of Nevada (135), and Kentucky Tenants (105). National housing organizations, as well as other multi-sector groups like the ACLU, climate change researchers, environmental justice organizations, reproductive health groups, and racial justice organizers, stood up for tenants' rights.

Elected officials from the City of Olympia, Washington, a Councilmember from Louisville, Kentucky; the Shelby County Mayor's Office in Tennessee; commissioners from Santa Fe County, New Mexico; and several Congressional leaders urged FHFA to act in support of tenant protections. Senate Majority Leader Chuck Schumer, U.S. Senators led by Committee on Banking, Housing and Urban Affairs Chair Sherrod Brown (D-OH),<sup>4</sup> House Financial Services Committee members<sup>5</sup> led by Ranking Member Maxine Waters (D-CA), and Representative Jamaal Bowman (D-NY) urged FHFA to use its full authority to establish renter protections. Additionally, our staff noted several petitions in support of tenants, including one with 3,750 signatures from More Perfect Union and another from Move On with 677 signatures.

NLIHC sent a letter, cosigned by 352 organizations across the country, urging the Agency to enact racially and socially equitable tenant protections that are mandatory for all properties within FHFA's portfolio and paired with strong enforcement. These protections include: (1) source of income protections to prohibit landlords from discriminating against households receiving housing assistance, and to give families greater choice about where to live; (2) "just cause" eviction standards and the right to renew leases to help protect renters from housing instability; (3) anti-rent gouging protections to stop landlords from dramatically raising rents; and (4) requirements to ensure housing is safe, decent, and healthy for renters and their families.

## FHFA Must Act Quickly and Transparently

In response to these thousands of comments, FHFA must act quickly to protect renters. More than ever, bold policies are needed to ensure that people with the lowest incomes and the most marginalized people have stable, accessible, affordable homes. Renters across the nation are in crisis: high rents are putting more of America's lowest-income and most marginalized renters at risk of losing their homes and, in the worst cases, becoming homeless. Eviction filing rates are surpassing pre-pandemic averages and homelessness is increasing in many communities, with more people living in tents, cars, or shelters. America's housing crisis demands urgent action, and federal policymakers, including FHFA, must use every tool available to provide housing stability.

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<sup>4</sup> <https://www.banking.senate.gov/newsroom/majority/brown-colleagues-urge-new-protections-multifamily-renters-fannie-mae-freddie-mac-backed-properties>

<sup>5</sup> <https://nlihc.org/resource/house-financial-services-committee-democrats-send-letter-fhfa-urging-agency-provide-robust>

In a press release announcing the RFI, FHFA committed to “a transparent process that includes broad participation from diverse voices.”<sup>6</sup> Despite this commitment to transparency, FHFA created a confidential process for some comments to be submitted. While tenants and individuals are justly protected in their confidentiality, we are concerned about the percentage of total comments submitted anonymously. FHFA encouraged commenters to “make their responses public whenever possible, to inform broader public discourse on these issues.”<sup>7</sup> It is deeply concerning, however, that nearly half of the comments received were submitted anonymously. Housing advocates are left to wonder what evidence could be included in these comments to sway FHFA in secret, and if it is based on scientifically sound and racially just evidence.

We strongly urge you to make public any comments that were submitted anonymously and to disregard any comments submitted after the deadline. Tenants and housing organizers must be aware of the industry forces fighting against their rights and federal actions that could protect them from dire consequences such as evictions and homelessness.

Again, we thank you for your leadership in this historic RFI on tenant protections for Enterprise-backed multifamily properties. FHFA has the potential to prevent further harm for the more than 12 million renters living in properties within your portfolio. We urge you to act swiftly to protect tenants.

Sincerely,

National Low Income Housing Coalition

Revolving Door Project

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<sup>6</sup> <https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-to-Request-Input-on-Multifamily-Tenant-Protections.aspx>

<sup>7</sup> <https://www.fhfa.gov/Media/PublicAffairs/PublicAffairsDocuments/Multifamily-Tenant-Protections-RFI.pdf>