

## ***Analysis of [The White House Blueprint for a Renters Bill of Rights](#)***

In January 2023, as tenants face unaffordable rents and increasing eviction rates, the Biden administration released [The White House Blueprint for a Renters Bill of Rights](#) (Blueprint). With the goal of stronger tenant protections, the Blueprint features more than two dozen commitments by federal agencies and suggests five rights that governments at all levels and the private sector should help ensure:

1. Safe, high-quality, accessible and affordable housing
2. Clear and fair leases
3. Education, enforcement, and enhancement of renter rights
4. The right to organize
5. Eviction prevention, diversion, and relief

Though these principles are not novel, especially to those familiar with eviction prevention, the White House's recognition of them is itself noteworthy. Policies that the Blueprint highlights includes just cause, right to counsel, and laws prohibiting source of income discrimination. The Blueprint also discusses procedural protections for tenants in the eviction legal system that state and local governments should adopt.

The Blueprint is the culmination of a months-long process involving several federal agencies, underscoring the need for a government-wide approach toward the goal of robust tenant protections.

The Biden administration, however, fell short of issuing any mandates. Many of the agency commitments within the Blueprint reflect agency initiatives that had been underway. As the interagency process continues, the administration should work toward stronger agency commitments that take new actions in support of tenants rights. The administration should also highlight how robust tenant protections advance race equity, especially given the president's [executive order](#) and HUD's proposed rule on the duty to affirmatively further fair housing.

### ***Federal Agency Commitments: A Foundation for Future Interventions in the Rental Market***

The most promising Blueprint commitments come from federal agencies not typically associated with tenants. They create a foundation for future mandates for housing providers, with the first two offering a formal outlet for tenants directly to inform policy making.

- **The Federal Housing Finance Agency (FHFA) will launch a stakeholder engagement process on adopting and enforcing tenant protections at properties with federally-**

**backed mortgages.** Fannie Mae and Freddie Mac (collectively known as government-sponsored enterprises, or GSEs) will also participate. This process builds upon FHFA's recent efforts to strengthen tenants' rights, such as directing the GSEs to add the CARES Act 30-day eviction notice requirement to their loan agreements. With robust tenant participation, the FHFA process could pave the way for concrete actions to reduce government-subsidized financing of displacement.

- **The Federal Trade Commission and the Consumer Finance Protection Bureau will issue a Request for Information (RFI) to identify practices that unfairly prevent consumers from obtaining and retaining housing.** They will use the information for both enforcement and policy making, making tenant involvement especially critical. The FTC has not historically regulated entities in the private rental market, but it could become a powerful ally in protecting tenants against corporate landlords, especially if it leverages its full authority to protect consumers and to promote competition in the markets.
- Making a smaller commitment, **the Department of Justice will organize a workshop with experts in law, technology and other subject matters on the impact of modern methods of information-sharing in consumer-facing markets.** This commitment follows national reporting about [RealPage and the collusive nature of its rent-setting software](#). Though modest, this commitment could be a vehicle for collecting information for updating DOJ guidance in the future.

Additional opportunities for tenant engagement include quarterly meetings between the White House and tenant and tenant advocates, along with the Department of Housing and Urban Development (HUD), the Department of Agriculture (USDA), and the Treasury Department.

### ***What's Missing: Where Are HUD and Treasury?***

For the two federal agencies that run the largest federal housing programs – HUD and Treasury – the commitments failed to fully address some of the more pressing issues that tenants and tenant advocates have raised to the agencies and the administration.

- **Treasury** – Despite ongoing problems with enforcing good cause or limiting rent increases in the Low Income Housing Tax Credit program, there is no Treasury action to address either of these issues. The Blueprint uplifts best practices by state finance housing agencies, but stops short of calling for regulation, or even information gathering in support of regulation, by the Treasury over these persistent problems within LIHTC. Treasury's main commitment is to meet with tenants, advocates, housing providers and researchers about tenant protections within LIHTC.
- **HUD** – HUD made several commitments that have the potential for strong policy changes, but will require active monitoring by advocates. The most concrete action is the commitment to release guidance addressing the fair housing implications of tenant screening algorithms. In two other areas, HUD commits to explore. Specifically, it will

seek public comment on ways to improve Section 504 regulations and accessibility standards for HUD-assisted facilities. Additionally, it will explore opportunities to address source of income discrimination through guidance. Most of the other commitments reflect existing initiatives, including:

- Launch [NSPIRE](#) by FY 2024
- Implement the Violence Against Women Act (VAWA) 2022 via rulemaking, guidance, funding for technical assistance, and other means
- Distribute funding to support tenant capacity activities in multifamily properties, including tenant education and outreach
- Build on existing training and technical assistance strategies to promote engagement with residents and implementation of Rental Assistance Demonstration (RAD) resident protections
- Continue its Eviction Protection Grant Program
- Issue a Notice of Proposed Rulemaking to require a 30-day eviction notice requirement for public housing and project-based rental assistance

### ***How the Blueprint Fares with Regard to Other NHLP Priorities***

- **USDA** - USDA committed to developing: (1) a lease similar to the model lease in HUD Section 8 properties; (2) an FAQ explaining the tenant grievance process; and (3) a Rural Development (RD) tenants' rights and responsibilities brochure modeled after HUD's brochure in the multifamily housing program. These commitments are generally positive for tenants and will require advocates to actively monitor their timely implementation.
- **Tenant screening** - Several actions will tackle the problem of tenant screening, an ongoing CFPB priority. Actions include: (1) identifying potential guidance or rules to govern tenant screening companies under the Fair Credit Reporting Act (FCRA); (2) coordinating with the FTC on FCRA enforcement; and (3) collaborating with USDA and HUD to promote best practices on the use of tenant screening reports. While these actions will focus on report inaccuracy, the CFPB and other agencies should broaden their focus to consider eliminating certain criteria in screening reports, such as stale criminal history or eviction records.
- **CARES Act 30-day eviction notice requirement** - Unfortunately, the Blueprint did not include any new commitments for the implementation of the CARES Act 30-day notice.
  - HUD announced that it will start the rulemaking process to finalize a 30-day notice requirement. The final rule will only apply to public housing and project-based Section 8 housing, thus covering a far more limited number of tenants than otherwise covered by the CARES Act.
  - To help tenants determine whether they are entitled to notice under the CARES Act, FHFA and the GSEs will continue to work on the [Enterprise look-up tool](#).

While helpful, advocates hope for broader coordination with additional agencies, such as HUD, CFPB, and others, in the near future.

NHLP supports the White House's efforts to strengthen tenant protections and recognizes that much more needs to be done to see concrete changes in the rental market and in tenants' lives. NHLP will continue to engage with the implementation of the agency actions outlined in the Blueprint and work to integrate the perspective of tenants into policy development.

**The following chart includes most of the commitments in the order they appear in the Blueprint.**

Agency	Commitment
FTC	Explore ways to expand its authority under the FTC Act to take actions against and practices that unfairly prevent consumers from obtaining and retaining housing.
FTC, CFPB	Issue a Request for Information (RFI) to obtain data to assist in identifying practices that unfairly prevent consumers from obtaining and retaining housing and the harms they cause to housing applicants and those renting. The data obtained will be used in enforcement and policy actions.
DOJ	Convene a workshop with law, tech, and other subject matter experts on the impact of modern methods of info-sharing in consumer-facing markets. Workshop may inform potential guidance updates.
FHFA	Classify multifamily (MFH) loans as "mission driven" if their loan agreements restrict rents at levels affordable to households with incomes 80%-120% area median income.
FHFA, Fannie Mae, Freddie Mac	Launch a process to conduct stakeholder outreach and engagement to identify the opportunities and challenges of adopting and enforcing tenant protections, including policies that limit egregious rent increases at properties with Enterprise-backed mortgages going forward.
Defense Dept.	Ensure that military members can receive housing assistance from their installation Military Housing Office regardless of whether they live on- or off-base, to include assistance finding suitable, affordable housing; inspecting housing units prior to leasing; negotiating rents; reviewing leases; resolving landlord disputes; and addressing accessible housing issues and potential housing discrimination complaints.
HUD	Solicit public comment on ways to improve Section 504 regulations and accessibility standards for HUD-assisted facilities.

White House, HUD, Treasury, USDA	Convene quarterly meetings with a varying list of tenant and tenant advocates to hear their perspectives on dynamics in the rental market and opportunities to strengthen tenant protections.
USDA	Continue pilot program implementing a uniform and independent inspection protocol across its housing portfolio using trained inspectors.
HUD	Launch NSPIRE by FY 2024.
FHFA, Fannie Mae, Freddie Mac	Update the Enterprises' radon testing due diligence standards for multifamily housing.
USDA	Develop a clear and fair lease similar to the model lease in HUD Section 8 properties; an FAQ explaining the tenant grievance process; a Rural Development tenant rights and responsibilities brochure modeled after HUD's brochure in the multifamily program.
USDA	Explore updating its regulations to require borrowers with federal credit from USDA Rural Housing Service to utilize the brochure.
CFPB	Identify guidance or rules it can issue to ensure that the background screening industry adheres to the law and coordinate law enforcement efforts with the FTC to follow the Fair Credit Reporting Act.
CFPB	Continue coordinating with federal and local government agencies to ensure that tenant screening companies do not illegally disseminate false and misleading information about tenants.
CFPB, HUD, FHFA, FTC, USDA	Collaborate on best practices on use of tenant screening reports: including importance of communicating clearly to tenants on the use of tenant background checks in denying rental applications or increasing fees.
HUD, FHFA, USDA	Strongly encourage property owners to adopt best practices on the use of tenant screening reports and inform tenants of additional legal requirements that their programs require.
HUD	Release guidance addressing the use of tenant screening algorithms in ways that may violate the Fair Housing Act.
Treasury	Reiterates that LIHTC building owners should lease units in a manner consistent with HUD's nondiscrimination rules and are prohibited from refusing to lease units to prospective tenants due to their status as holders of Housing Choice Vouchers.
Treasury	Meet with tenants, advocates, housing providers, and researchers to discuss ways to further the goals of tenant protections, including those around source

	of income, as well as broader issues of affordability and eviction prevention with respect to the LIHTC incentive.
HUD	Explore opportunities to address source of income discrimination through guidance.
Fannie Mae	Expanded Housing Choice pilot program to offer a pricing incentive to property owners who agree not to engage in source of income discrimination.
HUD	Implement Violence Against Women Act 2022 via rulemaking, guidance, and other means.
HUD	Issue Community Compass Notice of Funding Opportunity (NOFO) that will include up to \$5 million for a technical assistance provider to provide ongoing training and technical assistance to HUD grantees and other stakeholders on VAWA's housing protections and remedies for survivors.
Defense Dept.	For military members in DoD's government-owned, government-controlled, or privatized housing: right to organize and right to report housing issues without retaliation
HUD	Issue a NOFO to distribute funds to support tenant capacity building activities, including tenant education and outreach, in HUD multifamily programs.
HUD	Build on existing training and technical assistance strategies to promote engagement with residents and implementation of RAD resident protections.
HUD	Issue a Notice of Proposed Rulemaking to require a 30-day eviction notice requirement for public housing and project-based rental assistance.
HUD	Continue the Eviction Protection Grant Program.
FHFA/GSEs	Publish info about the Enterprise Look-up tool to allow tenants to determine if their property is backed by Fannie Mae or Freddie Mac financing.
Freddie Mac	Conduct research on marketable baseline tenant protections; publish paper as part of FHFA's Equitable Housing Finance Plan initiative; and utilize its research to develop potential incentives for enhanced tenant protections in 2024.

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