



June 29, 2023

The Honorable Sandra Thompson
Federal Housing Finance Agency
Washington, D.C.

Dear Director Thompson,

East Bay Housing Organizations (EBHO) appreciates the opportunity to comment on the Federal Housing Finance Agency (FHFA) Request for Information on tenant protections for households living in rental properties with federally backed mortgages. The scope of the portfolios of the FHFA's regulated entities is substantial, encompassing over 12 million rental units nationally. Therefore, EBHO calls upon the FHFA to create strong and enforceable renter protections, to fulfill FHFA's strategic goal of "fostering housing markets that promote equitable access to affordable and sustainable housing", and protect over 12 million renters nationally.¹

EBHO is a nonprofit, membership-based organization working to produce, preserve and protect affordable housing opportunities for low-income communities throughout the East Bay. First founded in 1984, EBHO has grown to 400+ individual and organizational members fighting for an economically and racially just world where everyone has a safe, stable, and affordable home. We believe solutions to California's, and the nation's severe housing crisis must be comprehensive. As such, our advocacy centers on a multi-pronged effort based on the production of new housing, preservation of existing housing that is affordable, and protection of residents from unaffordable rent increases, eviction, displacement, and homelessness.

Our advocacy is shaped by the diverse perspectives and lived experiences of our membership and community members in Alameda and Contra Costa Counties, many of whom are renters who continue to struggle to find and maintain safe and affordable housing. Of particular note, Low-income, Black, Latinx, and Native American renters are more likely to be rent-burdened, especially among female-headed renter households; with nearly half of Bay Area renters rent-burdened due to dramatic increases in rents since 2000.²

To better ensure housing stability for renters, and address the power imbalance between landlords and renters that places renters at much greater risk of housing instability, retaliation, and experiencing displacement and homelessness, FHFA should create new renter protections for tenants living in properties with federally backed mortgages, including:

¹ [FHFA Strategic Plan: Fiscal Years 2022-2026](#), Federal Housing Finance Agency

² [Housing Burden Indicator](#), Bay Area Equity Atlas

- **Rent regulations** to prevent landlords from exorbitantly and unreasonably raising rents, and reduce the increasing cost burden for tenants and communities. This would be especially powerful at the federal level as some states limit the ability of local governments to set common-sense standards for rent increases, including California, through the Costa-Hawkins Rental Housing Act.
- **Just Cause eviction standards** to limit the reasons a landlord can evict a tenant or refuse to renew a tenant’s lease when the tenant is not at fault or in violation of the law.
- **Right to Counsel** to address the striking gap in legal representation when an eviction is filed; on average 81% of landlords have representation, compared to only 3% of tenants.³ Recent work in Contra Costa County strongly illustrates this need; only 7% of Contra Costa tenants facing eviction – who are disproportionately Black and Women headed households—were represented, while 86% of landlords – half of which are corporations rather than individuals – were represented by an attorney.⁴
- **Safe and Quality Housing Standards** to detail clear habitability standards that borrowers must comply with to provide safe and healthy homes. FHFA should work with state/local building codes and inspection agencies to ensure enforcement and compliance.
- **Tenant and Community Opportunity to Purchase Acts (TOPA/COPA)** which create opportunities for tenants, particularly for Black, Brown, and Indigenous and low-income communities to access ownership and wealth creation. TOPA/COPA gives local jurisdictions and mission-oriented nonprofit developers an opportunity to purchase buildings to produce and preserve affordable housing and take properties off the speculative market.
- **Rental Registry**, including a list of all rental properties with FHFA-backed mortgages that is publicly available and searchable, which allows for increased transparency and safety for tenants. A rental registry is invaluable for information such as beneficial owners, history of the property, number of units owned, and more.
- Guarantee tenants the **Right to Organize**, addressing the inherent risk of landlord retaliation facing tenants, who are often intimidated from enforcing their own individual housing rights. Despite California Civil Code 1940.2, which prohibits landlords from stealing tenants’ personal property, using or threatening force, or abusing the right of access for the purpose of vacating a unit, landlord harassment continues to be a serious issue and driver of informal evictions in the state. More expansive protections include implementing an **Anti-Harassment Ordinance** to ensure efficacy and implementation.

³ [“Eviction Representation Statistics for Landlords and Tenants Absent Special Intervention”](#), *National Coalition for a Civil Right to Counsel* (2022)

⁴ Alex Werth, [“Unrepresented: A Report on Eviction Court Watch in Contra Costa County”](#), *East Bay Alliance for a Sustainable Economy*

Considering that there is precedent in FHFA creating pad lease protections in manufactured housing, and increasing momentum and political impetus from the White House following the Blueprint for Renters Bill of Rights, we believe FHFA should utilize its role as an independent agency overseeing the GSEs to take action and protect millions of tenants. EBHO strongly urges FHFA to take appropriate actions to implement mandatory and standardized tenant protections, coupled with enforcement mechanisms for all households with federally backed mortgages. It is imperative that FHFA continues to engage the input of tenants and individuals with lived experience and meaningfully centers racial and social equity in every step of the process.

These protections are critical to ensure that everyone, especially those with lower incomes and who face historical and present disparities within our housing system, has a safe, quality, and affordable place to live and call home.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan Nguyen". The signature is fluid and cursive, with the first name being more prominent.

Megan Nguyen
Policy Associate
East Bay Housing Organizations