



Tenant Bill of Rights

Presented by Housing Justice League

Renters make up at least 56.5% of Atlanta's residents.

ACS (2015-2019)

49.2% of residents in Atlanta spend more than 30% of their income on rent.

ACS (2015-2019)

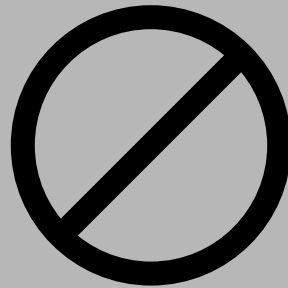
Georgia is one of the most landlord friendly

states.

Roofstock: The Law Depot



Frictionless Eviction Process



Ban on Rent Control



Low Property Taxes

Since the pandemic, over 180K evictions have been filed in the 5 county metro of Atlanta despite the moratoriums.

Atlanta Federal Reserve Bank, Atlanta Regional Commission

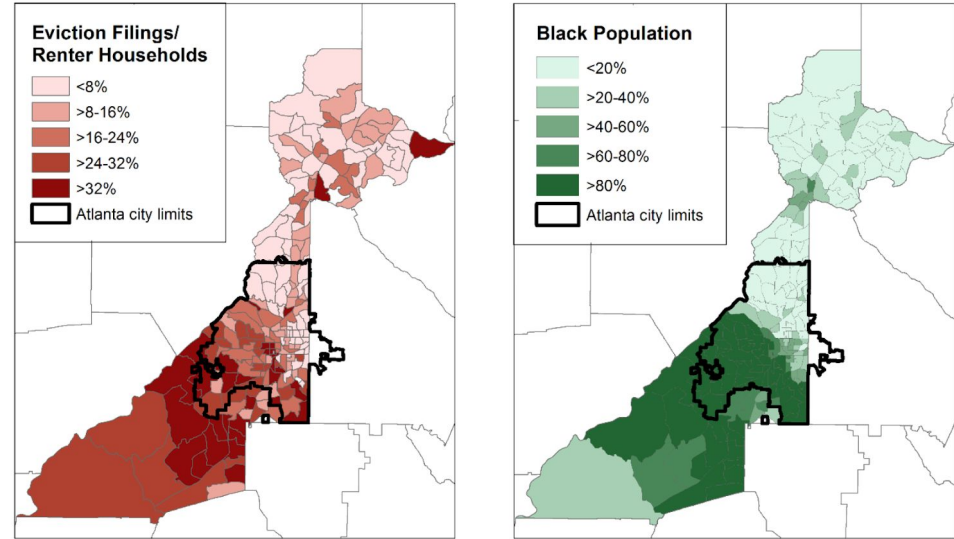
Evictions increase the likelihood of mental health crisis, depression, lower birth weights, and poverty.

Robin E. Clark, Linda Weinreb, Julie M. Flahive, and Robert W. Seifert. 2019. *Infants Exposed To Homelessness: Health, Health Care Use, And Health Spending From Birth To Age Six*. *Health Aff. (Millwood)* 38, 5 (May 2019), 721–728. DOI:<https://doi.org/10.1377/hlthaff.2019.00090>

Matthew Desmond and Rachel Tolbert Kimbro. 2015. *Eviction's Fallout: Housing, Hardship, and Health*. *Soc. Forces* 94, 1 (September 2015), 295– 324. DOI:<https://doi.org/10.1093/sf/sov044>

Evictions disproportionately affect Black communities and communities of Color.

Figures 4 and 5 Eviction Rate (Single-Family and Multifamily) by Census Tract; Percent Black by Census Tract



Sources: Author calculations, Fulton County Magistrate Records, Fulton County parcel tax Assessors data; U.S. Census Bureau's American Community Survey 2014 5-year estimates

Raymond, E. L., Duckworth, R., Miller, B., Lucas, M., & Pokharel, S. (2016). Corporate landlords, institutional investors, and displacement: Eviction rates in singlefamily rentals. FRB Atlanta community and economic development discussion paper, (2016-4).

We need a Tenant Bill of Rights.

1. Right to Counsel
2. Establish an Office of the Tenant Advocate
3. Inform Tenants of their Rights
4. Ban the Box
5. Rent Stabilization
6. Right to Cure
7. Right to Renew/TOPA

Right to Counsel

Eviction proceedings are unfair and imbalanced.

- **90% of landlords** are represented by legal counsel in evictions, but **fewer than 10% of tenants** have representation.
- Currently, **tenants in Atlanta facing eviction do not have guaranteed access to legal representation** to defend themselves in court.
- This means most tenants navigating an eviction, even those facing a potentially illegal eviction, do not have the means to argue on their own behalf and protect their right to stay in their home.
- This dynamic causes tenants who do not have the means to hire an attorney to be severely disadvantaged in the eviction process, where the laws in place already highly favor property owners.
- Our eviction filing rate was among the highest in the country and far outpaced our neighbors. **Georgia's 2016 eviction filing rate was 16.8%--neighboring states ranged from 3.9% to 6.8%.**

New York Model

“Before the pandemic, evictions were a major contributor to instability in low-income neighborhoods of color. Over the past few years, we have found a correlation between neighborhoods with a high share of Black or Latinx renters and evictions, controlling for poverty levels.

New York City’s Right to Counsel (RTC) law went into effect in 2017, and has been highly effective at keeping tenants in their homes. The law provides tenants who are under 200 percent of the federal poverty line with access to counsel in housing court. Prior to RTC’s implementation, only one percent of tenants were represented by an attorney in eviction cases, magnifying the power imbalance between landlords and tenants. In the last quarter of FY2021, 74 percent of tenants facing eviction cases were represented by a lawyer, according to the [Office of Civil Justice](#). For the third year in a row, 84 percent of tenants represented in housing court by RTC lawyers were able to remain in their homes.”

<https://www.cssny.org/news/entry/evictions-and-the-right-to-counsel>

Effects of Right to Counsel

- Right to counsel measures for tenants in eviction proceedings have been **enacted in seven cities to date: New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder, and Baltimore.**
- In New York City, **86% of tenants were able to remain in their homes** who had representation as a result of the city's right to counsel legislation.
- In San Francisco, the **eviction filing rate decreased by 10%** between 2018 and 2019
 - Of those receiving full representation, **67 percent stayed in their homes.**
- Providing a right to counsel allows people and families to keep their homes and communities, and in the time of a pandemic, promotes public health. The City should provide funding for this legal representation.

Right to Cure

Right to Cure

- Tenants now have 7 days after an eviction filing to cure nonpayment of rent, but must pay court costs, administrative fees and have an eviction filing record that follows them for decades. **The City should advocate for state law that would provide for written notice and a 7-day right to cure before the eviction may be filed.**
- **A win-win solution:**
 - Tenants cure nonpayment or deficiency, prevent the eviction, and avoid court costs and fees.
 - Property owners get paid without having to go to court.
 - Tenants avoid the long-term effects of eviction filings.

Why We Need the Right to Cure

- **The cost of evictions to society, families, and children are substantial.** Eviction is a leading cause of homelessness. A notice period would provide time for tenants to cure non-payment of rent or other lease issues.
- **Georgia has the nation's third fastest eviction process.** We have no notice period to allow tenants to cure non-payment or other lease issue.
 - Georgia law now requires notice to a tenant **but does not require it be in writing.** Once notice is provided, the landlord is now free to go to court immediately to seek an eviction.
- Once the eviction is filed **it follows the family for decades, making it impossible to rent a decent home.**
- To date, **40 states provide a notice period for a tenant to cure prior to an eviction filing. Georgia has none.** Included in the 40 states which provide notice and right to cure of one to 15 days are LA, MS, FL, TX, SC, TN, VA, and AL.
- The American Bar Association adopted a resolution in February 2022 urging states to adopt 10 eviction protection laws. **#1 was to give tenants notice and an opportunity to cure** the nonpayment of rent or other failure in performance before an eviction can proceed.

Establish Office of the

Tenant Advocate

Lack of Landlord Accountability

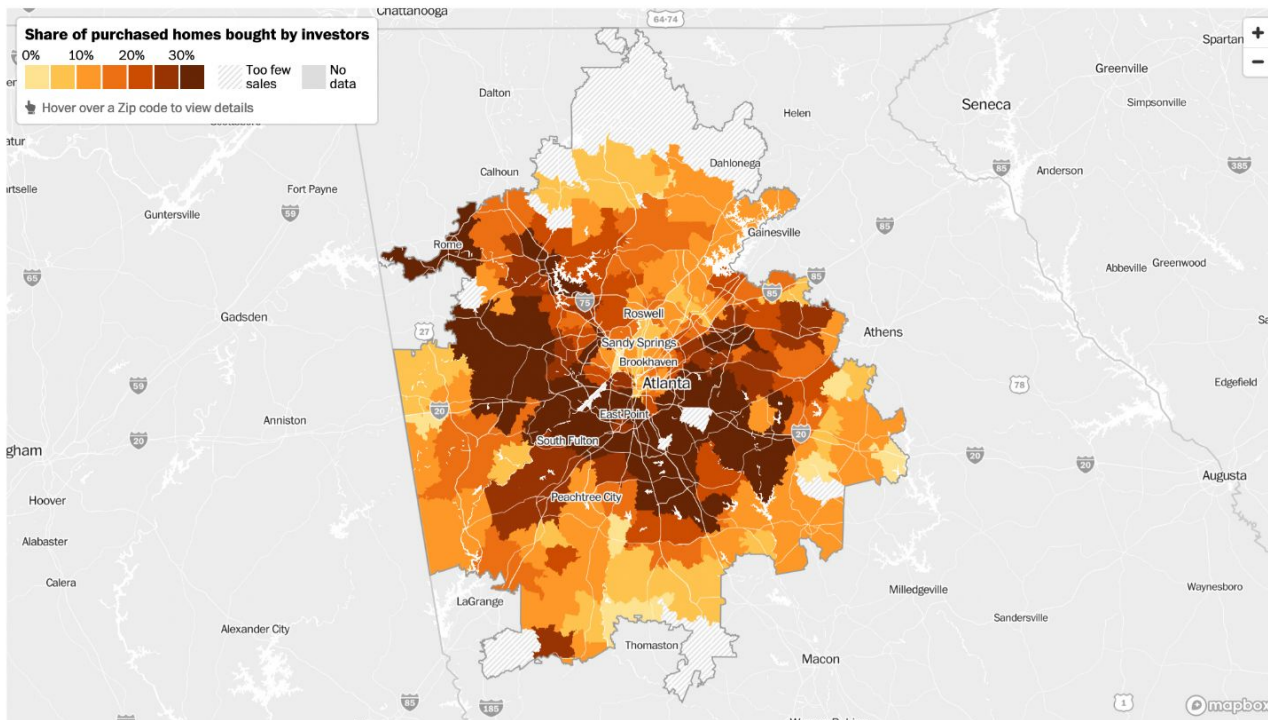
We want to see a new office established in Atlanta **to focus on enforcing existing tenant protections to reduce the number of incidents of tenant and families living in uninhabitable conditions, or experiencing illegal evictions, discrimination, and harassment.** By establishing dedicated municipal staffing who can oversee the enforcement of existing tenant protections, and ensuring that tenants are educated about their rights, **tenants and families will be less vulnerable to abuse at the hands of some landlords who violate existing laws.**

- Over the course of organizing, deep listening, and meeting with tenants at high risk of eviction and displacement, **renters emphasized a fundamental lack of accountability for landlords that violate the law.**
- While Georgia statute currently outlaws retaliation against tenants for organizing with their neighbors to improve their conditions or submitting code violation complaints, **without dedicated local enforcement** tenants continue to report consistent experiences of discrimination (based on race, gender, marital status, and more), severe habitability issues, and retaliatory evictions.
 - Especially when considering tenants having no right to counsel to properly articulate these violations via counter claims

This is a major problem now because of the corporate landlord and institutional investor.

Atlanta, GA

25 percent of homes purchased in this area last year were bought by investors — **more than** the typical metro. That's higher than its 2015 rate of **12 percent**.



<https://www.washingtonpost.com/business/interactive/2022/housing-market-investors/>



When Private Equity Becomes Your Landlord

Amid a national housing crisis, giant private equity firms have been buying up apartment buildings en masse to squeeze them for profit, with the help of government-backed Freddie Mac. Meanwhile, tenants say they're the ones paying the price.

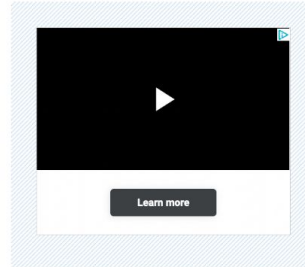


<https://www.propublica.org/article/when-private-equity-becomes-your-landlord>

LOCAL NEWS

185 violations found at Atlanta apartment complex during recent inspection

Some residents claim the living conditions at Royal Oaks Apartments are unbearable.



Author: La'Tasha Givens
Published: 7:35 PM EDT July 30, 2021
Updated: 7:35 PM EDT July 30, 2021



<https://www.11alive.com/article/news/local/code-violations-royal-oaks-apartments-atlanta/85-136eac00-385d-4e31-adc3-a008e9ea9c46>

The Corporate Landlord and Institutional Investor

- As a landlord, Corporate Landlords are **8% more likely to file an eviction than a small landlord** (Raymond, 2016).
- Corporate landlords are **more likely to use the threat of eviction** (Immergluck et al, 2020)
- Properties owned and operated by LLCs are **often neglected for maintenance**, especially in lower-income neighborhoods (Graziani et al., 2020; Travis, 2019).
- Investment firms in possession of many properties will typically put each under the control of a separate LLC. This management practice **makes the chain of ownership intentionally complicated in a way that makes it difficult for tenants to hold landowners accountable for bad behavior** (Ferrer, 2021).
- Corporate landlords have also been found to **disproportionately target lower-income and minority renters** (Arnold, 2021)

- Raymond, E., Duckworth, R., Miller, B., Lucas, M., & Pokharel, S. (n.d.). *Corporate Landlords, Institutional Investors, and Displacement: Eviction Rates in Single-Family Rentals*. 04, 22.

- Ferrer, A. (2021, June 21). *The Real Problem With Corporate Landlords*. *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2021/06/real-problem-corporate-landlords/619244/>

- Graziani, T., Montano, J., Roy, A., & Stephens, P. (2020). *Who Profits from Crisis? Housing Grabs in Time of Recovery*. <https://escholarship.org/uc/item/5pw706tf>

- Immergluck, D., Ernsthausen, J., Earl, S., & Powell, A. (2020). *Evictions, large owners, and serial filings: Findings from Atlanta*. *Housing Studies*, 35(5), 903–924. <https://doi.org/10.1080/02673037.2019.1639635>

- Travis, A. (2019). *The Organization of Neglect: Limited Liability Companies and Housing Disinvestment*. *American Sociological Review*, 84(1), 142–170. <https://doi.org/10.1177/0003122418821339>

First Step: this office should institute a lease registry

A lease registry would require landlords to submit their leases for public record. This will allow the public to keep track of how housing costs are increasing, and which landlords are acting predatorily. **AS A PREREQUISITE FOR FILING AN EVICTION, LANDLORDS MUST SUBMIT THEIR LEDGER OF LEASES**

- **Rent has increased nearly 30% since the beginning of the pandemic** based on aggregated public rental listings. However, we do not have data for how this increase has affected different units of housing (1, 2, 3 bedroom, SFR)
- Through organizing at Royal Oaks and our Tenant Solidarity Hotline, we've identified evidence of mass lease purging **allowing corporate landlords to increase rent or file evictions based on non-existent lease violations**
 - Corporate Landlords and Private Equity outsource property management to third parties, and **we have seen very high turnover. This leads to mismanagement of records.**
 - Arnold et. al and Ferrer have identified similar findings.
- A city-wide lease registry would allow the public to hold landlords accountable when they violate existing laws, reduce our eviction rate, and ensure tenants understand the terms of their leases

Additional Measures to ensure Landlords can provide adequate housing and tenants have stable housing

- Small Place Preservation: **allocate funds from the Housing Trust Fund to support preservation** to small mom and pops and CDC's
 - Support local landlords that don't have resources to have homes habitable
- **Continue and expand Beltline Housing Tax Breaks to keep homes affordable** and outside of the reach of potential private equity owners
- Many corporate landlords accept housing subsidies from properties they've acquired (ex. Greenbriar Mills which is owned by the same owners of Royal Oaks). The office of the Tenant Advocate should strengthen these existing measures by:
 - **Defining affordability as rent at 30% AMI, rather than 50%**
 - **Utilities should be included in that calculation of affordability based on AMI percentage**

Right to Renew/TOPA

Right to Renew/TOPA

In Georgia, there is no statute protecting a tenant's ability to stay in the homes they've built long-term. **We believe that landlords should have to prove just cause to evict someone, and tenants should have the right to a comparable lease renewal.**

TOPA, or Tenant Right to Purchase Act, is a measure introduced in jurisdictions like DC. **It allows for tenants who have come together as an association to have the right of first refusal when a property owner moves to make a sale.** It also gives them the liberty to decide whether the property remains renter-based, or tenants are able to pool together resources for ownership, after a period of mandatory negotiation with the landlord. The frequency of tenants of all backgrounds having their homes sold out from under them is causing instability all over the city. We need robust, audacious protections to shift this balance of power toward the people.

The homeowner as the long-time community member is a myth.

Renters are steadfast members, and should have a right to remain.



LIVE WABE 90.1:
Fresh Air

11:00PM:
"Think" with Krys Boyd

📅 Schedule

↩ Change Stream

DeKalb County woman fights to stay in the home she's rented for 27 years



<https://www.wabe.org/dekalb-county-woman-fights-to-stay-in-home-shes-rented-for-27-years/>

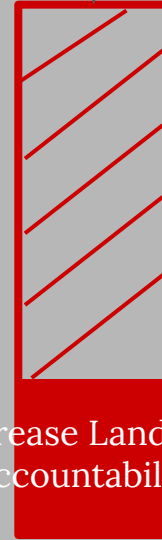
In Conclusion

Right to Cure



Right to Counsel

Right to Renew/TOPA



Office of Tenant Advocate

Thank You.

