



The Honorable Sandra Thompson
Federal Housing Finance Agency
Washington, DC

RE: Federal Housing Finance Agency's Request for Input on Multifamily Tenant Protections

Dear Director Thompson,

Thank you for the opportunity to respond to the Federal Housing Finance Agency's Request for Input on Multifamily Tenant Protections. We are the Alachua County Labor Coalition ("ALCLC") and we are composed of individuals, unions, and worker-friendly organizations committed to the economic, environmental, civil, and social rights of working people, their families, and communities. A primary objective of the work we do focuses on safe and affordable housing for all. Our work is collective and led by residents throughout the county.

After years of work by the ACLC, the Gainesville City Commission adopted Ordinance 190814 in May 2020 and the Rental Housing Ordinance on September 17th, 2020. Together, these ordinances helped protect renters by ending discrimination based on lawful source of income or citizenship status, requiring stricter energy and water efficiency standards in rental properties, mandating universal inspections of rental units and the disclosure of tenant rights and responsibilities. Alachua County adopted similar anti-discrimination protections in June of 2021, as well as similar energy & water efficiency standards in September of 2022.

Unfortunately, this past legislative session, the Florida state legislature passed, and Governor DeSantis signed into law, House Bill 1417, which broadly preempted the regulation of residential tenancies to the state. Alachua County, along with dozens of other cities and counties across the state, had their hard-fought tenant rights invalidated and residents lost crucial protections that helped them live in safer and healthier conditions.

Given the deep roots of white supremacy in the South, corporate control over land, and the real estate industry's capture of too many decision-makers, we know that there is a crucial need for stronger tenant protections to achieve housing justice. The Federal Housing Finance Authority (FHFA) has an important opportunity to help establish a minimum federal floor of tenant protections, which is desperately needed to protect the security and welfare of Floridians.

The FHFA should consider applying the following minimum tenant protections to (1) any property that participates in a federal housing program and (2) any property with a loan made, insured, guaranteed, supplemented or assisted in any way by any agency of the federal government, or is purchased or securitized by Fannie Mae or Freddie Mac.

1. End discrimination based on lawful source of income

Source of Income discrimination disproportionately affects black and brown renters, renters with disabilities, elderly renters, and women.¹ These laws have a concrete impact on the lives of tenants as voucher holders are more likely to find housing quickly and move to well-resourced neighborhoods.² At least nine Florida municipalities have instituted ordinances banning source of income discrimination for renters. However, much more needs to be done as tenant advocates continue to cite source of income discrimination as a prominent barrier to safe and affordable housing for low income families.

2. Increased Notice Requirements

Before the enactment of HB 1417, FHJA member organizations embarked on campaigns across the state with local community members to fight for extended notice requirements for tenants. Through these hard fought campaigns, nineteen cities and counties across the state passed legislation requiring landlords to give two months notice when terminating a month to month lease, instead of the two weeks that state law requires. Furthermore, because of the concerns raised by tenants throughout the state experiencing rental price gouging, some municipalities also passed laws requiring landlords to provide two months notice when increasing a tenant's rent. It is more important than ever that the FHFA require landlords to provide fair notice to tenants.

3. Require Hurricane related Eviction Moratoriums

Natural disasters, such as hurricanes, have historically aggravated and intensified an already unjust and unequal distribution of power and resources in our communities. We have witnessed previous instances where landlords have evicted tenants before electricity was restored, before the city restored access to public transportation, when local supermarkets were closed, and financial resources were strained. A mandatory eviction moratorium would allow the community and those most acutely affected by natural disasters to recover from the storm before their landlords can deal them a second disastrous blow.

4. Require Good Cause Evictions

Good cause eviction requirements are designed to prevent arbitrary, retaliatory, or discriminatory evictions by establishing that landlords can only evict renters for specific reasons which amount to good cause, such as failure to pay rent.³ Currently, Florida law allows landlords to evict tenants or simply not renew leases without providing any reason at all. Good cause eviction legislation is an important policy tool that prevents displacement of low-income residents and promotes tenant stability. This is especially vital right now in Florida where rents are skyrocketing and vacancies remain low. While Florida currently leads the nation as the state with the highest rate of inflation, landlords continue to evict existing tenants to renovate their buildings and attract wealthier renters at higher prices.

5. End discrimination based on past eviction

¹ National Low Income Housing Coalition, [14-1 Advancing Tenant Protections: Source-of-Income Protections](#), February 7, 2023.

² *Id.*

³ PolicyLink, [Just Cause](#), Last Accessed July 2023.

Landlords have filed almost 4,607 evictions in Alachua County since just the start of the COVID-19 pandemic.⁴ Nearly half of those evictions were filed in just the last year. All court-documented evictions are permanently noted on a person's record—even if the eviction was illegal, the person wins their case in court, or a significant amount of time has passed since their eviction proceedings. Evictions disproportionately affect Black women, especially those with children, and cannot be understood separately from the history of slavery and anti-Black discrimination in this country. A past eviction should not be the sole determinant of whether a family is able to access quality housing in the future.

6. Fund right to counsel programs

In Miami-Dade County, approximately 96% of tenants were not represented by counsel in their eviction filings, in contrast to landlords who have attorneys representing them in over two-thirds of cases.⁵ In cities where right to counsel laws were passed, such as New York City and San Francisco, the number of residents who were able to stay in their homes increased by 67–86%.⁶ Requiring that right to counsel programs receive funding can keep millions of tenants across the nation in their homes.

7. Require rent stabilization policies

Landlords are raising rents at the highest rates in over 40 years. Median rents in the U.S. have risen nearly 20% in the last two years alone.⁷ In 2023, there is not a single state where a worker employed full-time at the federal minimum wage can afford a modest two-bedroom apartment.⁸ Here in Florida, investors make up a disproportionate share of home purchases. According to the Washington Post, in 2021 investors made 24% of purchases in Miami, 22% of purchases in Jacksonville and 19% of purchases in Orlando.⁹ Corporate ownership often leads to a rapid increase in rent as unaccountable investors seek to cash in on Florida's white hot housing market. Rent stabilization would protect tenants, many of whom have been living in the same homes for generations, from being forced onto the streets by greedy, corporate landlords.

8. Protect tenants right to organize

Landlords must respect tenants' rights to organize, form tenant unions, and elect tenant union leadership, free from retaliation. The right to organize is required in several federal housing programs, including public housing and HUD-supported multifamily housing. This right should be afforded to all tenants who reside in housing that is guaranteed by the federal government.

⁴ Eviction Lab, [Gainesville Florida | Eviction Tracking System](#), Last Accessed July 2023.

⁵ *Id.*

⁶ Miami Workers Center, [Miami Tenant Bill of Rights](#), Last Accessed July 2023.

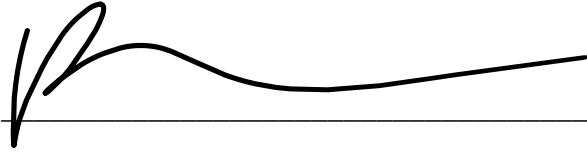
⁷ Alex Veiga, [US rent growth easing, but remains a burden for many tenants](#), Associated Press, March 2023.

⁸ National Low Income Housing Coalition, [The Gap: A Shortage of Affordable Rental Homes](#), March 2023.

⁹ Jonathan O'Connell and Kevin Schaul, [Investors bought a record share of homes in 2021. See where](#), Washington Post, February 16, 2022.

To reiterate, FHFA has an important opportunity to help set a federal foundation for tenant protections, and we urge FHFA to act boldly. Strong tenant protections change lives. They are the bare minimum needed to address historic and ongoing dispossession of land, and will put us on the path toward justice for all our neighbors.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a long, sweeping horizontal line that tapers to the right.

Bobby Mermer, PhD
Alachua County Labor Coalition Coordinator