

01/14/2021

SAFE AT HOME

STATE AND LOCAL STRATEGIES TO PROTECT TENANTS DURING THE COVID EMERGENCY

This document outlines a number of state and local strategies to help tenants remain housed and to preserve stability during this time of economic uncertainty and health risk. It is critical for state and local governments to take action to protect renters.

New policies must be complemented by effective systems of implementation and enforcement. This includes code enforcement, access to civil legal services, fair housing enforcement, and enforcement of other anti-discrimination laws. The COVID-19 health emergency and the related economic instability have placed many renters in a precarious position. Local jurisdictions will need to make sure that their systems are working effectively to identify unsafe living conditions, harassment by landlords, and illegal evictions.

NHLP has a model ordinances with many of these policies included that is available at www.nhlp.org/covid. The model state ordinance is available [here](#) and the model local ordinance is available [here](#). Underlying state and local landlord-tenant law will shape where these policies are needed and in what form.

1. **Enact state and local eviction moratoriums.** An effective moratorium should apply to all residential properties, cover all stages of the eviction process and prevent rent increases during the emergency period.
2. **Adopt Fair Chance ordinances that limit how criminal records can be used in rental admissions.** Overly restrictive criminal records policies threaten public health. Localities should adopt Fair Chance ordinances. These ordinances support family reunification, which is especially important given the number of people released from prisons and jails during the pandemic.
3. **Pass and enforce legislation that makes it illegal to discriminate against voucher holders,** i.e. source of income protection. Discrimination against voucher holders is a major barrier to the effectiveness of this program and source of income protections help address that discrimination.
4. **Require “just cause” eviction nationwide during the pandemic,** preventing people from being evicted without cause, or in retaliation for exercising legal protections during the pandemic.
5. **Expand landlord-tenant law to cover additional types of tenancy** during the pandemic including residential motels, campgrounds and other accommodations.
6. **Create an effective rental assistance program** that prioritizes individuals most vulnerable to eviction and housing instability.
7. **Create local eviction mediation programs that are connected with rental assistance programs** to help landlords and tenants resolve disputes and create plans to preserve tenancies.
8. **Preclude landlords from evicting tenants for rent arrearages** that accrue during the pandemic. This will prevent a wave of evictions following the end of the moratoriums, give time for rental assistance to be processed and allow for negotiated repayment.
9. **Prohibit late fees or charges for late or missed rent during the emergency,** and ensure that post-emergency, future rental payments are applied to the rent for that month, and not applied to rental arrears first.
10. **Create a right to counsel in eviction cases.** Having an attorney during an eviction proceeding significantly diminishes the likelihood that someone will be evicted and often results in more time or better terms for those who are evicted. Additionally, the CARES Act, the CDC order on evictions and recent state and local laws have created new defenses to eviction that many tenants may not understand and may need legal assistance to raise.

11. **Allow tenants to add family members to a lease during the emergency period** for the purposes of sheltering in place, replacing caregivers or otherwise caring for people that are ill. Restrict enforcement of occupancy limitations unless they conform to health and safety laws.
12. **Allow remaining household members to assume a lease** if the primary leaseholder deceases during the pandemic.
13. **Release tenants from existing leases without penalty if they are unable to make their full rent payments** due to the pandemic or if the pandemic forces them to leave their current housing for other reasons.
14. **Ensure that landlords do not retaliate against tenants** who accumulated rental arrears because of the pandemic.
15. **Restrict landlords from reporting evictions, unpaid rent or any other debt from the emergency period** to furnishers and credit reporting agencies. Any eviction filings from the emergency period should be sealed or expunged.
16. **Require that notice be provided to applicants who are denied housing.** Applicants for rental housing who are rejected should be provided with the reasons and facts concerning their rejection. The notice requirement deters violations of law.
17. **Prohibit rental application fees** which serve as a major barrier to seeking quality housing.

For more information, contact Sarah Saadian, vice president of policy at NLIHC, at ssaadian@nlihc.org; Noelle Porter, director of government affairs at NHLP, at nporter@nhlp.org; or Kim Johnson, policy analyst at NLIHC, at kjohnson@nlihc.org.

NHLP | 1663 Mission Street | Suite 460 | San Francisco, CA 94103 | 415 546-7000 | www.nhlp.org

NLIHC | 1000 Vermont Avenue, NW | Suite 500 | Washington, DC 20005 | 202-662-1530 | www.nlihc.org