

July 31, 2023

Federal Housing Finance Agency  
Office of Multifamily Analytics and Policy  
400 7th Street SW, 9th Floor  
Washington, D.C. 20219

**RE: Tenant Protections for Enterprise-Backed Multifamily Properties**

The New York Housing Conference (NYHC) submits these comments on the Request for Input (RFI) from the Federal Housing Finance Agency (FHFA) on Tenant Protections for Enterprise-Backed Multifamily Properties. NYHC is a nonprofit affordable housing policy and advocacy organization that seeks to advance City, State and Federal policies and funding to support the development and preservation of decent and affordable housing for *all* New Yorkers. We are a broad-based coalition comprised of a mix of nonprofit and private developers, owners, managers, professionals, and funders of affordable housing.

We are glad the FHFA is considering how to implement greater tenant protections at a time when the country is facing a critical housing shortage that places renters at greater risk of displacement and disproportionately impacts those with the fewest resources. The supply shortage is the driving force behind rising rent, increased housing instability, and the general feeling of uneasiness among many working- and middle-class Americans. We believe this is an opportunity to enact meaningful protections for tenants while maintaining the financial viability of Enterprise-backed housing stock and ensuring investment in new supply continues.

**General Questions on Tenant Protections**

Question A-1 How should the Enterprises protect tenants in multifamily rental housing? What role should the Enterprises play in providing tenant protections at Enterprise-backed multifamily properties?

We commend the actions the FHFA has already taken to protect both owners and tenants during the COVID-19 state of emergency as well as the residents of Manufactured Housing Communities. Some of these were simple common-sense protections that could go a long way in providing housing stability. We believe they should be expanded to tenants in all Enterprise-backed multifamily properties including:

- 30-day notice to tenants prior to eviction
- 30-day written notice of rent increases
- 5-day grace period for late rent payments

Further, the FHFA should establish “just cause” standards for evictions and renewals to further support housing stability. FHFA has already imposed just cause requirements on pad lease

renewals in Enterprise financed manufactured housing communities. [Common instances](#) of “just cause” evictions or non-renewal of a lease include failure to pay rent, property damage, disturbance or disorderly conduct, criminal activity, and the intent on the part of the landlord to sell, repair, or move into the unit.

### **Access to Housing**

Question B-2 - What actions should the Enterprises take, if any, to ensure universal acceptance of sources of income at Enterprise-backed multifamily properties?

FHFA should prohibit source of income (SOI) discrimination in Enterprise-backed multifamily properties. More than [2 million low-income households](#) are only able to access affordable housing thanks to housing choice vouchers (HCVs). Recipients of vouchers are overwhelmingly families with children who greatly benefit from the ability to live in lower poverty neighborhoods. They are also seniors and disabled individuals who need accessible housing. However, discrimination by source of income can prevent them from exercising the choice promised by vouchers. SOI discrimination is often used as a proxy for racial discrimination and makes it difficult for households to effectively use their assistance, leading to wasted time, money, and resources, and impacting the effectiveness of the program. And while many states and localities have attempted to tackle SOI discrimination through legislation, these laws cover an estimated [57% of the voucher holding population](#). Further, though source of income discrimination primarily impacts voucher holders, it also impacts individuals who are relying on other sources of income such as veterans benefits, social security, alimony and child support.

### **Tenant Education**

Question C-3 What role might the Enterprises play to enable multifamily tenants and landlords to be well-informed of their rights, to exercise their rights effectively, and fully meet their responsibilities? How could FHFA support efforts to collect, disseminate, and use this information?

The broad scope of the FHFA provides a unique opportunity to serve as a trusted comprehensive resource for both tenants and owners. First, the FHFA should provide a regularly updated list of housing units that are within the Enterprises’ portfolio and a central location to apply for housing. This database will be crucial to successfully implementing any new tenant protections the FHFA develops, and to educating tenants on new and existing renter protections. Further, the FHFA should provide sample documents for landlords and education on the HCV program.