

## ISSUE BRIEF

# Protecting Renters from Displacement and Unhealthy and Climate-Vulnerable Housing

Nearly 37 percent of people living in cities are renters, and alongside the low-income homeowner population, renters are often first and worst hit as housing prices rise, displacement and natural disasters worsen and affordable places to live become scarce.<sup>i</sup> Faced with these realities, cities and advocates are accelerating implementation of **tenant and renter protections**: policies that legally protect renters and tenants from unlawful eviction, mistreatment, uninhabitable homes, and skyrocketing rents to provide a level of housing security. Renter protections don't guarantee that renters stay in place, but they go a long way toward protecting the most vulnerable to housing insecurity-- disabled, elderly and low and moderate-income renters in communities of color. Tenant protection strategies need to be considered in a suite of anti-displacement and community stabilization strategies that hold housing as a human right and stress housing policy reform focused on affordability; accessibility; long-term stability and protection from displacement; health, sustainability, and quality of housing; and community control as outlined in the Rise of the Renter Nation report.<sup>ii</sup> These strategies are crucial for community stabilization and sustainability.<sup>1</sup>

## Renters Need More Protection

Many states do not provide protection for tenants (i.e. landlords can evict without cause), and some have legislation explicitly prohibiting the passage of laws such as rent control (e.g. Colorado, [Illinois](#) and [Georgia](#)). The largest and most robust policies to protect tenant and renters' rights can be found in New York and California, home to urban centers with some of the highest housing costs in the nation (\$2,070 in New York City and \$1,360 in Los Angeles in rent for a median 1-bedroom apartment).<sup>iii</sup> Lower income renters are more susceptible to development pressures that make the way for displacement via higher

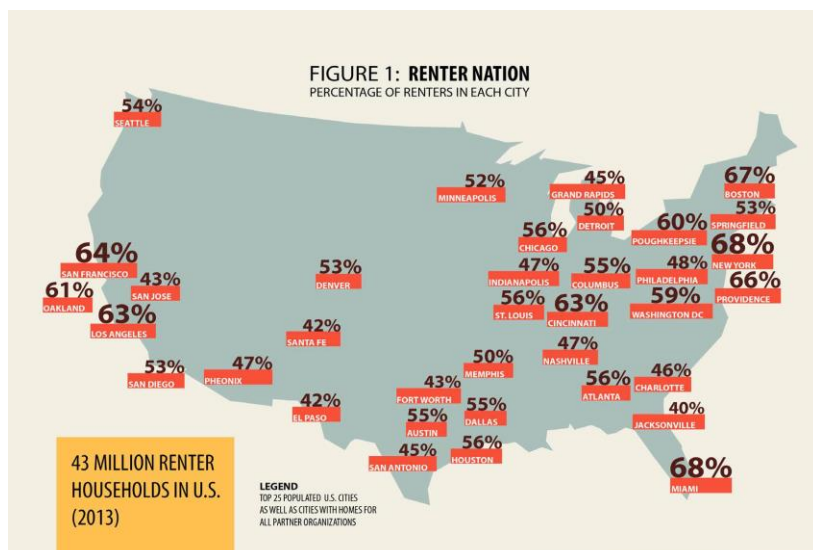


Figure 1: Renter Map from Homes for All Campaign and The Right to the City Alliance.  
<http://homesforall.org/wp-content/uploads/2014/06/RISE-OF-THE-RENTER-NATION-FULL-REPORT-web.pdf>

<sup>1</sup> The renter and tenant terms are used interchangeably throughout the document.

market rents and higher paying tenants. Even without displacement pressures, they are also more susceptible to unhealthy housing conditions, greater energy costs, and more climate vulnerability.

The dominant housing model in the United States focuses on market-driven prioritization and property rights for the land owner. When new units and homes are produced in a gentrifying neighborhood they typically are built and marketed to upper end, luxury apartment renters. The National Low-Income Housing Coalition reports approximately 11.4 million extremely low-income renter households in the nation and only 7.5 million homes available at rates affordable to those households.<sup>iv</sup> Additionally, a full-time worker needs to earn at least \$20.30 an hour to afford a home with two bedrooms at the monthly fair market rent (national average) of \$1,056. The current federal minimum wage is \$7.25.<sup>v</sup> So, there is both a shortage of homes for residents who need it most and lack of adequate income, with little promise of a wage increase sufficient to afford the homes that exist.

### ***Barriers to Implementation***

Tenants' rights policies can be contentious and difficult to pass. For example, some rent control opponents argue that rent control has negative effects, including increasing rents in non-rent-controlled areas, limiting new affordable housing production by developers wary of a controlled market; reducing landlords' incentive to invest in property upgrades, and serving to benefit the middle class and wealthier residents instead of those who need support the most.<sup>vi</sup>

While that viewpoint exists, data from states like Massachusetts and New York have shown that rent control can provide significant protection for residents in communities that have rapidly gentrified, allowing residents to stay in their homes. Similarly, a recent study of rent control and just cause eviction policies in Berkeley and Santa Monica in California protected social and economic diversity in those cities.<sup>vii</sup>

### ***Housing Vulnerability, Climate Change and Natural Disasters***

Adding to our housing shortage and price issues is the large amount of aging, energy inefficient and non-sustainable housing stock vulnerable to natural disasters such as flooding, hurricanes and wildfires. Hurricanes Harvey and Florence and the wildfires in California destroyed rental inventories resulting in rent impacts for the coming years. In Santa Rosa, California, rents increased by 1.9 percent over two months in 2018 and the area is projected to experience a shortfall of 1,700 rental units over the next three years.<sup>viii</sup> People of color are disproportionately affected by environmental pollution, natural disaster and climate-related impacts and are less likely to recover financially after an event<sup>ix</sup>. Hurricane Katrina in New Orleans destroyed homes in lower-income and predominantly Black neighborhoods that experienced some of the strongest water surges. Over 100,000 Black residents have been permanently displaced since Hurricane Katrina and New Orleans ranks second in the nation in the percentage of renters spending more than half their income on housing.<sup>x</sup> The adaptability and resilience of both housing stock and people must be integrated into housing reform and planning discussions given the loss of life, homes, and the displacement that occurs after natural disasters. Funding



Figure 2: Image created by Dita Sharpley, Miami, Florida

mechanisms must also be in place to protect low income renters from paying rent and losing their security deposits after disasters. [Got Green](#) in Seattle, for example, proposes that tenants who have been displaced should be able to return to their homes at the same rent level.

As sea level rise inundates low-lying land, those living in flood-prone areas may be displaced, placing more pressure on the housing market at higher elevations. In the case of Miami, land farther from flood danger at higher elevation is primarily found in Black and Latino low-income communities, increasing the risk of displacement as wealthier renters and homeowners relocate. Additionally, responses to flooding and other climate change effects usually include the building of green infrastructure such as large urban parks and green trails. These projects must be planned and designed with dual benefits in mind -- environmental resilience and neighborhood enhancement for residents rooted in the community. To avoid what is called “green gentrification,” projects must have justice and equity at their center, authentically including community members to implement tenant protection policies. Planning processes should advance climate adaptability, move toward greater renewable energy, address historic environmental injustices, and address the economic and systemic inequities to not only protect renters but enhance quality of life for all.

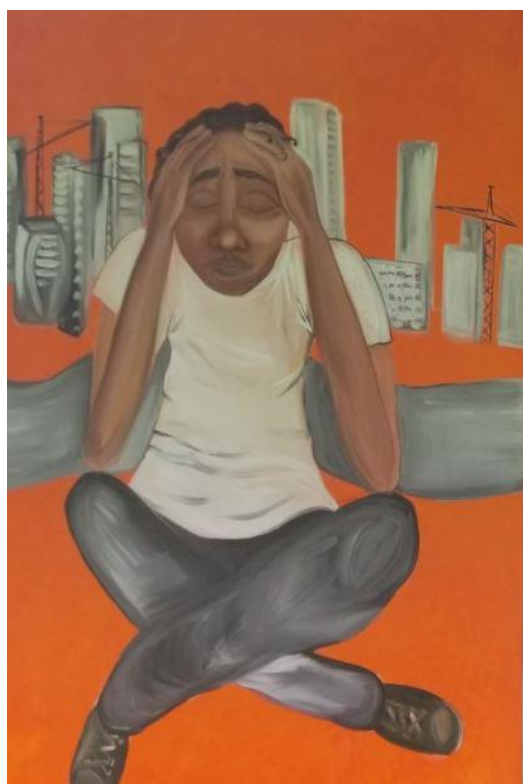


Figure 3: Image created by Dita Sharpley, Miami, Florida

### Health and Housing

Housing security, quality, and cost are all linked to people’s health and vitality. When housing costs are high, working families may accept older or poorly maintained housing infested with mold or pests that can trigger chronic health effects such as asthma. Additionally, older housing can contain dangerous and inefficient appliances and fixtures, and harbor toxins such as lead. In the Bay Area, many low and moderate-income employees commute long distances to work due to a lack of adequate housing near their jobs, leading to lower rates of physical activity that contribute to lower cardio-respiratory fitness, higher Body Mass Indexes and increased blood pressure.<sup>xi</sup> The inability to maintain a secure, safe and healthy home exposes people to stress and other illnesses. According to a report by the Prevention Institute, “Overcrowding and high rent burden are associated with higher rates of emergency department visits for asthma and mental health issues, as well as hospitalization for hypertension.”<sup>xii</sup> Additionally, the impact of climate change and displacement takes a toll mentally and physically. The [Bay Area Regional Health Inequities Initiative](#) (BARHII) created a framework (Figure 4) that outlines strategies for better health equity in housing. The

framework emphasizes a focus on upstream social determinants of health such as social inequities (race, class, immigration, gender), institutional inequities (schools, laws and regulations), and living conditions (physical environment, economic and work environment). This framework is offered as a guide to public health departments working to address health inequities and working to impact population health.

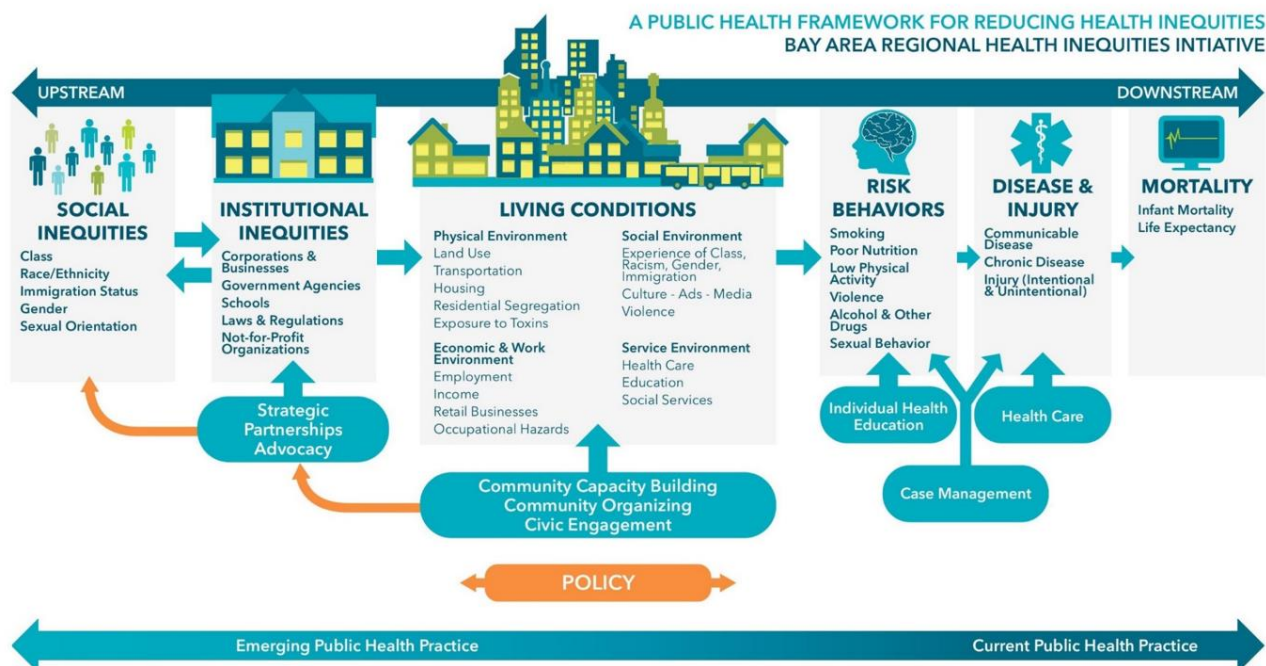


Figure 4: Public Health Framework, courtesy of Bay Area Regional Health Inequities Initiative (BARHII)

## SPARCC SPOTLIGHT

Across the country, several groups are leading the way to increase renter protection in their communities. In the SPARCC (Strong, Prosperous, and Resilient Communities Challenge) network, many coalitions are pursuing a variety of strategies that range from developing housing preservation ordinances to implementing rent control and applying inclusionary zoning. Here is a snapshot of the work in a few of the cities:



In Denver, the [Mile High Connects \(MHC\) partnership](#) is committed to increasing access to housing choices, good jobs, quality schools and essential services via public transit. MHC, in coalition with other partners in Denver recently worked toward passing a set of statewide protections for tenants that include: requiring residential landlords to provide written rental agreements to tenants (SB18-010: Residential Lease Copy and Rent Receipt); requiring landlords to provide tenants with at least one month notice before eviction (SB17-245: Tenancies One Month To One Year Notice); and creating protections for victims of sexual assault and stalking to break leases when it's no longer safe for them to live in a particular area (HB17-1035: Sex Assault and Stalking Victims May Break Leases).





The **Los Angeles region** is represented by a cross-collaboration of organizations including the [California Community Foundation](#), [LA Thrives](#) and the [Alliance for Community Transit Los Angeles \(ACT-LA\)](#) which are advancing housing justice, living-wage jobs, equitable transit-oriented development, and better climate and health outcomes.

- **Local-** In the cities of Inglewood and Long Beach, advocates in Uplift Inglewood and Housing Long Beach are organizing around rent control and greater community benefits.
- **County-** In a recent victory for rent control, the Board of County Supervisors approved a temporary limit on rents in unincorporated Los Angeles County. The ban extends to approximately 50,000 housing units. The rent limit will last until county staff draft a rent stabilization ordinance to offer permanent tenant protection policies, especially with growing homelessness in the region from a rise in evictions.
- **State-** One of the main barriers to expanding rent control protections across the state is the existence of the [Costa-Hawkins Rental Housing Act](#). Costa-Hawkins dictates how rent control is implemented across the state and limits the types of rent control policies that cities can implement. Housing justice advocates across California were in support of Proposition 10 to repeal Costa-Hawkins and expand rent control and affordable housing protections across the state. Prop 10 appeared on the November 2018 ballot, but did not pass.



**Elevated Chicago** formed to promote racial equity, prosperity, and resilience in Chicago communities by using eTOD as the catalyst for change. Housing advocates are fighting to Lift the Ban on Rent Control, which has been in place for nearly 20 years in the state of Illinois. Additionally, housing justice advocates have been able to leverage the [Keep Chicago Renting Ordinance](#) (KCRO), to provide protection for renters being evicted from properties lost to foreclosure by increasing protections for those residents.



Figure 5: LUCHA staff and residents of Humboldt Park Residence



Figure 6 (above): Residents of LUCHA's single-room occupancy (SRO) development, Humboldt Park Residence.

LUCHA is a housing advocacy and mission-driven affordable-housing developer helping to advance tenants' rights and affordable housing preservation in Chicago. LUCHA is a core member of the Elevated Chicago collaborative, the local SPARCC partner.

## Tenant Policies and Strategies

There are a range of strategies being implemented across the country to enhance protection for renters. No one strategy serves the full spectrum of needs in a community. Tenant protections must be combined with housing production, protection and preservation strategies to increase housing security and mitigate effects from climate change, natural disasters and increased health risks caused by unhealthy housing. The strategies below offer a non-exhaustive look at some tenant policies and examples in practice.

POLICY TYPE	EXAMPLES IN PRACTICE	RESOURCES
<b>RENT CONTROL</b>		
<p><b>Rent control</b> sets <i>allowable maximum rents</i> that can be charged to tenants. It is locally mandated and regulated by state and local government laws and is initiated through a ballot measure and/or passed by a municipal council.</p> <p>Rent control policies are often <i>synonymous with rent stabilization</i> and are often paired with just cause eviction policies.</p> <p>Rent control policies allow for some increase in rent once an apartment is vacant <i>depending on how the state or local legislation</i> is written.</p> <p>Landlords are allowed certain provisions such as <i>right of reasonable return</i> (fair market rents) and, in some cases, allowable increases in rent to account for capital improvements.</p> <p>Rent control policies typically <i>do not apply to all available rental units</i> in a city and depend on established base year (i.e. all units built before <a href="#">October 1 1978</a> as in the <a href="#">City of Los Angeles</a>.)</p>	<p>Rent control approved by <b>ballot measure</b>: Mountainview California (2016), <a href="#">Community Stabilization and Fair Rent Act</a></p> <p>Rent control approved by <b>city council</b>: Richmond, California (2016), <a href="#">Richmond Rent Program</a></p> <p><b>Policies that limit rent control</b>: In California both the Ellis Act and Costa- Hawkins Rental Housing Act impose restrictions. Costa Hawkins prohibits cities from establishing rent control over certain kinds of residential units, including single family dwellings and condominiums, and newly constructed apartment units; these are deemed exempt. Second, it prohibits municipal "vacancy control", also called "strict" rent control.</p> <p>Most <a href="#">Ellis evictions</a> are used to convert rental units to condominiums, using loopholes in the condo law used to convert multi-unit buildings into single family homes that are mansions</p>	<p><b>Best Practice Toolkit, Tenants Together</b>: <a href="#">Strategies for ballot readiness</a>:</p> <ul style="list-style-type: none"> <li>• Gather data on percentage of renters in a city,</li> <li>• Determine if local tenant organizing groups exists,</li> <li>• Calculate the # of units that might be exempt from rent control,</li> <li>• Know the percentage of residents that vote on housing related initiatives.</li> </ul> <p><a href="#">Strategies for designing the rent control law</a>:</p> <ul style="list-style-type: none"> <li>• Set annual rent increase limits,</li> <li>• Determine when and how evictions might be handled,</li> <li>• Determine process for landlord violation of rent price,</li> <li>• Determine if capital improvement increases are allowed,</li> <li>• Set vacancy control measures to determine increase of rent after a unit is vacated</li> </ul> <p><a href="#">Strategies for Rent Board Administration, Urban Habitat</a>:</p> <ul style="list-style-type: none"> <li>• Set up a rent control board or other agency to enforce policies,</li> <li>• Actively track and monitor rental units and rates,</li> <li>• Prioritize coordination with city departments.</li> </ul>

POLICY TYPE	EXAMPLES IN PRACTICE	RESOURCES
<b>JUST CAUSE EVICTION</b>		
<p><b>Just cause eviction</b> policies <i>prohibit landlords from evicting tenants without proper cause</i>. Without these laws in place tenants may be evicted for events outside of their control or at times intentional landlord sabotage.</p> <p>Some landlords have brought residents to court for drilling holes in walls, purposely not providing a habitable place to live and other tactics to get people to voluntarily leave their homes.</p> <p>Just cause eviction laws <i>outline reasons for justifiable eviction such as non-payment of rent, nuisance residents, capital improvements that leave a residence uninhabitable, violation of lease agreements</i>, etc.</p>	<p><u>Example Just Cause Policy Language:</u></p> <p><a href="#">San Francisco Just Cause Eviction from San Francisco Rent Board</a></p> <p><a href="#">Washington, D.C.</a></p> <p><a href="#">Chicago</a></p> <p><a href="#">Seattle</a></p> <p><a href="#">Massachusetts</a></p>	<p><a href="#">Just Cause Eviction Toolkit, PolicyLink:</a></p> <p>Overview of just cause eviction, challenges, advantages, financing and case studies.</p>
<b>RIGHT TO ORGANIZE</b>		
<p><i>“Organizing rebalances power.” James Saucedo, National Low- Income Housing Coalition</i></p> <p><b>The right to organize</b> is the right to collectively gather about a particular issue to share information, have a collective platform to share grievances and advocate for different solutions.</p> <p>The right to organize <b>is often not protected by law</b> yet is essential to harnessing a collective voice to address problems and develop solutions.</p> <p>Residents often don’t organize for fear of being harassed or evicted. <b>Immigrants and undocumented workers are particularly vulnerable</b> when organizing against uninhabitable living situations.</p>	<p>Many tenants organize under formalized structures such as tenant unions. Tenants Unions provide housing counseling, info on tenant’s rights, general housing advocacy and data on evictions, storytelling etc.</p> <p><u>Examples:</u></p> <p><a href="#">The Manhattan Plaza Tenants Association (MPTA)</a></p> <p><a href="#">San Francisco Tenants Union</a></p>	<p><a href="#">Best practices for tenant organizing by James Saucedo:</a></p> <ul style="list-style-type: none"> <li>• Research and document the experience of tenants in the building both at home and in the community.</li> <li>• Understand the affordability programs applied to the building (any federal subsidies etc.).</li> <li>• Know the elected officials where the building is located.</li> <li>• Organize the community.</li> <li>• Plan meetings and formalize the structure (tenant union, tenant education platform).</li> <li>• Develop the plan of action.</li> </ul>
<b>RIGHT OF REDEMPTION</b>		
<p><b>Right of redemption laws enable tenants to pay delinquent rent and other money due to landlord to prevent eviction.</b> This provides some protection especially when tenants are faced with financial hardships.</p> <p>The right of redemption applies to owners of foreclosed property. This means that a homeowner has a right to “redeem” their property and reclaim ownership by paying a certain amount to the lender. There are two types of redemption:</p>	<p>Residents in <a href="#">Maryland</a> may avoid eviction under right to redemption laws, provided three judgements have not been filed against the tenant within the last 12 months.</p>	<p><a href="#">State Laws Regarding the Right of Redemption</a></p>

<p>--<i>Equitable right of redemption</i> available in all states allows the borrower to pay off the balance of mortgage debt on the property, including interest and foreclosure fees. The right can be exercised any time before foreclosure</p> <p>--<i>Statutory right of redemption</i> – not available in every state-- allows a homeowner to reclaim ownership of a foreclosed property for a certain period of time after it is sold at a foreclosure sale.</p>		
<b>HEALTH AND ENVIRONMENTAL REPORTING</b>		
<p>Landlords are required in some states to <b>report environmental toxins and issues</b> such as mold.</p>	<p><b>California Landlord Responsibility Regarding Mold</b> Landlords in California are responsible for disclosing information to tenants on whether mold is present in the building that exceeds allowable limits or is a health threat.</p>	<p><a href="#">Does my California Landlord have to disclose the presence of mold?</a></p>
<b>FREE OR REDUCED ACCESS TO LEGAL SERVICES</b>		
<p><b>Free or reduced access to legal services</b> that support residents during landlord tenant legal disputes.</p> <p>Tenants often do not have fair and legal representation. Providing legal services increases the likelihood that tenants actually stay in their units after a housing court case.<sup>xiii</sup></p>	<p>Cities that provide free or reduced services: New York City provides funding for civil and tenant legal services. Tenants must certify eligibility including income restrictions.</p> <p><a href="#">New York City Bar Justice Center's Legal Hotline</a></p> <p><a href="#">Free/Low Cost Legal Services, Chicago</a></p> <p><a href="#">Alaska Legal Services Corp.-Access to Safe and Affordable Housing</a></p>	<p><a href="#">New York City Right to Counsel Services</a></p> <p><a href="#">Central Virginia Legal Aid Society 'Your Rights as a Tenant' Report</a></p>
<b>COMPREHENSIVE HOUSING POLICY</b>		
<p><b>Inclusionary policies</b> require developers to <b>include affordable housing in developments</b>. In its simplest form, an inclusionary housing program might require developers to sell or rent 10 to 30 percent of new residential units to lower-income residents.</p> <p><a href="#">Data</a> suggests that inclusionary housing is one of the few proven strategies for locating affordable housing in asset-rich neighborhoods where residents are likely to <b>benefit from access to quality schools, public services, and better jobs</b>.</p>	<p><b>D.C. Inclusionary Zoning Affordable Housing Program</b> Requires 8-10 percent of residential floor to be set aside for affordable rental or for-sale units. Inclusionary zoning rules apply when a developer builds 10 or more units, or when the developer's addition of 10 new units to an existing building represents an increase in the building's residential floor space by 50 percent or more.</p> <p><a href="#">Atlanta Inclusionary Zoning</a> Requires developers building 10 or more new residential rental units within the Atlanta BeltLine Overlay</p>	<p><a href="#">Grounded Solutions Network</a></p>



	District to set aside units for affordable housing. The legislation specifies that a developer must set aside at least 10 percent of units for households earning 60 percent area median income (AMI) or less, or 15 percent of units for households earning 80 percent AMI or less.	
<b>COMMUNITY LAND TRUSTS</b>		
<p><b>Community Land Trusts acquire land and maintain ownership of the land permanently.</b> This tool is a mechanism to support local ownership and control via local organizations such as non-profit or tenant-led development.</p> <p>With prospective homeowners, the trust enters a long-term, renewable lease instead of a traditional sale. By separating the ownership of land and housing, this innovative approach prevents market factors from causing prices to rise significantly.</p>	<p><a href="#">Champlain Housing Trust, VT</a> Champlain Housing Trust is the largest community land trust in the nation. Over \$223 million in assets under its stewardship. Provides homebuyers education classes, offers loans for repairs and energy efficiency work, develops residential and commercial properties which increases employment opportunities.</p> <p><a href="#">Jane's Place Neighborhood Sustainability Initiative</a> is a community land trust operating the first permanently-affordable apartment building in New Orleans.</p>	<p><a href="#">Models and Best Practices</a></p> <p><a href="#">Community Control of Land &amp; Housing: Exploring strategies for combatting displacement, expanding ownership, and building community wealth</a></p>
<b>PROTECT EXISTING HOUSING AND RESIDENTS</b>		
<p>Investment in <b>naturally occurring affordable housing</b> (NOAH): unsubsidized and unregulated housing that is naturally affordable because of age, location)</p> <p>Naturally occurring affordable housing units that provide housing at rates affordable to low- and moderate-income households and operate without subsidies.</p>	<p>The <a href="#">City of Minneapolis' 4d pilot program</a> provides incentives and a 40 percent reduction in property taxes to apartment owners with at least 20 percent naturally occurring affordable housing. Other eligibility criteria are also in place.</p>	<p><a href="#">Guidelines for Preserving NOAH</a></p>
<p><b>Tax freezes</b> allow qualifying homeowners to freeze their property taxes frozen at a base tax amount. While this is not specific to renters, it's still a crucial policy tool because of the ability for it to support seniors and those on fixed incomes who may be in neighborhoods that are gentrifying and at risk of displacement.</p>	<p><a href="#">Memphis, Tennessee Tax Freeze</a> Allows counties and municipalities a local option to adopt a property tax freeze program for qualifying property owners 65 years of age and older. Senior citizen homeowners qualifying for the program will have the property taxes on their principal residence frozen at a base tax amount, which is the amount of taxes owed in the year they first qualified for the program.</p>	
<p><b>A 'no harassment' policy requires landlords to</b> certify that they are not harassing tenants before major construction work.</p>	<p>New York City Council launched an anti-displacement program that <a href="#">requires landlords to certify</a> that they have not been harassing tenants</p>	<p><a href="#">Tenant Harassment Overview</a></p>

These policies aim to deter landlords from evicting tenants in order to make renovations and raise rents.	before major renovation projects. The program focuses on rezoned or soon-to-be-rezoned neighborhoods and other vulnerable neighborhoods.	
<p><b>Anti-Displacement Policies</b> are explicitly created with the intention of mitigating displacement.</p> <p>Like the tax freeze, the tax fund helps qualifying homes pay for property tax increases in an effort to ensure that homeowners are not displaced due to rising property values as public and private investments are made in the neighborhood.</p>	<p><a href="#">The 606 Affordable Housing Preservation Ordinance Proposal</a> in <b>Chicago</b> would raise the demolition and deconversion fee of \$500 to a minimum of \$250,000 per unit, in a pilot area around the 606 Trail. The funds would be deposited into an affordable housing trust managed by a board of trustees. The trust will be utilized to push more affordable housing in the area, as well as preserve existing housing.</p> <p><a href="#">Atlanta Anti-Displacement Tax Fund</a> <a href="#">The Westside Future Fund (WFF)</a>, will pay for property tax increases of qualifying homeowners (making area median income or below), in historic neighborhoods along the Beltline in its western border. The tax fund is supported completed by philanthropic donations. As area real estate values and appraisals go up, the Fund will pay the difference, allowing owners to keep their family homes, ensuring that current homeowners are not displaced due to rising property taxes. The fund operates as a grant program, which will not require residents to pay back funds received.</p>	
<b>TOOLKITS, DATA, MAPS</b>		
<p><a href="#">Map</a>: Urban Habitat map showing the California cities that have rent control and just cause eviction policies.</p> <p><a href="#">Map</a>: King County (Seattle, Washington) Interactive Housing Policy Inventory, listing tenant protections, regulatory and financial tools and development incentives.</p> <p><a href="#">Map</a>: Urban Displacement Project inventory of municipal codes with an anti-displacement policy or ordinance in the San Francisco Bay Area, Southern California and Portland, OR.</p> <p><a href="#">Map</a>: Rental units covered by rental protection by ZIP code in Los Angeles</p>		
<p><a href="#">Renters Bill of Rights</a>: The Right to the City Alliance developed a <a href="#">Renters Bill of Rights</a> offering a comprehensive package of policy recommendations for renter protection.</p>		

## Cases in Practice

The snapshots below offer a more expansive and detailed perspective on the impact of some tenant protection policies.

**Right to Counsel** In 2017, New York City allocated \$155 million over 5 years to support a right to counsel for tenants, providing legal representation to low-income residents who are facing eviction and make 200 percent of the federal poverty level or less (\$50,200 for a family of four). This law sets a precedent as first in the country to provide right to counsel in housing cases and increases legal representation for people who might not have had knowledge of the law or adequate legal representation<sup>xiv</sup> (New York City was also the first city to implement rent control laws in the late 1960s). Around 90 percent of landlords have legal representation in eviction cases, creating an unbalance because many low-income residents often cannot afford counsel, placing those residents at a disadvantage in eviction proceedings.<sup>xv</sup> NYC's program gives tenants the means to advocate for their rights on housing conditions, discrimination and rent. Because of the program, eviction rates have decreased in ZIP codes where universal access to council has been implemented. The city has seen an increase in the number of tenants with legal representation from just 10 to over 27 percent.<sup>xvi</sup> The program is expanding across ZIP codes over the course of five years, aiming to reach universal coverage by 2020. Additionally, fewer evictions result in fewer households



Figure 7: Tierra Linda, a 45-unit affordable rental housing development built to green standards by LUCHA in Chicago.

experiencing transitional homelessness. The program predicts an overall \$320 million in savings per year, which is well above the program's costs.

**Rent Control and Energy Efficiency** Tenant protection laws should include allowance for investments that impact the quality, health and sustainability of the housing unit, to reduce household costs on energy bills and increase overall health of residents. In New York City, a published report analyzed approximately 19,000 affordable housing units with energy efficiency retrofits and found that the improvements resulted in a "19 percent savings on fuel bills and a 10 percent savings on electricity across the portfolio."<sup>xvii</sup> These savings are often crucial for families. In some cases, landlords can pass on some cost of capital improvements in the form of increased rent by a small percentage or charge a monthly fee. However, for example, the San Francisco Rent Ordinance limits the amount of annual rent increases and conducts hearings to certify rental increases to reduce the cost of capital improvements, rehabilitation, energy conservation improvements, and renewable energy improvements. Costs that are attributed to those

types of projects and improvements are amortized, which provides an incentive for landlords to maintain, improve and renovate their properties while at the same time protecting tenants from excessive rent increases.<sup>xviii</sup> Given the limited income that many families have, it's crucial that multi-family building owners have access to other funding, outside of passing the improvements on to the tenants. As the National Association of Regulatory Utility Commissions has urged, regulators should determine if utility programs are fairly serving the affordable multifamily sector so that they, too, can reap the health and financial benefits of energy efficiency. A policy requirement that can be implemented like in Boulder, Colorado, is to require that all long-term rental properties meet or exceed minimum efficiency standards before receiving rental licenses.<sup>xix</sup>

Additionally, a review of landlord tenant agreements in 20 states have provisions for protecting renters under the Weatherization Program. The provisions include restricting rent increases due to weatherization improvements, preventing evictions resulting from attempts to re-rent weatherized units for greater profit, and restricting the sale of units or properties for habitation by non-low-income tenants after weatherization improvements that result in higher property values.<sup>xx</sup> This ensures tenants will realize the benefits of reduced energy burdens without risk of being displaced as property values increase.



Figure 8: Passive House, affordable rental development built to rigorous energy efficiency standards, which reduce the ecological footprint of the building. Image courtesy of LUCHA in Chicago.

## Conclusion

Renters are an important but often-neglected group of people in the domestic housing and economic crisis, yet represent millions of people living in the U.S. Wages for low-income workers are stagnant while rents skyrocket, creating a growing disparity that is hurting children and families across the country and causing housing insecurity and social instability.

More cities and regions are beginning to understand that working on equitable rental policies that include resilient, energy efficient and healthy homes will help lower health costs, increase opportunity, reduce pollution and improve people's lives. They see their work in this area as key to future success for low-income residents and communities of color, and for all of society in terms of greater health and prosperity.

Addressing these issues takes coordination and a commitment to inclusion and centering housing as a human right.

## Resources

- **Better Rentals, Better City: Smart Policies to Improve Your City's Rental Housing Energy Performance**, Rocky Mountain Institute: [https://www.rmi.org/wp-content/uploads/2018/05/Better-Rentals-Better-City\\_Final3.pdf](https://www.rmi.org/wp-content/uploads/2018/05/Better-Rentals-Better-City_Final3.pdf)
- **Cities Facing a New Housing Crisis**, Governing: <http://www.governing.com/topics/urban/gov-eviction-crisis-housing-homeless-cities-lc.html>
- **Development without Displacement, Resisting Gentrification in the Bay Area**, Causa Justa: Just Cause: <https://cjjc.org/wp-content/uploads/2015/11/development-without-displacement.pdf>
- **Gentrification and Land Lord Sabotage**: [http://gothamist.com/2014/02/24/landlords\\_rent\\_control.php](http://gothamist.com/2014/02/24/landlords_rent_control.php)
- **Healthy Development Without Displacement**, Prevention Institute: <https://www.preventioninstitute.org/publications/healthy-development-without-displacement-realizing-vision-healthy-communities-all>
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## Contributions:

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