



RENTER'S BILL OF RIGHTS



A renter's bill of rights is a suite of legal mechanisms that protect renters from landlord exploitation. These laws work to affirm the rights of renters against health hazards, harassment, and displacement. While framed here as a cohesive policy tool, these tenant protections are often enacted independently. The "bill of rights" terminology points to a broad narrative grounded in a universal right to safe and healthy housing. This coordinated framework also acknowledges that one or two solutions alone will not be enough to guarantee renter protection.

CLAUSES THAT MAY BE INCLUDED IN A RENTER'S BILL OF RIGHTS

- **Fee limitations** restrict application fees and/or the percentage of rent that a landlord can charge for a rental deposit.
- **Relocation assistance** stipulates that a landlord must pay a certain amount towards moving costs for tenants who are displaced by housing rehabilitation, demolition, or other breaks in the lease agreement.
- **Preventing consideration of criminal history** is an anti-discrimination measure wherein landlords cannot consider the criminal history of an applicant when evaluating potential tenants.
- **First come, first served** requires landlords to accept the first rental application that meets their publicly stated rental requirements.
- **Renter agency for repairs** allows tenants to take care of repairs themselves and charge the landlord accordingly; it is a policy aimed at landlords who often take a long time or refuse outright to make necessary repairs.
- **Surprise building inspections** work to enforce landlord accountability by increasing the frequency of city inspections to assure the quality and safety of rental units.
- **Right to organize** prevents landlords from interfering if renters decide to form a tenants' union.
- **Just-cause eviction** strictly limits when and how landlords can remove tenants by forcing them to prove that the situation meets a certain standard to justify eviction.
- **Adequate notice for rent changes** means that landlords must give a certain amount of warning before they raise rents.
- **Right of first refusal** applies to when a landlord puts a building up for sale, and gives tenants the power to band together and put up the money to purchase the building for themselves; in some cases, tenants may also assign this right to a local nonprofit like a community land trust.
- **Right-to-counsel** is a guarantee that all renters should have publicly subsidized legal representation in housing court.

Know Your Rights

In addition to the legal protections themselves, public campaigns around a renter's bill of rights serve as an important reminder that renters have rights in the first place. This can help to empower renters to build power for themselves in other ways, like setting up a **tenants' union** or connecting with tenants' rights organizations.



CURRENT STATUS OF TENANT PROTECTIONS

There are several long-standing federal- and state-level renter protections. At the federal level, renter protections are primarily regulated by the Fair Housing Act (FHA). This Act was part of the Civil Rights Act of 1968 and signed into law by President Johnson. It prohibits housing discrimination (including rental discrimination) based on religion, race, sex, and national origin. Upon later amendment, these protections were expanded to account for disability and family status. State-wide protections vary significantly, but the Department of Housing and Urban Development provides a central repository for state-by-state regulations.

The demand for municipal level tenant protections to bolster insufficient state and federal regulations has grown as the displacement crisis has worsened. Washington D.C., for example, enacted a tenants bill of rights in 2015, which even requires landlords to supply rental applicants with a copy of the legislation. Other municipalities have recently passed increasingly stringent renter protection laws including Seattle, Portland, and Palo Alto.

Other cities been focusing efforts on right-to-counsel. The most robust example comes out of New York City, which in 2017 became the first place in the country to guarantee a lawyer to every tenant facing eviction, dedicating \$155 million to the effort. Cities in Pennsylvania, California, Massachusetts, along with Washington D.C. are currently pursuing similar **right-to-counsel** measures.

CONSIDERATIONS

Local Context

Just as the rental market is highly variable from one municipality to the next, the obstacles that renters face depends on market conditions, landlord incentives, and existing housing policy. A renter's bill of rights presents an opportunity to examine the landscape as it currently stands and address it accordingly.

Burden of Enforcement

Once legal protections are in place, enforcement remains an obstacle. In cases where landlords don't follow these laws, the burden falls on the renter to both know their rights and take their complaint to the city. Furthermore, municipalities often do not have the resources nor the infrastructure to enforce these laws fully.

Legal Challenges

Many of the measures included in a renter's bill of rights directly challenge a power structure upheld by decades of legal precedent affirming the rights of private property owners. Because of this, municipalities are likely to face legal challenges to newly enshrined renter protection laws. In Seattle, for example, a judge overturned the city's **first come, first served** rental law, declaring it unconstitutional. The legal challenge, brought by a group of landlords, claimed that these requirements violated their rights to property, free speech, and due process.

