



STABLE RESIDENTS, STABLE PROPERTIES

Perspectives on Rent Control, Eviction Moratoriums,
and Other Contemporary Approaches

Summary Report

December 15, 2021

Executive Summary

Amid the dual crises of a nationwide housing shortage and the COVID-19 pandemic, various policymakers and advocates have moved to address housing stability among renters, predominantly through local policies such as rent regulation, tenant protections, and reforms to eviction processes. Government action to address the housing stability of renters was prompted by the pre-pandemic economic precarity of many households and the negative health and financial impacts of COVID-19. Some of these efforts have helped at least temporarily stabilize many households. However, many efforts to address these challenges have been controversial and consequential for property owners, and housing development stakeholders remain concerned about unintended consequences that could make property development and operations more difficult and expensive, with the long-run result being reductions in housing quality and worsened housing shortages.

As the United States emerges from the pandemic, it will be critical for federal, state, and local governments to tailor policies to improve both short- and long-term stability for both renters and property owners, while also ensuring the ongoing availability of high-quality rental units, through production, preservation, and stewardship of properties. In response, the ULI Terwilliger Center for Housing conducted an applied policy research project that engages with a wide range of practitioners representing both the tenant and real estate industry perspectives to define a vision for the tenant-landlord relationship in a post-pandemic world. Specifically, the project will evaluate the current challenges and state of practice; identify the core values and objectives that a policy framework should advance; and develop a framework to guide policymaking efforts moving forward. The ultimate objective of this effort is to improve resident stability, defined for the purposes of this research as:



The ability of a renter household, regardless of means, to live in a safe, decent, and attainable home without undue risk of involuntary displacement. This proposition requires the ability of property owners to be able to operate and steward properties in a manner that enables the ongoing safety, quality, and financial viability of those properties.

Over the course of this research project, the center observed a range of challenges and barriers to stability, from both the renter household and the property owner/manager perspective. Cutting across these cohorts was the fact that perspectives were considerably shaped by the actions of a relatively small number of bad-faith actors who have a disproportionately negative impact for both stability and policymaking. The challenge of rooting out the worst abuses without negative externalities for those acting in good faith will create a challenge for policymakers and practitioners moving forward.

Barriers to stability for renter households center on underlying financial vulnerability and a severe shortage of decent, attainable rental housing units. Supports that do exist may be difficult to navigate, and renter households—particularly those with lower incomes—face a “power imbalance” when there are disputes with their landlord. Property owners also face a range of challenges, including disruptions to their operating model stemming directly and indirectly from the COVID-19 pandemic. These include increases in nonpayment of rent, restrictions on evicting disruptive tenants, difficulties in accessing emergency rental assistance, and increased costs related to labor and material shortages and supply chain disruptions. Critically, there is concern that policy is often made without due consideration to the realities of operating, managing, and maintaining quality rental properties.

To address these barriers to resident stability, the center began by examining first principles: the values and objectives that should inform policymaking efforts. Critical areas of general consensus among practitioners engaged through this research project included the following:

- Public services and programs to provide emergency assistance and longer-term support are necessary to address the needs of the most vulnerable renter households.
- Addressing habitability and housing quality is a pressing concern for residents and property owners/managers alike.
- Over the long term, stability requires addressing housing scarcity.
- Progress requires building trust and improving communication between property owners/managers and residents.
- Creating and elevating standards of practice can improve stability, build trust, and raise housing quality, thereby benefiting both residents and property owners/managers.
- As public assistance and programmatic support increase, boosting focus on good governance and effective administration becomes more important.
- Addressing resident stability requires focused attention and considerable financial commitment.

On the following issues substantial disagreement between property owners/managers and tenant advocates is more likely:

- The relationship between property rights and the right to shelter;
- The role of regulation in the housing market and landlord-tenant relations; and
- Prioritization of universal vs. targeted approaches.

One notable observation from this research process was that across the range of practitioner perspectives, a “do-nothing” approach to improving resident stability was highly disfavored. A general consensus existed that the instability and unpredictability of the status quo was unsustainable, both in its human cost to renters and its continued disruption of property owners/managers’ ability to operate in a sustainable manner.

Though the specific interventions that are necessary to achieve resident and property stability vary by market and political context, the following takeaways can inform future policymaking efforts:

- Focusing on ensuring vulnerable tenants can fulfill their rent obligations can protect both residents and property owners/managers today and ensure housing quality and access in the future.
- Reforming inefficient or overly bureaucratic program regulations and processes can encourage participation and reduce costs for the property sector and tenants alike.
- Price controls are the most heavily disputed intervention, but recent “anti-gouging” approaches represent a possibility for compromise in some markets.
- A well-designed combination of “carrots” and “sticks” can improve housing quality and tenant living conditions.
- Upstream interventions are necessary to prevent eviction actions.
- Rebalancing eviction policy can improve stability.
- As COVID becomes an endemic problem, moving beyond eviction moratoriums will be critical for property management.
- Reforms are necessary to give tenants more equal access to the exercise of their rights.
- Expanding knowledge of rights and responsibilities is critical and requires proactive engagement.

- Policymakers should consider opportunities for policy complementarity to address contentious issues, such as pairing an expansion of tenant protections with supply-oriented (i.e., zoning) reform and creating incentives for moderating rent increases or other practices that promote stability.

As advocates, owners, and policymakers work to address these issues, this research offers a framework for evaluation and implementation of specific policy measures:

- **Measure and evaluate:** Whatever the state of the local discourse, a critical first step toward productive policymaking is to have a nuanced understanding of the specific needs and challenges faced by the community in question.
- **Engage and listen:** There is a deficit of communication and trust between renter households, property owners/managers, and state and local governments. Success requires engaging good-faith actors from across the spectrum to build a better framework where all stakeholders have equal access to their rights and responsibilities, and real-time communication on needs and challenges can inform effective and iterative policymaking.
- **Triage, strengthen, and reform:** A comprehensive approach to resident stability addresses both immediate needs and systemic challenges. Triage-focused interventions are crisis and emergency response interventions that mitigate the most immediate and severe harms, focusing on the most marginalized and disadvantaged populations. Strengthening supports provide longer-term assistance to boost economic mobility and improve the housing production and operating system. Crucially, reform efforts address root causes and market failures that necessitate the “triage” and “strengthen” interventions.

Finally, this research provides an overview of observations for a range of specific policy approaches. That synopsis can be found on the following page.

FIGURE 11 Policy Objective and Intervention Matrix

Disclaimer: This chart represents a synopsis of findings from practitioner outreach and literature reviews and does not represent specific recommended policy approach from the Terwilliger Center. The optimal policy framework will vary by market context and needs.

LEGEND														
RED SCALE									GREEN SCALE			GRAY SCALE		
<p>Degree of consensus: Disagreement among practitioners on the effectiveness of a given intervention, darker shades indicate greater intensity of disagreement.</p> <p>Degree of difficulty: Likelihood that implementation will be difficult given complexity of intervention and/or resource demands; darker shades indicate greater degrees of difficulty (compared to other policies considered in this framework).</p>									<p>Degree of consensus: Agreement among practitioners on the effectiveness of a given intervention, darker shades indicate greater degree of consensus.</p> <p>Degree of difficulty: Likelihood that implementation will be less difficult given complexity of intervention and/or resource demands; darker shades indicate greatest ease of implementation (compared to other policies considered in this framework).</p>			<p>Less polarized topics; moderate degree of difficulty.</p>		
"BUILDING BLOCK" POLICIES				TRIAGE				STRUCTURAL REFORM						
<p> Policies that may have comparatively less direct impact as a stand-alone policy, but that can create a foundation for the success of other interventions/approaches.</p>				<p> Crisis and emergency response interventions.</p>				<p> Addressing the root causes and market failures that necessitate "triage" and "strengthen" interventions.</p>						
STRENGTHEN														
<p> Providing longer-term supports to boost economic mobility and improve the housing production and operating system.</p>														
INTENDED POLICY OBJECTIVE												INTERVENTION DETAILS		
Intervention type	Reducing housing cost burdens	Expanding housing supply	Improving housing quality	Improving housing and neighborhood choice	Enhancing education on tenant-landlord rights and responsibilities	Improving the tenant-landlord legal framework	Supporting an "even playing field" in landlord-tenant relations	Providing emergency resources	Degree of consensus	Degree of difficulty	Status	Policy details and practitioner perspectives	Policy examples	
"Traditional" rent control/stabilization (strict caps on maximum rents and/or tight limits on annual rent increases)	X			X			X					<p>Proponents argue that supply challenges may take decades to result in cost moderation at scale. There is a need to address temporal issues—households are facing instability today. Supporters argue that rent regulation can "bend the curve" in which rents are increasing faster than wages. The universal aspect and lack of targeting are often a feature, not a bug, for proponents, who view it as complementary to other policies, such as just cause eviction standards, to prevent "eviction by rent increase." Proponents also cite the potential to increase the cost-effectiveness of rental subsidies by reducing rental costs. Proponents view rent regulation as an anti-gentrification tool that protects against sudden increases when new amenities come to a neighborhood and argue that in promoting community stability, it enables tenants to build relationships, organize, and enhance collective power.</p> <p>Opponents tend to prefer targeted approaches that address the most significant housing needs, particularly for extremely low-income households. Rent regulation does not solve the issue of rent burdens, as rent is not pegged to an affordable level. Property owners and managers in particular express concern that tightly regulating rent increases can starve the property of capital necessary to keep up with basic maintenance and reduce access to refinancing (a point at which major systems are often replaced). Opponents express concern that rent regulations will result in less supply. Some evidence suggests that rent regulation can have an exclusionary impact for lower social economic status groups that are not current residents of a community.</p> <p>For a list of resources that provide empirical evidence base related to the impacts of rent regulations, see Appendix B.</p>	New York City, Washington, D.C., San Francisco (https://local-housingsolutions.org/housing-policy-library/rent-regulation/)	
Anti-gouging regulations (policies that limit rent increases based on inflation plus a percentage)	X			X			X					<p>Practitioner perspectives were mostly similar to that of "traditional" rent control policies. As these policies tend to be more broadly applicable (i.e., statewide over a wider range of properties) but less restrictive, this policy was generally viewed as less distortive of the market and less likely to lead to unintended consequences. A higher proportion of renters are generally covered by such a policy, though given the relatively less restrictive caps on year-on-year increases, actual rent levels are less likely to be impacted. The policy could be helpful in reducing the impact to tenants of very high rent increases, which practitioners cite as being particularly destabilizing ("de facto evictions"). These policies are likely to be more impactful in markets and neighborhoods where rents are increasing rapidly from a smaller base, more so than in areas where rents are already high and any rent increase represents a destabilizing event.</p> <p>Anti-gouging policies could have an impact on "value-add" acquisitions of existing class B and C properties. Though such acquisitions are often billed as providing "workforce housing" and may serve the middle of the market, there are significant concerns that those middle-income units come at the expense of the previous, lower-income tenants. Whether such policies could have an impact on the attractiveness of value-add acquisition likely depends on policy details such as the specific allowable rent increase, vacancy decontrol, and exceptions for capital improvements.</p> <p>Though still skeptical of any form of price control as a whole, property-sector practitioners were somewhat more receptive to this type of regulation, depending on the specific policy details. The allowable rate of increase is a crucial element, as was the method by which lease-up incentives/concessions were counted toward that calculation. A major concern was that once the policy was in place, maximum rent increases would be reduced to an unsustainable level in future years.</p>	California, Oregon (https://local-housingsolutions.org/housing-policy-library/rent-regulation/)	
Direct, ongoing financial supports to tenants	X			X								<p>Among practitioner interviewees of all roles, there was near universal support for the "upstream" intervention of increasing the amount of ongoing financial/rental assistance to tenants and to help address the housing needs that the market cannot realistically meet. There was realism among practitioners that this approach would be costly, and it is unclear the extent to which there is a consensus around what the source of that funding would be.</p> <p>There was concern across the spectrum of perceptions that expanded rental assistance could lead to broader rent increases across the market, given the influx of funds into the system and the tendency of some landlords to "mark up" to fair-market rent levels. There was also consensus that complementary policies and reforms would be necessary (though there was not consensus on all of the specific suggestions). Examples include administrative reforms to expedite delivery of assistance and tenant qualification, improvements to the code requirements and inspection regimes (potentially included financial supports to make the capital improvements necessary to meet standards), and source of income protections.</p>	D.C. Flexible Rent Subsidy Program (https://thelabprojects.dc.gov/flexible-rent-subsidy)	

Policy Objective and Intervention Matrix (cont.)

Intervention type	INTENDED POLICY OBJECTIVE								Degree of consensus	Degree of difficulty	Status	INTERVENTION DETAILS	
	Reducing housing cost burdens	Expanding housing supply	Improving housing quality	Improving housing and neighborhood choice	Enhancing education on tenant-landlord rights and responsibilities	Improving the tenant-landlord legal framework	Supporting an “even playing field” in landlord-tenant relations	Providing emergency resources				Policy details and practitioner perspectives	Policy examples
Subsidies or policy supports (fee waivers, density bonuses, inclusionary zoning) to create/preserve income- and rent-restricted rental units	X	X	X	X								<p>Most practitioners supported interventions that create income-restricted housing units that are not fully subject to market forces. In addition to providing lower rents, many of these units are paired with resident services that can support stability and economic mobility.</p>	<p>The Grounded Solutions Network maintains an inventory of inclusionary housing programs across the United States (https://groundedsolutions.org/tools-for-success/resource-library/inclusionary-housing-united-states).</p> <p>Community Change maintains an inventory of state and local trust funds that support the production of affordable housing (https://housingtrustfundproject.org/housing-trust-funds/).</p>
Subsidies to landlords to maintain affordability (property tax abatements, rental assistance contracts, etc.)	X			X								<p>Jurisdictions can use direct, ongoing subsidies to offset the operational costs of property owners to lower rents and or provide more deeply affordable housing (in the context of owners/operators of income-restricted housing). Practitioners interviewed and surveyed frequently cited property taxes as a barrier to affordability and an area where an incentive-based approach could have positive impacts.</p>	<p>Minneapolis 4d Affordable Housing Incentive (https://www2.minneapolismn.gov/government/programs-initiatives/housing-development-assistance/rental-property/4d/)</p>
Zoning and entitlement reforms to enable increases in housing supply	X	X	X	X								<p>Increasing the inventory of rental homes is critical to reducing scarcity, and zoning and entitlement reforms are critical mechanisms for accomplishing this objective. Changes to exclusionary zoning are often critical to enhancing neighborhood choice and access to opportunity (i.e., building in transit-served or job-rich locations). However, increasing housing supply that moderates prices at the market level can lead to localized increases in rents, and in some cases redevelopment projects can directly displace tenants. These challenges can be countered by incorporating proactive resident retention initiatives, including relocation assistance, right-to-return policies, incentivizing/requiring replacement units, allowing renters early/first access to homeownership units (with subsidies/supports), or other measures to support the creation of income-restricted housing. Importantly, anti-displacement efforts have to “lead” before markets shift and displacement threats begin to emerge.</p>	<p>City of Alexandria Residential Multifamily Zone (winner of 2021 ULI Robert C. Larson Housing Policy Leadership Award: https://www.alexandriava.gov/news/display.aspx?id=124822)</p>
Emergency financial supports to tenants	X						X	X				<p>According to tenant-focused practitioners, nonpayment-based evictions are often for relatively small amounts and caused by one-time events (such as an unexpected car maintenance expense).</p> <p>If assistance can be provided before a delinquency or eviction filing, it may mitigate the longer-term harms of an eviction filing (such as a court record), which has a lasting impact beyond immediate displacement. Accomplishing this would require proactive efforts to publicize availability and streamline qualification processes.</p> <p>If evictions are filed, this can create a nexus point to provide tenants access to emergency stabilization resources. Most property-sector practitioners interviewed supported making emergency assistance available, but there was no consensus on whether acceptance in lieu of eviction should be mandatory.</p>	<p>The National Low Income Housing Coalition tracks the use of COVID-19-related Emergency Rental Assistance funding (https://nlihc.org/era-dashboard).</p>
Tenant asset-building programs				X				X				<p>Lack of savings to absorb financial shocks can jeopardize the stability of renter households. Programs that work with tenants to build assets and liquid savings can help address that challenge and can reduce the need for emergency resources. These programs are often tied to the provision of housing (for example, part of the resident service offerings in income-restricted housing). To have an impact at scale, it may be necessary to identify ways to bring such offerings to tenants of market-rate buildings.</p> <p>Importantly, asset-building programs can be paired with reforms to regulations for other forms of assistance that have limits on the amount of savings/assets a resident may maintain in order to be eligible. Such programs may be complex to administer. Survey respondents who characterized themselves as working for affordable housing developers/owners/managers identified such programs as the most difficult to implement.</p>	<p>HUD Family Self-Sufficiency programs, typically administered by Public Housing Authorities (https://www.huduser.gov/portal/publications/FSS-Midpoint-2021.html)</p>
Rental registries/beneficial owner registration			X		X	X	X					<p>Requiring owners and managers of rental properties to register with the jurisdiction in which they operate can create a framework for accountability and an opportunity for the jurisdiction to enhance their measurement, market research, and evaluation functions. Property-sector interviewees did not view this intervention as particularly burdensome, though excessive fees and/or paperwork could add to operational challenges and have negative consequences.</p> <p>Rental registries could be a foundational “building block” for more proactive housing quality and code enforcement measures.</p>	<p>Arlington County, Virginia, requirement that landlords collecting more than \$10,000/year in rents must register for a business license. (https://www.arlingtonva.us/Government/Programs/Housing/Get-Help/Rental-Services/Tenant-Landlord-Rights-Responsibilities/Information-Landlords)</p>

Policy Objective and Intervention Matrix (cont.)

Intervention type	INTENDED POLICY OBJECTIVE								Degree of consensus	Degree of difficulty	Status	INTERVENTION DETAILS	
	Reducing housing cost burdens	Expanding housing supply	Improving housing quality	Improving housing and neighborhood choice	Enhancing education on tenant-landlord rights and responsibilities	Improving the tenant-landlord legal framework	Supporting an “even playing field” in landlord-tenant relations	Providing emergency resources				Policy details and practitioner perspectives	Policy examples
Landlord licensing			X		X	X	X				<p>Going beyond registration, some jurisdictions require landlords to obtain a license to operate a property. In some cases, this requirement is strictly for tracking and taxation purposes (functionally the same as a rental registry). However, some tenant-focused practitioners advocated for licensing to be tied to inspections and other educational requirements related to rights and responsibilities.</p> <p>Absent an explicit government requirement, voluntary certification from a third-party actor (similar to green building rating systems) could perform a similar function. Such certification could be combined with quality verification that leads to the equivalent of approved vendor lists. Jurisdictions could complement these private-sector initiatives by creating incentives for certification (for example, reducing regulatory and inspection burdens for certified entities with clean inspection histories).</p>	<p>City of Baltimore rental registration and licensing requirements (https://dhcd.baltimorecity.gov/pi/rental-property-registration-and-licensing)</p>	
Proactive housing quality enforcement mechanisms (warranty of habitability, increased inspections, etc.)			X		X	X	X				<p>Tenant-focused practitioners strongly supported enhancement of efforts that enforce housing quality standards. Proactive enforcement that is not tied to tenant reporting was viewed as a tool to promote effective maintenance without putting residents at risk of retaliation from landlords. Government-sector practitioners were broadly supportive, but spoke to capacity constraints that currently exist in enforcement offices and the need for additional resources.</p> <p>Among property-sector practitioners, there was some, though not universal, support for a minimally intrusive inspection regime. Some felt that this would “weed out” bad actors from the property sector and help build trust with tenants.</p> <p>Practitioners from across the spectrum spoke to the need to provide financial resources, capacity building supports, and educational resources to good-faith landlords that struggle to effectively operate and maintain properties, especially small-scale “do-it-yourself” owners.</p>	<p>City of Greensboro, North Carolina, code enforcement collaboration with Greensboro Housing Coalition (https://localhousingsolutions.org/housing-policy-library/code-enforcement/)</p> <p>Fight Blight Bmore (https://www.fightblightbmore.com/)</p> <p>Pittsburgh Small Landlord Fund (https://www.ura.org/pages/small-landlord-fund)</p>	
Anti-source of income discrimination laws				X		X	X				<p>Interviewees of all sectors were largely supportive of policies that prevent landlords from rejecting prospective tenants solely on the basis of their source of income (such as Housing Choice Vouchers). A small minority of property-sector stakeholders expressed that such policies should be incentivized, rather than required. Another cross-sectoral perspective was that the effectiveness of this policy will be realized only if bureaucratic and structural reforms to the program are made to improve efficiency for both tenants and landlords.</p> <p>Enforcement is critical to make sure such requirements are binding. There is evidence of landlord practices that are technically legal but are designed to wholly avoid leasing to assisted tenants or to maintain a greater degree of discretion when reviewing applications from assisted tenants. Examples include purposely maintaining noncompliant lease provisions, setting rents modestly above program guidelines, and failing to comply with all elements of program housing quality/code requirements (which may be more stringent than the baseline building code). Rulemaking efforts and enforcement mechanisms will need to take into account these factors and try to draw distinctions between good-faith business practices that do not comport with program rules and de facto discrimination.</p>	<p>The Poverty and Race Research Action Council maintains an inventory of jurisdictions that have implemented source of income protections (https://www.prrac.org/appendixb/).</p>	
Changes to tenant screening regulations				X		X	X				<p>SEE ALSO: Notes on source-of-income protections.</p> <p>The ability to maintain a degree of discretion over tenant selection was a priority among many property-sector participants. The underlying concern was the impact of “bad faith” tenants.</p> <p>Many were sympathetic to, and in some cases supportive of, emerging policies that limit the consideration of a prospective tenant’s past involvement in the justice system. However, there was considerable opposition to “blanket” policies that do not allow for discretion to differentiate between someone who might have had a prior drug possession offense vs. someone who had a history of repeated violent offenses. Some tenant-focused practitioners also cited similar concerns, with the inability to remove tenants who harm other members of the community being a source of instability.</p> <p>As such, a critical challenge in creating policies that allow those who have previously been involved in the justice system to achieve stability is defining what is relevant to safety/habitability of other tenants in the property.</p>		
Incentives/assistance for landlords serving households with significant housing barriers (such as landlord partnership programs)	X			X	X	X	X				<p>Support programs that provide resources, mediation services, and risk mitigation incentives (often referred to as landlord partnership programs) can be cost-effective mechanisms for encouraging private landlords to rent to potentially vulnerable tenants, formerly homeless individuals and families, and other households with barriers to stable housing. The combined role of resident service provider and dispute mediator can help build trust and communication over the long run and can provide a nexus point through which both tenant and property owners/managers can access additional resources and supports.</p> <p>To date, most of these programs have focused on high-barrier individuals and families, and additional resources are needed to scale up such programs to meet that need. If additional resources were available, programs could be expanded to include other lower-income households with fewer barriers at a lower per-household cost.</p>	<p>Lotus Campaign, Charlotte (https://www.lotuscampaign.org/)</p>	

Policy Objective and Intervention Matrix (cont.)

Intervention type	INTENDED POLICY OBJECTIVE								Degree of consensus	Degree of difficulty	Status	INTERVENTION DETAILS	
	Reducing housing cost burdens	Expanding housing supply	Improving housing quality	Improving housing and neighborhood choice	Enhancing education on tenant-landlord rights and responsibilities	Improving the tenant-landlord legal framework	Supporting an “even playing field” in landlord-tenant relations	Providing emergency resources				Policy details and practitioner perspectives	Policy examples
Just cause eviction standards						X	X					<p>There was near universal support among practitioners from the tenant, research, and government sectors that responsible tenants with ability to pay should have a reasonable expectation of stability. There was also notable support for this policy among most property-sector practitioners, with most concerns related to the specific programmatic details, such as what defines a just cause.</p> <p>Educational and outreach efforts may be necessary to ensure that tenants and landlords are aware of their respective rights and responsibilities. Jurisdictions may need to publish model leases to promote clarity of lease terminology in conformance with the policy.</p>	Local Housing Solutions maintains examples of just cause eviction policies and related resources (https://localhousingolutions.org/housing-policy-library/just-cause-eviction-policies/).
Enhanced tenant protections												<p>Practitioners cited many examples of what they believed contributed to power imbalances between property owners/managers and tenants. This imbalance could be mitigated substantially if alternative pathways to exercising their legally prescribed rights existed outside of the capacity intensive process of filing a civil suit. Examples of other interventions may include extended notice provisions for rent increases, relocation assistance requirements, the elimination of nuisance ordinances, and strengthening the right to repair and/or withhold rent for units not in compliance with lease provisions and housing quality standards.</p>	
Eviction mediation/diversion policies						X	X	X				<p>Most practitioners expressed support for or interest in policy changes or alternative avenues that would allow the resolution of disputes outside the formal eviction process. Tenant-focused practitioners were particularly interested in creating nonjudicial pathways. Some policies, such as a right to cure, are already in place in many jurisdictions, though they may not be accompanied by access to services and supports.</p> <p>Several practices outlined as alternatives to evictions (allowing partial payments and payment plans) corresponded with what many property-sector practitioners stated they are already doing, particularly during the pandemic. However, more official requirements (or incentives) may be necessary to engage with property owners who have not taken such approaches. It is also important to improve tenant awareness of available resources to fulfill leasing requirements and avoid evictions.</p> <p>In more difficult circumstances that reach the point of potential eviction, there will likely be a need for trained mediators, housing counselors/case management, and available emergency resources.</p>	For more information on eviction diversion examples, view the archived Enterprise Community Partners webinar on: How to Harness the Legal System to Prevent Evictions (https://www.enterprisecommunity.org/blog/how-harness-legal-system-prevent-evictions/).
Anti-retaliation laws in landlord-tenant disputes						X	X					<p>Tenant-focused practitioners often spoke of the significant need to preclude retaliation by landlords when they exercise their rights as tenants. There was minimal opposition from property-sector stakeholders, given that such provisions focus on bad actors who willfully abuse tenants.</p> <p>Effective enforcement is a critical component of policy design. There may be dispute in what is considered “in bounds” and what constitutes retaliation. Reporting may also be a challenge; many tenants subject to retaliation are fearful to report, given their baseline vulnerability and/or personal circumstances (for example, being over occupancy or lacking legal resident status). Finally, tenants may still face barriers if their primary means for adjudicating retaliation disputes is through civil litigation (rather than through the jurisdiction’s administrative processes).</p>	
Tenant right to counsel in legal disputes					X	X	X	X				<p>Tenant-focused practitioners universally believed that access to counsel is a structural necessity, given that property owners typically have experienced representation well versed in the specifics of the relevant jurisdiction’s tenant-landlord laws. The effectiveness of this tool is inhibited if the program is not adequately funded or appropriately structured. Legal counsel needs sufficient time to understand the specifics of a tenant’s situation, which may not be possible under certain public or pro bono defender structures. A right-to-counsel policy would need to be paired with other policies that work to prevent informal evictions.</p>	City of Boulder, Colorado, Ordinance 8412; provides right to counsel with dedicated revenue source (https://library.municode.com/co/boulder/ordinances/municipal_code?nodeId=1048833).
Proactive education on tenant-landlord rights/responsibilities					X	X	X					<p>The specific provisions and nuances of landlord-tenant law can be complex and difficult to navigate for all stakeholders. Renter households may have more difficulty, given knowledge of such rules is not as integral to the functioning of their day-to-day lives as it is for a business that owns and/or manages rental property. As such, there can be a role for direct engagement between a jurisdiction and all stakeholders—renter households, tenant organizers/activists, property owners and managers—to ensure that rights, responsibilities, and available resources are well known.</p> <p>Potential dissemination points can include online platforms, at point of rental property registration (if applicable), and publications in the court system/website. To communicate with property owners, engaging the local bar can be productive, given that specialist lawyers likely have multiple clients.</p>	Chicago Renters Rights Campaign (https://www.chicago.gov/city/en/depts/doh/provdrs/renters/svcs/rents-rights.html) and Resident Retention Packet (https://www.chicago.gov/content/dam/city/depts/doh/general/Housing_Programs_and_Services_Booklet.pdf).
Tenant organizing protections/supports					X	X						<p>Tenant-focused practitioners emphasized the importance of collective action in “leveling the playing field” between landlords and tenants. Property- and government-sector perspectives on tenant organizing was more variable, as there were examples of antagonistic relationships and/or incidents where tenants were not provided with accurate information. However, some practitioners from all perspectives acknowledged examples of helpful tenant activism—pushing for better conditions in deteriorating properties, working with tenants and landlords to link households to emergency rental assistance, etc.</p> <p>To increase the opportunities for tenant organizing to support resident stability, jurisdictions can codify the right to organize and include participation in such activities as part of an anti-retaliation ordinance. There also needs to be consideration to how such organizations are funded, including whether using public resources is appropriate.</p>	

Policy Objective and Intervention Matrix (cont.)

Intervention type	INTENDED POLICY OBJECTIVE											INTERVENTION DETAILS	
	Reducing housing cost burdens	Expanding housing supply	Improving housing quality	Improving housing and neighborhood choice	Enhancing education on tenant-landlord rights and responsibilities	Improving the tenant-landlord legal framework	Supporting an “even playing field” in landlord-tenant relations	Providing emergency resources	Degree of consensus	Degree of difficulty	Status	Policy details and practitioner perspectives	Policy examples
Right of first refusal or tenant opportunity to purchase rules at point of sale	X			X								<p>Right of first refusal and opportunity to purchase policies provide an opportunity to prevent displacement and convert housing to income-restricted affordable housing at a point of sale. Such policies require a considerable amount of resources to facilitate purchases and a degree of technical expertise to navigate the purchase process and organize current residents. The ability to assign the right to purchase to a housing authority, local government, or nonprofit developer can be a critical component of an effective policy.</p> <p>Similar to price controls, such policies are generally not targeted to more vulnerable households. Depending on program design, a recent higher-income tenant that moved in a year before potential sale could claim the same right to purchase as a longstanding, lower-income tenant. This creates a “lottery effect” in which there could be a windfall to the household that happens to be in a unit at a given point in time.</p>	<p>Montgomery County, Maryland, right-of-first-refusal policy (https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-26590).</p>
Regulation of security deposits and fees beyond rent/utilities	X											<p>Costs and fees beyond rent can have a destabilizing effect on vulnerable renters, especially if those costs are increasing. Security deposits are the most notable example. Given their size (often equal to at least one month’s rent), there has been intentional focus on interventions that reduce this burden while protecting a property owner/managers ability to recoup costs in the event of damage.</p> <p>Educational materials play a role, as some jurisdictions provide information on how to document “before” and “after” conditions to protect against spurious claims (in either direction). More controversially, some companies have begun to offer security deposit insurance programs, which can provide the landlord with assurance in exchange for a monthly premium. While conceptually sound, there are problems with this model in current practice. For traditional insurance the insuree pays a premium, and insurance covers the incidents. With some current products, the tenant pays the premium, but the company is insuring the landlord and can seek to recoup the costs from the tenant.</p>	
Enhanced landlord protections/property rights laws						X	X					<p>For the most part, property-sector participants’ desire for greater property rights protections focused on the negative consequences of COVID-19 emergency policies, such as eviction moratoriums and the slow rollout and uptake of rental assistance resources. There was minimal conversation on new potential rights; rather a preference for a return to pre-pandemic policy and a removal of constraints to addressing bad faith and irresponsible tenants.</p>	



Urban Land Institute
2001 L Street, NW
Suite 200
Washington, DC 20036-4948
uli.org