



July 31, 2023

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

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. The FHFA has an important opportunity to help establish a minimum federal floor of tenant protections, and we are encouraged that the FHFA is undertaking the RFI process to learn more about the challenges tenants face and to consider the role of FHFA and the GSEs in addressing these challenges.

Based in Los Angeles, Public Counsel uses direct legal services, impact litigation, and policy advocacy to advance housing justice, immigrants’ rights, children’s rights, and racial and economic justice for low-income communities. Public Counsel works with coalitions of community partners to ensure access to healthy, habitable housing, tenant rights and protections, and a right to counsel for tenants facing eviction.

We strongly support the FHFA taking the following actions to protect tenants, increase access to healthy, habitable housing, and implement robust, federal fair housing rules that will hold all regulated entities accountable for their obligations to tenants and the communities in which they are located. We provide the below commentary from our perspective of working with tenants and other community service organizations in the greater Los Angeles area.

Background on the Los Angeles Housing Crisis

The Los Angeles metropolitan area is the epicenter of our country's housing and homelessness crisis.¹ In a recent comprehensive study undertaken on homelessness in the region, 12% of people who were unhoused cited rent costs, and 22% cited lost or reduced income as reasons for

¹ Susannah Patton, “L.A. Story: A Look Inside America’s Epicenter for Homelessness,” (Feb 17, 2023), <https://www.enterprisecommunity.org/blog/la-story-look-inside-americas-epicenter-homelessness>.

loss of housing.² One in five cited conflict with a property owner, many over economic tension.³ Recently, the 2022 Los Angeles County Affordable Housing Outcomes Report concluded that the County needs to add approximately 499,430 affordable homes to meet the current demand among renter households at or below 50 percent of the Area Median Income (AMI).⁴

Evictions and housing instability are a leading causes of our homelessness crisis. In 2020, Los Angeles County had 66,433 experiencing homelessness.⁵ Over half of those surveyed in the Homeless Count experiencing homelessness for the first time report financial crisis as the cause.⁶ Although COVID-19 protections kept homelessness from worsening significantly during the pandemic,⁷ the number of people experiencing homelessness nonetheless continued to increase in 2023. The 2023 Greater Los Angeles Homeless Count now estimates 75,518 people are unhoused in the Los Angeles area, with an estimated 46,260 unhoused people in the City of Los Angeles alone.⁸

The post-pandemic rental market is quickly eroding what few tenant protections remain in place.⁹ Landlords have used inflation as grounds to hike rents nationally, putting affordable and habitable housing out of reach for a majority of tenants.¹⁰ In 2019, The City of Los Angeles had a higher percentage of cost-burdened renter households (59%) than any other major American city.¹¹ For the first time nationally, median rents across the U.S. have surpassed \$2,000 for a

² Benioff Homelessness and Housing Initiative, UCSF, “Towards a New Understanding: The California Statewide Study of People Experiencing Homelessness” (June 2023), https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Report_62023.pdf.

³ Id.

⁴ County of Los Angeles Homeless Initiative, “2022 Affordable Housing Report,” (Sept 20, 2022) <https://homeless.lacounty.gov/news/2022-affordable-housing-report/>.

⁵ Los Angeles County Homeless Services Authority, “2020 Greater Los Angeles Homeless Count Results (Sept. 3, 2020),” <https://www.lahsa.org/news?article=726-2020-greater-los-angeles-homeless-count-results&ref=hc>.

⁶ Id.

⁷ Doug Smith, “Pandemic eviction protections, direct payments kept homelessness in check, study shows,” (Dec. 5, 2022), <https://www.latimes.com/california/story/2022-12-15/eviction-protections-and-relief-checks-kept-homelessness-in-check-during-the-pandemic-a-new-study-found>.

⁸ Los Angeles Homeless Services Authority, “LA’s Homeless Response Leaders Unite to Address Unsheltered Homelessness as Homeless Count Rises,” (June 29, 2023), <https://www.lahsa.org/news?article=927-lahsa-releases-results-of-2023-greater-los-angeles-homeless-count>

⁹ Accountable.US, “America’s Biggest Multifamily and Single-Family Landlords Continue to Reap Huge Profits and Take Advantage of Tenants,” (April 10 2023) https://accountable.us/wp-content/uploads/2023/04/2023-04-10-Updated-Research-On-Housing-Profiteering-FINAL_docx-1.pdf.

¹⁰ Accountable.US, “America’s Biggest Multifamily and Single-Family Landlords Continue to Reap Huge Profits and Take Advantage of Tenants,” (April 10 2023), https://accountable.us/wp-content/uploads/2023/04/2023-04-10-Updated-Research-On-Housing-Profiteering-FINAL_docx-1.pdf.

¹¹ Los Angeles City Planning 2021-29 Housing Element, <https://planning.lacity.org/plans-policies/housing-element>.

modest two-bedroom apartment.¹² In Los Angeles, the costs are even more stark - as of February 2023, the median price for a one-bedroom apartment is \$2,013 per month.¹³

While the metropolitan area is one of the most racially diverse areas in the country, Los Angeles is the sixth most segregated region among more than 220 metro areas.¹⁴ A history of redlining¹⁵, land theft¹⁶, national origin discrimination, and fear of immigration consequences, even for mixed-status families that include American-born citizens, disproportionately keep immigrant and racial minority households in segregated neighborhoods and substandard housing.

Additionally, more than 50% of the population in Los Angeles County over the age of five speaks a language other than English at home, while more than 20% of the population have difficulties with speaking English.¹⁷ As a result, many of the populations we serve consistently struggle to access housing and defend against eviction because of a failure to provide meaningful language access. It is essential that the FHFA specifically consider the experience of immigrant populations in federally-regulated, enterprise-backed multifamily housing.

Patchwork policies cover tenants in certain areas while leaving others exposed. They pose issues for renter households facing eviction or displacement, challenging them to navigate an inconsistent and uneven regulatory environment, often without assistance. Importantly, the LA County Board of Supervisors has just voted unanimously to fund the right to counsel for tenants facing eviction in Unincorporated LA County.¹⁸ While this is a significant step for many tenants in the Los Angeles area, it does not extend the right to counsel to most Los Angeles renter households. Universal protections are necessary.

Tenant Protections Align with the FHFA's Statutory Mandate

Housing is essential for social inclusion and participation, community health and wellness, educational access, and employment security. The government has a strong role in ensuring

¹² National Low Income Housing Coalition, "The Gap: A Shortage of Affordable Rental Homes," (March 2023) <https://nlihc.org/gap>.

¹³ Travis Schlepp, "Half of America's most expensive cities for apartments are in California: study," (Mar 14, 2023), <https://ktla.com/news/california/half-of-americas-most-expensive-cities-for-apartments-are-in-california-study/>.

¹⁴ Stephen Menendian, Samir Gambhir, and Arthur Gales, "The Roots of Structural Racism Project: Twenty-First Century Racial Residential Segregation in the United States," (June 21, 2021), <https://belonging.berkeley.edu/roots-structural-racism>.

¹⁵ Jamie Tijerina, "The Legacy of Redlining in Los Angeles: Disinvestment, Injustice, and Inefficiency Finding a Path Forward in 2019 and Beyond," (Marc 16, 2019), https://clkrep.lacity.org/onlinedocs/2019/19-0600_misc_5-6-19.pdf.

¹⁶ Courtney Lindvall, "A Once-Thriving Black-Owned Beach Is Returned to Its Rightful Owners," (Feb 10, 2023), <https://www.nrdc.org/stories/once-thriving-black-owned-beach-returned-its-rightful-owners>.

¹⁷ United States Census Bureau, Quick Facts, City of Los Angeles, <https://www.census.gov/quickfacts/fact/table/losangelesciticifornia/POP815221#POP815221>

¹⁸ National Coalition for a Civil Right to Counsel, "All About the Eviction Right to Counsel Efforts in Los Angeles," (updated July 11, 2023) http://civilrighttocounsel.org/major_developments/1273.

people can access safe, affordable housing free from landlord retaliation and harassment and remain housed rather than face displacement due to wrongful eviction and rising rents.

In today's market, Enterprise-backed financing has become a tool that enriches real estate investors, often at tenants' expense. Favorable loan terms benefit the landlords and their investors; tenants are an afterthought, largely unprotected by any rights or regulations. Numerous properties in our jurisdiction have corporate landlords with multi-state portfolios, making a federal minimum floor of tenant protections necessary. Recent data shows that more than two-thirds of all Los Angeles rental housing is owned by corporate investment vehicles¹⁹ and seventy-five percent of tenants live in buildings owned by investment vehicles or landlords with more than five properties in their portfolios.²⁰

The FHFA has the legal authority to adopt universal protections for renter households in buildings with federally backed mortgages and exert its influence over an estimated 8 million rental units²¹ - a significant portion of the rental housing market. **Tenant protections align with FHFA's statutory mandate** to finance affordable housing, ensure stability in the market, and to Affirmatively Further Fair Housing by mitigating the displacement and segregation of communities of color.²²

Policy Recommendations

Baseline tenant protections are important to ensure housing and racial justice. Housing is a human right, and the lack of universal baseline tenant protections in enterprise-backed multifamily properties shows a considerable lack of oversight of our nation's most socially and economically vulnerable renters.

Public Counsel has fought for and won stronger tenant protections in Los Angeles and California. These tenant protections have kept people in their homes and prevented our housing and homelessness crisis from spiraling further. Based on our experiences defending and advocating for tenants on the frontlines, we recommend the following baseline tenant protections for enterprise-backed multifamily properties.

¹⁹ Alexander Ferrer, Strategic Actions for a Just Economy, "Beyond Wall Street Landlords: How Private Equity in the Rental Market Makes Housing Unaffordable, Unstable, and Unhealthy,"

https://www.saje.net/wp-content/uploads/2021/03/Final_A-Just-Recovery-Series_Beyond_Wall_Street.pdf

²⁰ Alexander Ferrer, "Over Two-Thirds of All Los Angeles Rentals Are Now Owned by Speculative Investment Vehicles," (Mar 10, 2021), <https://knock-la.com/los-angeles-rental-speculation-4022d16a0d28/>

²¹ Laurie Goodman, Karan Kaul, Michael Neal, "The CARES Act Eviction Moratorium Covers All Federally Financed Rentals- That's One in Four US Rental Units," (Apr 2, 2020), <https://www.urban.org/urban-wire/cares-act-eviction-moratorium-covers-all-federally-financed-rentals-thats-one-four-us-rental-units>.

²² 42 U.S.C. 3608(d); 42 U.S.C. 3601 et seq. (imposing the duty to affirmatively further fair housing to all federal agencies with regulatory or supervisory authority over financial institutions).

1. Limit Rent Increases

Imposing limits on rent increases is a proven policy that can immediately stabilize prices, halt rent gouging, and reduce the risk of displacement and homelessness while increasing housing security and affordability over the long term. The Los Angeles area has a history of rent control ordinances that have kept rent affordable for thousands.²³ California adopted the Tenant Protection Act (TPA) in 2019, which instituted “just cause” eviction protections and limits annual rent increases to no more than 5% + local CPI (CPI = inflation rate), or 10%, whichever is lower.²⁴

With the median rent in Los Angeles for a one-bedroom apartment currently over \$2,000 per month,²⁵ permissible rental increase amounts of \$150-\$200 (calculated by the TPA formula) put affordable housing even further out of reach. Landlords have also continued to raise rents in excess of the permissible range, even after the TPA went into effect.²⁶ Municipalities in California are also limited by the Costa-Hawkins Rental Housing Act²⁷ which exempts certain kinds of residential rental units from rent-control ordinances and allows landlords to reset the rental rate on rent-controlled rental units when they become vacant or when the last rent-controlled tenant no longer permanently resides at the unit (including where they move and leave behind subtenants).

Limits on rent increases will protect tenants from eviction and/or homelessness by creating a schedule for reasonable and gradual rent increases. The FHFA should limit annual rent hikes to 1.5 times the Consumer Price Index or 3%, whichever is lower, in Enterprise-backed properties. Additionally, the FHFA should implement vacancy control measures that cap rental increases between tenancies to a maximum of fair market value. These rent increase limits and vacancy control measures should be applied universally and as a requirement to obtaining an enterprise-backed mortgage.

2. Institute Just Cause Protections

The FHFA should consider implementing eviction protections similar to the local, state, and federal policies in place during the COVID-19 pandemic. This includes universal just cause

²³ Los Angeles Mun. Code § 151.00 et. seq.; Los Angeles County Code Ch. 8.52; Santa Monica Mun. Code, Art. XVIII et. seq.; *see also* David Wagner, “New Rent Hike Limits Are Coming For LA And OC Renters. Here’s How To Fight An Illegal Increase,” (Jul 25, 2023), <https://laist.com/news/housing-homelessness/los-angeles-rent-increase-hike-how-much-can-my-rent-go-up-tenant-protection-act-ab-1484-10-percent-8-8-landlord-state-law>.

²⁴ Cal. Civil Code § 1946.2.

²⁵ *See supra* note 12.

²⁶ Ben Christopher, “Rents soared 151%. Under California’s new law, tenants are getting a refund,” (Jun 14, 2023), <https://calmatters.org/housing/2023/06/california-rent-control-settlement/>.

²⁷ Elijah Chiland, Jenna Chandler, “Costa Hawkins: the California law renters want repealed, explained,” (Apr 29, 2020), <https://la.curbed.com/2018/1/12/16883276/rent-control-california-costa-hawkins-explained>.

eviction protections, limits on evictions for failure to pay rent, and safeguards when landlords attempt to buy out tenants, including relocation assistance for tenants displaced at no fault of their own.

All tenants deserve the basic guarantee of just cause eviction protections. Without just cause eviction protections, tenants can be evicted for unfair or arbitrary reasons or no reason at all. As mentioned above, California has adopted the TPA, which provides tenants in specified properties with some just cause protections.²⁸ In addition, many Los Angeles jurisdictions have adopted even stronger universal just cause protections that limit evictions to specified reasons.²⁹

Furthermore, reasonable limits on evictions for failure to pay will dramatically increase housing stability for low-income tenants without burdening landlords. Tenants struggle to pay rent for a multitude of reasons - because they fall ill, experience an unexpected loss of income, or face other unforeseen or unavoidable circumstances. During the pandemic, emergency protections against evictions for nonpayment of rent drastically reduced the number of evictions filed by 67%.³⁰ Eviction is an extraordinary legal remedy and should be reserved for extraordinary circumstances - not as a debt collection tool to recover relatively small sums.³¹

The City and County of Los Angeles recently adopted groundbreaking ordinances that set a minimum threshold for nonpayment of rent evictions and prevent landlords from filing for eviction if the amount is less than one month of fair market rent for an equivalent size unit.³² In addition, the District of Columbia has also banned evictions for tenants who owe less than \$600³³, and the San Francisco Board of Supervisors voted to require an additional 10-day cure period before landlords can file evictions for many reasons, including nonpayment of rent.³⁴ These policies will prevent countless tenants from losing their homes if they fall short on the rent.

Eviction regulations should coordinate with rental assistance for low-income tenants and mortgage assistance for small landlords at risk of foreclosure to support tenants and landlords experiencing financial hardship. This rental and mortgage assistance in Enterprise-backed multifamily properties should be conditioned on an agreement that the tenant will not be evicted

²⁸ Cal. Civ. Code § 1946.2(b).

²⁹ Los Angeles Mun. Code § 165.00., et. seq., Los Angeles County Code § 8.52.090, Bell Gardens Mun. Code § 5.62, § 5.63.

³⁰ Los Angeles Superior Court data collected by Kyle Nelson for LA Renters' Right to Counsel Coalition.

³¹ For example, Small Claims Court provides an accessible venue for parties to resolve disputes and recover amounts up to \$10,000 without needing an attorney. See California Department of Consumer Affairs, "The Small Claims Court: A Guide to its Practical Use," https://www.dca.ca.gov/publications/small_claims/small_claims.pdf.

³² Los Angeles Mun. Code § 151.09, § 165.03; Los Angeles County Code § 8.52.090 et. seq.

³³ District of Columbia Official Code § 16-1501(b) ("The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than \$600. Nothing in this subsection shall prevent the person aggrieved from filing a complaint to recover the amount owed.").

³⁴ San Francisco Admin. Code § 37.9(o).

and should be in addition to other forms of relief provided to property owners, such as foreclosure prevention services and waiver of penalties for failure to pay property taxes on time when owners experience financial hardship.

3. Enforce and Expand Protections Against Discrimination

A comprehensive approach to the housing crisis must also include policies that address challenges to renters accessing new housing. Enacting policies that ensure access to prospective housing for renters while allowing landlords to evaluate tenants based on appropriate factors helps stabilize communities and prevent discrimination.

Evictions and rapidly rising rents are experienced in greater magnitudes by communities of color. Black and Latino renters are disproportionately threatened with eviction and disproportionately evicted from their homes,³⁵ and in Los Angeles, they experience homelessness at a greater rate than their white counterparts. Landlord screening practices have also expanded in recent years to require tenants to submit a range of personal information irrelevant to whether the applicant can afford to pay rent. This includes the practice of using credit reports to qualify tenants, which may contain inaccuracies, but also advance racially discriminatory practices that disadvantage people of color³⁶ and immigrant populations.³⁷

Although California law makes it illegal to discriminate based on source of income³⁸, it is still fairly common for tenants with Section 8 housing choice vouchers to be denied housing.³⁹ Because there is little transparency in the decision-making process, tenants whose applications are turned down are rarely informed as to why. Many landlords also require disclosure of eviction filings without consideration of whether the tenant successfully defended against the unlawful detainer. Finally, criminal records screening has become a standard practice which creates a barrier for many housing applicants despite strong evidence that stable housing reduces recidivism, and many criminal records are simply not indicative of whether someone will be a good tenant.

The FHFA should limit the information landlords of Enterprise-backed multifamily housing units can request and consider for the purpose of tenant screening. The FHFA should also require

³⁵ Hepburn, Peter, Renee Louis, and Matthew Desmond. 2020. "Racial and Gender Disparities among Evicted Americans." *Sociological Science* 7: 649-662.

³⁶ See National Consumer Law Center, "Past Imperfect: How Credit Scores and Other Analytics "Bake In" and Perpetuate Past Discrimination," (May 2016), https://www.nclc.org/images/pdf/credit_discrimination/Past_Imperfect050616.pdf (citing to several studies).

³⁷ Sonia Lin, "Identifying and addressing the financial needs of immigrants," (Jun 27, 2022), <https://www.consumerfinance.gov/about-us/blog/identifying-and-addressing-the-financial-needs-of-immigrants/>.

³⁸ Cal. Code Regs. tit. 2 § 12141.

³⁹ Andrew Khouri, "California Outlawed Section 8 Housing Discrimination. Why it still persists," (Nov 19, 2022), <https://www.latimes.com/california/story/2022-11-19/california-outlawed-section-8-housing-discrimination-why-it-s-till-persists>.

transparency throughout the rental process, including providing information on rental requirements and why tenants were denied housing. If the tenant speaks a primary language other than English, landlords should also be required to provide information in the applicant's primary language.

4. Institute Protections Against Harassment

The FHFA should implement anti-harassment protections for tenants in Enterprise-backed multifamily homes. This is an important protection for tenants as many landlords engage in egregious harassment tactics to push tenants out of their housing when they cannot lawfully evict them. Examples of such harassment tactics include: refusing to make repairs, intimidating tenants or threatening violence, sending excessive notices, installing cameras to surveil tenants, retaliating against tenants for organizing or starting a tenants union, and removing amenities. In the Los Angeles area, we also consistently receive reports from community members who are threatened with calls to immigration enforcement when they are late on rent, their children make too much noise, they ask for repairs, or a whole host of other issues that arise in the landlord-tenant relationship.

Many cities in California have enacted local tenant anti-harassment ordinances. San Francisco, Oakland, and Santa Monica have all enacted such ordinances that are regularly enforced by civil authorities and successfully litigated.⁴⁰ In 2021, the City of Los Angeles also adopted a tenant anti-harassment ordinance after many years of organizing and advocacy by tenants groups.⁴¹ These ordinances all list examples of harassment and give tenants the right to bring affirmative cases against their landlords when they engage in harassing behavior.

In addition to implementing anti-harassment protections, the FHFA should also curb the use of nuisance "crime-free" ordinances, which are routinely used by landlords to circumvent tenant protections and anti-harassment ordinances and are written in language that is consciously vague and open to interpretation. Often the nuisance ordinances do not require tenants to be made aware of the violation, leaving little room for defense in eviction proceedings. Nuisance ordinances are also used disproportionately against disabled people and communities of color,⁴² and used to harass tenants for minor violations such as parking multiple cars in the parking lot or driveway or storing items on patios or in common spaces.

⁴⁰ San Francisco Ad. Code § 37.10B; City of Oakland Code of Ord. § 8.22.640; Santa Monica Mun. Code § 1821.

⁴¹ Los Angeles Mun. Code § 45.33; Los Angeles County Code § 8.52.040.

⁴² ACLU, "I Am Not a Nuisance: Local Ordinances Punish Victims of Crime," (Oct 10, 2020), <https://www.aclu.org/documents/i-am-not-nuisance-local-ordinances-punish-victims-crime>.

5. Ensure Healthy Habitable Housing

Not only do residents in the Los Angeles area lack access to affordable housing and suffer from long-standing segregation practices, but many low-income communities of color in the region also disproportionately suffer the effects of substandard housing. The dire need for affordable housing in our communities should not be conflated with the disparity of housing quality currently on the market that disproportionately houses low-income communities of color.

In historically Black communities like South Los Angeles (which includes sections of the City of Los Angeles, as well as unincorporated areas of Los Angeles County), advocates report a disproportionate amount of severe habitability issues, including a lack of running water, extensive mold, lead poisoning, bug and vermin infestation, and a variety of other structural building issues.⁴³ Advocates also report a lack of clear bureaucratic channels to hold private landlords accountable for these dangerous housing conditions and a lack of other affordable housing options to provide residents who feel they must stay in their current substandard housing or live on the streets.

Programs that increase affordable housing production or focus solely on preventing evictions will not address the problems those currently housed in substandard enterprise-backed multifamily housing face. “Safe and sound” housing policy includes measures that hold landlords accountable for negligence resulting in substandard housing. The related but distinct issues of lack of affordable housing production and substandard housing need to be analyzed and addressed.

This starts with ensuring that the FHFA analyzes disparities in housing quality along with disparities in housing production in their equity plans. The FHFA should require routine inspection and regular maintenance of Enterprise-backed multifamily homes and for landlords to provide information regarding habitability and tenant’s rights, including contact information for local code enforcement, to any tenants residing in enterprise-backed units.

6. Institute Fair Lease Provisions

The FHFA should develop standard fair lease provisions for all states and territories and require landlords of properties with Enterprise-backed mortgages to use them. As security deposits have swelled to include deposits, first and last month's rent, costs for renting an apartment in Los Angeles frequently require that tenants put down more than \$5,000 to move in. The FHFA and the GSEs should work to develop standard fair leases for all states and territories, as well as the

⁴³ Liam Dillon, Doug Smith, “Mold, plumbing problems persist at South LA complex as city pledges action,” (May 25, 2022), <https://www.latimes.com/homeless-housing/story/2022-05-25/mold-plumbing-housing-south-los-angeles-apartments>

District of Columbia, in recognition of the variation that exists in state landlord-tenant law and state civil procedure.

Fair leases should include a ten-day grace period in which to pay rent before late fees are assessed, as well as a cap on late fees to 5% of the amount of rent owed. Junk fees, such as application and credit report fees, should also be banned. Security deposits should be limited to one month's rent, and lease provisions should provide clear and certain terms under which the landlord is permitted to withhold security deposits, including procedural steps they must take to be authorized to do so.

7. Participate in a Rental Registry

The FHFA should require all Enterprise-backed properties to participate in a rental registry that is publicly available and accessible to tenants. California municipalities with rent-control ordinances already keep registries of rent-controlled units in their jurisdictions.⁴⁴ The registry should include information that is key to tenants making an informed decision about leasing a rental unit, such as the number of code violations, evictions, and average rent hikes for a property. Tenants should also have access to the contact information of the property's real, beneficial owner(s). The registry can also serve as a bank for other important information - such as the tenant protections available to those living in enterprise-backed multifamily homes.

8. Protect a Right to Organize

In addition to tenant protection advocacy, Public Counsel has also been involved in tenant-led alternative approaches to land use and affordable housing development, including public-owned social housing and community land trusts that center tenants in building and implementing strategic visions for community reinvestment. These models offer innovative solutions to the affordable housing crisis and have integrated important tenant protections and the right to housing through consistent community engagement and tireless organizing efforts.

Tenants should be able to exercise autonomy and advocate for their needs. The FHFA should require landlords with Enterprise-backed mortgages to 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.⁴⁵

⁴⁴ Santa Monica Mun. Code, Art. XVIII et. seq.

⁴⁵ White House Domestic Policy Council and National Economic Council, "The White House Blueprint For a Renters Bill of Rights," (Jan. 2023) <https://www.whitehouse.gov/wp-content/uploads/2023/01/White-House-Blueprint-for-a-Renters-Bill-of-Rights.pdf>.


9. Create an Office of Tenant Protections with Enforcement Power

We strongly support the Homes Guarantee campaign demand for the creation of an Office of Tenant Protections responsible for ensuring borrowers comply with required tenant protections. The Office of Tenant Protections should also be responsible for identifying landlords (both corporate entities and the individuals behind them) who must be barred from future participation in Enterprise-backed mortgage programs in case of serial and/or egregious violations of tenants' rights. Additionally, the Office of Tenant Protections should evaluate the effectiveness of existing tenant protections, research how market trends and emerging practices affect tenants' rights, and propose additional protections to ensure that the FHFA's tenant protections do not become outdated.

Conclusion

It is essential that the government ensure access to universal safe, healthy, and affordable housing. Beyond baseline tenant protections, we encourage the FHFA to consider the multidimensional effects of under-inclusive policy on the quality of life for the millions of people residing in Enterprise-backed multifamily homes and act boldly to deliver its obligation to Affirmatively Further Fair Housing. Thank you for the opportunity to provide this comment.

Sincerely,

A handwritten signature in cursive script that reads "Faizah Malik". The signature is written in black ink and is positioned below the word "Sincerely,".

Faizah Malik
Senior Supervising Attorney
Community Development Project
Public Counsel