

Tenant Protections for Climate Justice

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About this brief: This primer was written by Ruthy Gourevitch of Climate and Community Institute in close collaboration with Amneh Minkara and Rose Monahan of the Sierra Club. The authors thank Tram Hoang, Zach Lou, Dylan Plummer, and Sarah Tressedder for their review. For more information, contact rgourevitch@climateandcommunity.org.



Introduction

The 144 million renters in the United States are bearing the brunt of the housing and climate crises: apartments in unhealthy conditions, disasters leaving people unhoused, utility debts eating at paychecks, and green upgrades leading to rent hikes. At the same time, US homes are fueling the climate crisis, contributing nearly one fifth of the United States' greenhouse gas emissions.¹

A commitment to environmental and climate justice requires a commitment to tenant justice. Tenants are disproportionately lower income and BIPOC.² Black and Latino tenants are disproportionately evicted from their homes and face significantly higher energy burdens than white households.³ Low-income tenants face the highest rent burdens of any group and disproportionately experience rent increases after disasters.⁴

To realize a safe future, the United States must decarbonize buildings and invest in green, climate-resilient infrastructure. But all too often, climate policies prioritize homeowners and fail to sufficiently support and empower tenants, leaving them behind in the just transition—or worse, putting them further in harm's way.⁵ As climate advocates and practitioners mobilize resources to decarbonize our homes, this primer explains what tenant protections are and why they are urgently needed to realize climate justice.



Background

50% +

of tenants are cost burdened

40%

of rental housing is on the front lines of the climate crisis

43%

of renters are living in units with habitability issues, like broken windows or no heat

40%

of renters are energy insecure, compared to 20% of homeowners

Tenants have very little control over the quality of their own homes, the amount they pay in rent, and the stability of their tenancy over time.⁶ Instead, the quality of their housing is largely left in the hands of their landlords. While public housing is home to 1.2 million tenants, the vast majority of tenants live in unsubsidized, private-market housing, where there is minimal government oversight.⁷ Over the last 20 years, the rise of corporate landlords and private equity firms in the housing market has driven record profits without commensurate improvements in housing stock or affordability: the share of units with habitability issues remained constant between 2001 and 2017, and the share of renters who pay more than 30% of their monthly income in rent rose from 42% to 48%.⁸ Past and ongoing campaigns attempt to chart a different path forward, one rooted in public and community-controlled housing, but have faced uphill battles and fierce opposition, including from the well-resourced real estate lobby.⁹

Tenants also have minimal protections and rights as consumers of rental housing. This means that in most parts of the country, landlords can increase rents as much as they want or choose to evict a tenant for no reason between leases. Habitability laws that dictate living conditions vary significantly from place to place and are often poorly enforced, threatening the health of tenants.

What does this mean for climate action?

- Tenants are burdened with higher utility bills from inefficient homes and dangerous conditions that do not meet basic standards, let alone climate resilience.
- If tenants want to assert their rights to a habitable home, they may be met with an eviction notice.
- In the wake of disasters, tenants see increased evictions and rents.
- Green investments may not flow to the rental market, because landlords are less likely to upgrade homes they do not live in.¹⁰
- Clean energy upgrades and resilience policies (like mandatory cooling and appliance standards) can lead to higher rents and displacement, because landlords can leverage these upgrades to raise rents or exercise no-fault evictions to attract higher-income tenants.

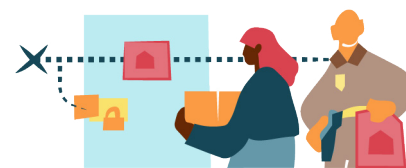
Tenant protections offer a path out of these challenges—and toward a more equitable, efficient, and resilient decarbonization of the rental housing stock.

Types of Tenant Protections

Tenant protections refer to a set of policies that aim to correct the power imbalance between tenants and landlords and provide tenants with recourse to improve their housing stability, affordability, and quality. Tenant protections can include policies aimed at creating fairer application and screening processes and lease terms, mandating habitability standards, ending discrimination, limiting rent hikes, preventing harmful evictions, and supporting the right to organize. Here we explain a few types of tenant protections that are essential to supporting renters amid the climate crisis. Within each category, there is significant nuance and variation to further consider when designing policy.

Good Cause or (“Just Cause”) Eviction Protections

Good cause or (“just cause”) eviction protections limit the reasons a landlord can evict a tenant to ensure tenants are not evicted as a result of retaliation or discrimination.



How is this a climate justice policy?



Good cause eviction protections can reduce discrimination and retaliation against tenants, allowing them to assert their rights to safe living conditions. They also shield tenants from eviction after repairs or property upgrades—a common practice among landlords seeking to raise rents—allowing them to stay in place and benefit from these upgrades. Furthermore, good cause eviction laws prevent displacement after disasters, when research shows landlords are more likely to evict tenants.¹¹ To read more about how good cause evictions is a climate justice solution, [see here](#).

What level of government can pass this policy?



Federal, state, and local governments can all enact good cause eviction protections. At this time, there is no universal good cause eviction policy at the federal level. As of summer 2024, seven states (NY, CO, OR, WA, NJ, NH, CA) as well as dozens of localities have some form of good cause eviction laws.

Examples of policies:



Colorado passed a law in 2024 prohibiting landlords from evicting a tenant without an eligible cause (with some exceptions).



Connecticut advocates have been pushing for the expansion of its just cause eviction law, which currently only applies to seniors and people with disabilities. The proposed bill would ensure tenants in multifamily properties cannot be evicted without a reason.

Rent Regulations

Rent regulations protect tenants from untenable increases in housing costs by limiting how much landlords can increase rents annually. Rent regulations can include rent control (a strict cap on annual rent increases) or rent stabilization (which typically includes more flexible or varied restrictions aimed at keeping the price of rent reasonable). As of 2018, there are over 180 jurisdictions with some form of rent regulation, and these policies vary significantly in design.¹²



How is this a climate justice policy?



Rent regulations can ensure that the cost of repairs and retrofits are not passed onto tenants. They also ensure that in the wake of disasters, landlords cannot raise rents egregiously, enabling tenants to stay housed. Lastly, rent regulations ensure that neighborhood greening efforts happening adjacent to homes (like parks improvements and expansions of the sidewalk tree canopy) do not exacerbate a cycle of displacement.¹³

What level of government can pass this policy?



Rent regulations can be enacted at federal, state, and local levels; however, more than 30 states preempt local jurisdictions from regulating rents.¹⁴ In this context, the first step toward local rent regulations is to lift the preemption on these policies statewide. Although there have been periods of US history with federal rent controls of some kind, there are currently no broad-sweeping federal rent regulations. Today, there is a renewed push from tenant advocates to win national rent regulations, and climate researchers endorse these policy aims.¹⁵

Examples of policies:



St. Paul, Minnesota: Passed in 2021, this rent stabilization ordinance limits annual rent increases to 3%.



Pasadena, California: Passed in 2023, this law limits annual rent increases to 3% and prohibits landlords from raising rents more than once a year. Only applies to units built before 1995.



Portland, Maine: Passed in 2020, this law includes a rent cap of 7% plus the Consumer Price Index (inflation) rate for the greater metropolitan area and includes only limited exemptions for units.



At the federal level, tenants and allies affiliated with the Tenant Union Federation are pushing for rent regulations to the Federal Housing Finance Agency as examples of strong rent regulation policies.

Protecting the Right of Tenants to Organize

Protecting the right of tenants to organize ensures that tenants have the ability to organize with their neighbors—often in the form of a tenant union—without fear of retaliation from landlords or property management. Tenant unions can be organized at the building, neighborhood, city, state, or regional level and include people who are unhoused, living in public housing, private housing, and/or mobile home parks.¹⁶



How is this a climate justice policy?



Collective action can advance climate justice by demanding that landlords invest in repairs, clean energy retrofits, and weatherization and provide fair leases that include routine maintenance. Protecting the right of tenants to organize also ensures that tenants are not evicted for requesting repairs and clean energy investments alongside their neighbors.

What level of government can pass this policy?



Federal, state, and local governments. Typically, these policies are in effect at the state level. In Connecticut, for example, tenants are protected from rent raises, no-fault evictions, and retaliation within 6 months of a tenant joining or organizing a tenant union.

Examples of policies:



In Kansas City, tenants have a right to organize, and landlords cannot retaliate against a tenant based on a tenant's participation in a tenant union. Landlords also cannot retaliate against tenants for reporting building code violations.



In New York, tenants have the right to form tenant associations and hold tenant meetings where they live.

Habitability Standards with Strong Enforcement

Habitability standards with strong enforcement ensure that covered properties are maintained in good condition. Habitability policies can include mold regulations, mandatory A/C or heat laws, and climate-resilient building codes. They can also include laws about repair timelines and tenant support in the event of issues at a property. Habitability standards are only as good as they are enforced, however, and in many places, oversight is lax.¹⁷ Policies to strengthen enforcement and create levers for the transfer of ownership from negligent landlords to the government—or tenants themselves—can safeguard renters from poor conditions.¹⁸



How is this a climate justice policy?



Habitability standards can improve the health and living conditions of tenants in the face of increasing disasters that exacerbate underlying issues (e.g., mold from extreme heat, flood from intense rains). Habitability standards often address the underlying healthy home requirements that should complement decarbonization efforts.

What level of government can pass this policy?



Federal, state, and local governments. Typically, habitability codes are designed and enforced at the local and state levels.

Examples of policies:



In **Los Angeles, CA**, the Rent Escrow Account Program provides tenants in substandard units with code violations rent reductions of 10%–50% (depending on the severity of the violation) and gives tenants the option to pay rent into an escrow account (withholding it from the landlord) until the issue is resolved.



In **Montgomery County, MD**, many landlords are required to provide air conditioning equipment between June and September each year to keep apartments below 80 degrees.

Tenant protections work best when bundled together in a comprehensive package; although passing individual protections in isolation is helpful, this strategy can lead to unintended consequences. For example, without rent regulations and good cause eviction laws, improved habitability can lead to rent hikes or lease non-renewals. As a result of the interdependence of rental protections, some advocates are pushing for a national [Tenants Bill of Rights](#), which would enshrine in law broad, complementary protections that together keep tenants housed and safe.

Tenants are ready to make
our green future a reality.
It's time for them to lead us.



Want to Learn More?

- For examples of **community organizations advancing tenants rights and climate justice** hand in hand, check out [Strategic Actions for a Just Economy](#) (Los Angeles) and [New York Communities for Change](#) (New York City)
- For examples of **federal-level advocacy for tenant protections**, check out the [Tenant Union Federation's rent caps campaign](#) and the [National Tenants Bill of Rights proposal](#)
- For more detail on **types of tenant protections**, see [PolicyLink's Anti-Displacement Tools](#)
- For research on **tenant protections in the context of the Inflation Reduction Act**, see Climate and Community Institute's [Decarbonization without Displacement](#) report

References

- 1 US Department of Energy, "New Residential Construction Carbon Emissions," Office of Energy Efficiency and Renewable Energy, February 2023, <https://www.nrel.gov/docs/fy23osti/83049.pdf>.
- 2 Drew Desilver, "As National Eviction Ban Expires, a Look at Who Rents and Who Owns in the U.S.," Pew Research Center, August 2, 2021, <https://www.pewresearch.org/short-reads/2021/08/02/as-national-eviction-ban-expires-a-look-at-who-rents-and-who-owns-in-the-u-s/>.
- 3 Sierra Club, "Energy Burden Calculator," accessed September 6, 2024, <https://www.sierraclub.org/energy-burden-calculator>.
- 4 Mark Brennan, Tanaya Srin, and Justin Steil, "High and Dry: Rental Markets After Flooding Disasters," *Urban Affairs Review* (forthcoming), <https://doi.org/10.1177/10780874241243355>.
- 5 Ruthy Gourevitch. "Decarbonization without Displacement: Tenant Advocacy in the Context of Inflation Reduction Act Implementation." Climate and Community Institute, 2024, <https://climateandcommunity.org/research/decarbonization-without-displacement/>; Chelsea Kirk, "Decarbonizing California Equitably: A Guide to Tenant Protections in Building Upgrades/Retrofits Throughout the State," Strategic Actions for a Just Economy, October 2023, <https://www.saje.net/wpcontent/uploads/2023/09/Decarbonizing-CaliforniaEquitably-Report-1.pdf>.
- 6 Ruthy Gourevitch, "Terms of Investment," *Phenomenal World*, July 11, 2024, <https://www.phenomenalworld.org/analysis/terms-of-investment/>.
- 7 Kira McDonald, Daniel Aldana Cohen, and Ruthy Gourevitch, "The Case for a Green New Deal for Public Housing," Climate and Community Institute, March 2024, <https://climateandcommunity.org/research/gnd-for-public-housing-2024/>.
- 8 Joint Center for Housing Studies of Harvard University, "The State of the Nation's Housing 2024," <https://www.jchs.harvard.edu/state-nations-housing-2024>; US Government Accountability Office, "Rental Housing: As More Households Rent, the Poorest Face Affordability and Housing Quality Challenges," May 27, 2020, <https://www.gao.gov/products/gao-20-427>; Jacob Wallace, "Skyrocketing Rents Deliver 57% Profit Growth to Large Apartment Owners," *Bisnow*, June 8, 2022, <https://www.bisnow.com/national/news/multifamily/rent-increases-brought-billions-in-profit-for-largest-apartment-owners-113330#:~:text=The%20top%2010%20publicly%20traded,income%20surging%20beyond%202019%20levels>.
- 9 Gail Radford, *Modern Housing in America* (University of Chicago Press, 1996); The Center for Popular Democracy et al., "Building Our Future, Grassroots Reflections on Social Housing," May 2024, <https://climateandcommunity.org/wp-content/uploads/2024/05/Building-Our-Future-Full-Report.pdf>; Mad Bankson et al., "Who is Behind the Curtain? Breaking Down Trade Associations that Fight for Tenants and Hurt Housing Affordability," Americans for Financial Reform Education Fund, Bargaining for the Common Good, and Private Equity Stakeholder Project, June 2024, <https://www.bargainingforthecommongood.org/wp-content/uploads/2024/06/Who-is-Behind-the-Curtain-Report-FINAL.pdf>.
- 10 For examples of how climate policies can lead to higher rents and displacement, see Strategic Action for a Just Economy's research on equitable decarbonization in California at https://www.saje.net/wp-content/uploads/2021/12/LA-Building-Decarb_Tenant-Impact-and-Recommendations_SAJE_December-2021-1.pdf.
- 11 Mark Brennan, Tanaya Srin, Justin Steil, Miho Mazereeuw, and Larisa Ovalles, "A Perfect Storm? Disasters and Evictions," *Housing Policy Debate* 32, no. 1 (2021): 52–83, doi: 10.1080/10511482.2021.1942131.
- 12 Prasanna Rajasekeran, Mark Treskon, and Solomon Greene, "Rent Control: What does the Research Tell Us about the Effectiveness of Local Action?" Urban Institute, January 2019, https://www.urban.org/sites/default/files/publication/99646/rent_control_what_does_the_research_tell_us_about_the_effectiveness_of_local_action_1.pdf.
- 13 Kenneth Gould and Tammy Lewis. *Green Gentrification: Urban sustainability and the struggle for environmental justice*. Routledge, June 2017.
- 14 Local Solutions Support Center, "State Preemption of Local Equitable Housing Policies," accessed September 10 2024, <https://www.supportdemocracy.org/equitablehousing>.
- 15 Daniel Aldana Cohen et al., "Letter to Federal Housing Finance Agency (FHFA)," July 27, 2023, <https://climateandcommunity.org/wp-content/uploads/2023/12/FHFA-RFI-Response-Climate-Researchers-1-1.pdf>.
- 16 Rose Lenehan and Tara Raghuvver, "The Future of Housing Organizing: Tenant Unions," *In These Times*, July 23, 2024, <https://inthesetimes.com/article/housing-crisis-tenant-unions-debt-collective>.
- 17 Jacob Steimer, "No A/C, Mold and Mice Plague These Apartments: Here's How the Landlord Gets Away with It," *MLK50*, January 12, 2023, <https://mlk50.com/2023/01/12/no-a-c-mold-and-mice-plague-these-apartments-heres-how-the-landlord-gets-away-with-it/>.
- 18 Maggie Grether, "The Connecticut Tenants Union Trying to Buy Their Apartment Building," *Nation*, September 2, 2024, <https://www.thenation.com/article/activism/blake-street-tenants-union-new-haven-connecticut/>; PolicyLink, "Tenant/Community Opportunity to Purchase," accessed September 20, 2024, <https://www.policylink.org/resources-tools/tools/all-in-cities/housing-anti-displacement/topa-copa>.