The Honorable Sandra Thompson

Federal Housing Finance Agency

Washington, DC

Director Thompson:

Thank you for the opportunity to provide feedback on the Federal Housing Finance Agency (FHFA) Request for Information on tenant protections. I am a renter in Washington, DC, and an advocate with the National Low Income Housing Coalition. I am writing to urge FHFA to take bold action to create clear, strong, and enforceable renter protections for households living in rental properties with federally backed mortgages. Given the historical role of the federal housing finance system in reinforcing and perpetuating racial segregation, FHFA has an obligation to redress past wrongs and safeguard housing stability for millions of renters. In addition, given stark disparities in voter turnout between renters and homeowners, FHFA should pursue every possible avenue to make voter registration accessible to renters in homes with federally backed mortgages.

***Remedying Past Wrongs by Strengthening Renters’ Rights***

Many opponents of new renter protections for properties with FHFA-backed mortgages will assert that it is not the role of the federal government to pursue a policy agenda through mortgage oversight. Imposing terms on federally backed mortgages to shift the balance of power in society, however, is not unprecedented for FHFA. During the New Deal, the Federal Housing Administration (FHA) refused to insure mortgages in integrated neighborhoods, deeming racially mixed neighborhoods to be “too risky.”[[1]](#footnote-1) The FHA also lowered its risk estimates for individual properties with racially restrictive covenants, and encouraged—or even demanded—that developers incorporate racially restrictive covenants to access FHA production financing.[[2]](#footnote-2) The federal government saw Black families as an inherent threat to property values, creating a self-reinforcing cycle of disinvestment from Black communities.

While the enactment of federal fair housing laws put an end to such shameful state-mandated discrimination, the legacy of *de jure* segregation persists today. Because of historical exclusion and ongoing exploitation, Black families are more likely to live in high-poverty neighborhoods with exposure to environmental hazards and limited access to economic opportunity. Fifty-five years after the passage of the Fair Housing Act, just over 45 percent of Black households own their homes, compared with nearly 75 percent of white households.[[3]](#footnote-3) Since Black Americans are far more likely to be renters than white Americans, they are disproportionately affected by the insecurity that renting entails. Renter protections in the United States are a complicated and inconsistent patchwork of state and local laws, which leaves many tenants—especially tenants of color—vulnerable to discrimination, eviction, steep rent increases, retaliation for tenant organizing, and unhealthy housing conditions.

The federal government is complicit in the historical actions that locked a disproportionate share of Black Americans out of homeownership and trapped them in unstable and unhealthy housing situations. Today, the federal government must seize the opportunity to remedy its past wrongs by strengthening renters’ rights.

To create a baseline guarantee of stability for all renters in properties with federally backed mortgages, FHFA should make the following tenant protections mandatory:

1. **Source of income protections** to prohibit landlords from discriminating against households receiving rental housing assistance, such as Housing Choice Vouchers or Supplemental Security Income.
2. **Just cause eviction standards**, which limits the causes for which a landlord can evict a tenant or refuse to renew a tenant’s lease.
3. **Rent gouging protections** to stop landlords from unreasonably raising rents.
4. **Requirements to ensure housing is safe, decent, accessible, and healthy** for renters and their families.

***Facilitating Voter Registration***

In addition, renters face disproportionate obstacles to political participation. Because voters must update their registration each time they move, and renters move more frequently than homeowners, renters are less likely to be registered to vote. Renters who move often must also navigate the logistics of voting in a new community, which contributes to lower turnout. In the 2022 midterm elections, 73 percent of eligible homeowners were registered to vote in November 2022, yet only 58 percent of eligible renters were registered. While 58 percent of eligible homeowners turned out to vote in the 2022 midterm elections, just 37 percent of eligible renters cast their ballots.[[4]](#footnote-4)

To address these disparities, **landlords who hold FHFA-backed mortgages should be required to distribute voter registration forms to new residents when they sign their leases**, just as motor vehicle authorities are required to offer voter registration forms to clients when they fill out other paperwork. Facilitating access to voter registration materials when residents move into their new homes—a moment in which they must update their voter registration with their new address—would help to close the registration and turnout gaps between renters and homeowners.

This requirement would be consistent with the Biden Administration’s Executive Order on Promoting Access to Voting, which launched a whole-of-government initiative in January 2021 to register voters and ensure access to the ballot. The federal government’s involvement in the mortgage market should not be exempted from this commitment. In fact, because FHFA has a direct touchpoint with a demographic that is less likely to be registered and turn out to vote, it should play an especially active role in encouraging voter registration.

I appreciate the opportunity to weigh in through this comment period, and thank you for your consideration.

Sincerely,

Courtney Cooperman

Member of the National Low Income Housing Coalition

1. Richard Rothstein, *The Color of Law*, 2017, pp. 64-65. [↑](#footnote-ref-1)
2. Rothstein, p. 84. [↑](#footnote-ref-2)
3. Pew Charitable Trusts, “Black Families Fall Further Behind on Homeownership,” January 27, 2023: <https://www.pewtrusts.org/en/trust/archive/winter-2023/black-families-fall-further-behind-on-homeownership> [↑](#footnote-ref-3)
4. U.S. Census Bureau, “Voting and Registration in the Election of November 2022,” April 2023: <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html> (table 8) [↑](#footnote-ref-4)