

Tenant Protections for Climate Justice

October 16, 2024



Housekeeping

- Yes, the webinar is being recorded!
- Yes, we will share the slide deck and recording with everyone who registered for the webinar!
- Please submit your questions using the Q&A feature – we may not have time to answer all of them today, but we will do our best to follow up after the webinar.
- We will do our best to avoid acronyms or technical terms without defining them first. If we use a term you are not familiar with, please let us know in the Q&A feature and we will define it.

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Amneh, Sierra Club
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John, Tenant Union Federation
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Chelsea, Strategic Actions for a Just Economy
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Speakers

Amneh Minkara

Sierra Club

John Washington

Tenant Union Federation

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Climate & Community Institute

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Strategic Actions for a
Just Economy (SAJE)



A commitment to environmental and climate justice requires a commitment to tenant justice.

Tenants 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.

EXPLAINER

Tenant Protections for Climate Justice



October 2024
by Climate and Community Institute
& the Sierra Club

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 Tresedder 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



[Link to the new primer resource here.](#)

To realize a safe future, we must decarbonize buildings and invest in 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.

As climate advocates and practitioners mobilize resources to decarbonize our homes, this new primer explains what tenant protections are and why they are urgently needed to realize climate justice.

Note on Disaster Impacts



Melissa Sue Gerrits/Getty Images

Octavio Jones/Reuters



In the wake of Hurricanes Helene and Milton we are witnessing firsthand the disproportionate impacts that these disasters have on different communities.

Disasters like these will only increase in severity as climate change continues to worsen.

[Link to FEMA assistance resources.](#)

Context & Background

John Washington, Tenant Union Federation

Tenant Protections

Ruthy Gourevitch, Climate and Community Institute

Why Tenant Protections?

For tenants, the quality of their housing is largely left in the hands of their landlords.

In most parts of the country, tenants have minimal protections and rights as consumers of rental housing.

What does this mean for climate action?

- Tenants are burdened with higher utility bills and inefficient homes
- 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 don't flow to the rental market because landlords are less likely to upgrade homes they don't live in
- Upgrades and resilience policies can lead to higher rents and displacement

Types of Tenant Protections



Good ("Just") Cause Eviction Protections

Limit the reasons a
landlord can evict a
tenant.



Rent Regulations

Protect tenants from
untenable increases in
housing costs.



Protecting the Right of Tenants to Organize

Ensure that tenants have
the ability to organize
with their neighbors.



Habitability Standards (& Enforcement)

Ensure that covered
properties are maintained
in good condition.

Connections to Climate Policy



Good (“Just”) Cause Eviction Protections

Reduces discrimination and retaliation, allowing tenants to assert rights to better living conditions. Prevents displacement after disasters.



Rent Regulations

Ensures improvements aren’t passed onto tenants; stems displacement after disasters or neighborhood greening.



Protecting the Right of Tenants to Organize

Collective action can help demand landlords decarbonize our building stock, without retaliation.



Habitability Standards (& Enforcement)

Improves health of tenants amidst increasing extreme weather that exacerbates underlying issues, and addresses pre-decarb needs of housing stock.

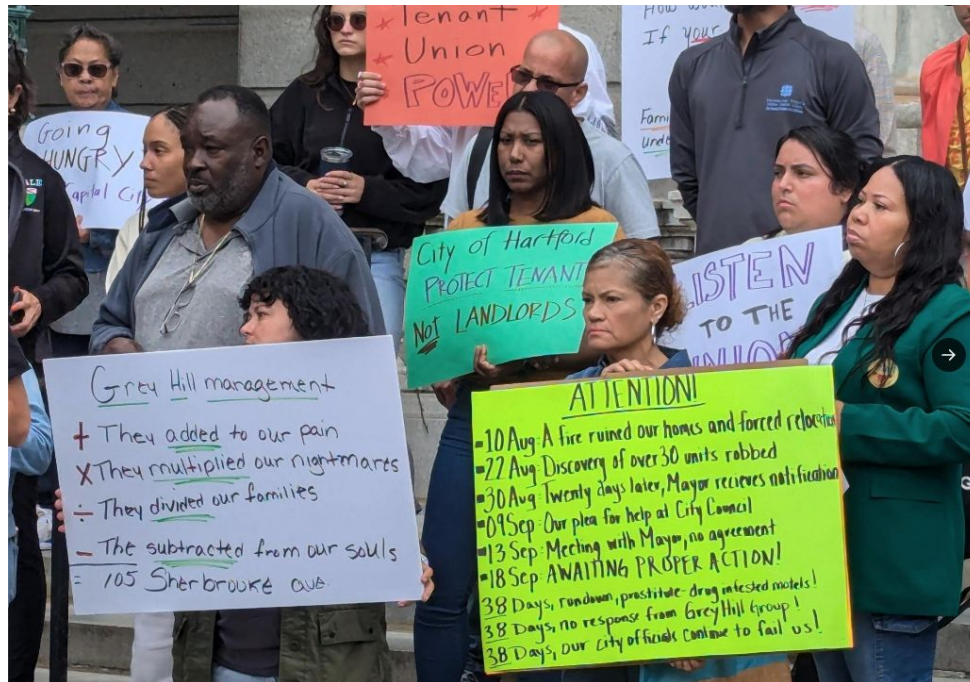
Passing tenant protections

- Tenant protections can be passed on their own (ideal!) or connected to funding pots
- Tenant protections can be passed at varying levels of government – there are active campaigns at all levels
- Preemption conditions will influence what to push for (30+ states preempt local jurisdictions from regulating rents)
- Loopholes and policy nuances significantly alter impact
- Partnerships (and leadership from) tenant-led organizations gets the goods



Enforcing tenant protections

- Like all consumer protection policies, tenants protections are only as good as they are enforced
- Enforcement often requires capacity, resources, and organizing
- Tenant protections work especially well when thought of as a comprehensive package



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



Local Spotlight: LA

Chelsea Kirk, SAJE

Decarbonization for Renters in Los Angeles

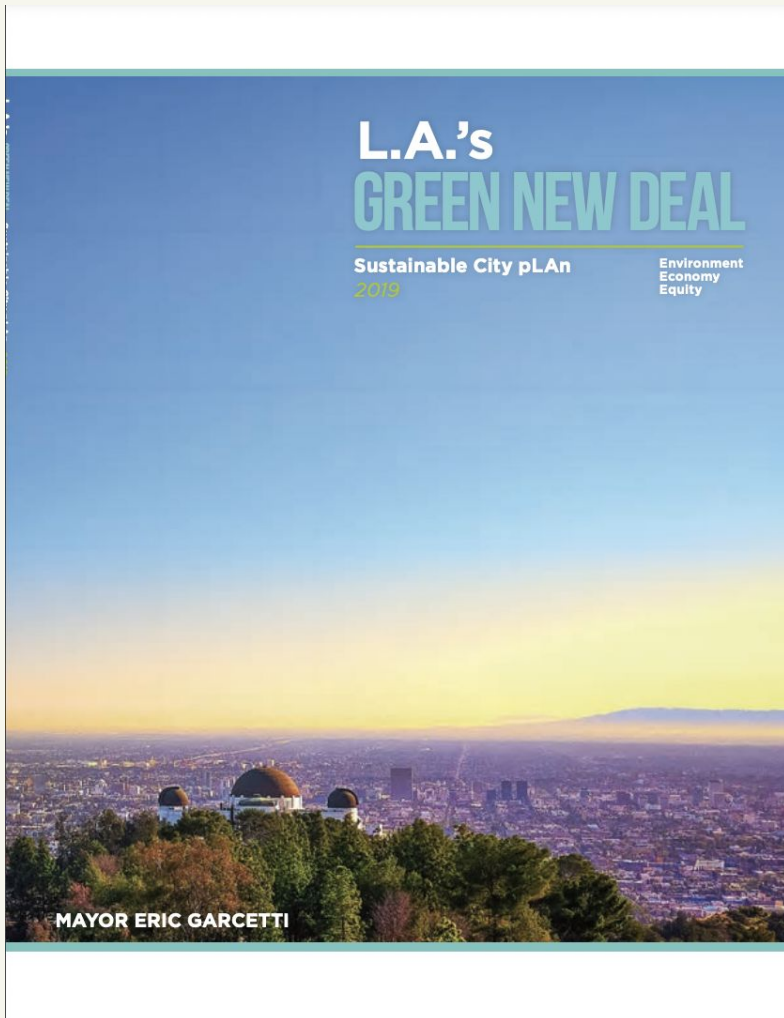
Chelsea Kirk, ckirk@saje.net



Strategic Actions for a Just Economy (SAJE)



- Economic justice organization founded in 1996
- Based in South LA
- Community organizing + policy campaigns
- Mission to advance tenant rights, healthy housing, and equitable land use



LA's Green New Deal set a goal to **decarbonize existing buildings** (both commercial and residential) by 2050.

How would this impact tenants?

How are renters impacted?

Unintended Consequences:

- Harassment
- Rent Increases
- Evictions for Substantial Remodel



What now?

- Educate
- Form a coalition of tenant and climate groups
- Secure tenant protections to minimize unintended consequences



Tenant Protections in the Equitable Building Decarbonization Program



- Rent increases must be capped for 5 to 10 years.
- Property owners cannot evict for retrofits, or related activities, under the program.
- Construction projects should be completed within 30 days whenever feasible.

Ending Renovictions in Los Angeles



Tech

Getting Rid of Gas Stoves Could Lead to Mass Renovictions, Advocates Say

HOUSING

Report: Statewide effort to decarbonize buildings may lead to mass evictions, rent hikes

BY ANNA ALBARYAN | LOS ANGELES
PUBLISHED 4:30 PM PT NOV. 06, 2023

CORRECTION: This story has been updated to reference the substantial remodel loophole in the California Tenant Protection Act. (Nov. 8, 2023)

LOS ANGELES — An unprecedented effort to remove gas-powered appliances from California's apartment buildings could lead to a wave of evictions and rent hikes, according to a new report from SAJE.

What You Need to Know

- Starting in 2024, California will implement the \$1 billion Equitable Building Decarbonization Program to remove gas-powered appliances from low- and moderate-income households
- The program is part of a larger statewide effort to cut 85% of greenhouse gas emissions from across the state by the year 2045
- The City of Los Angeles is expected to roll out a similar decarbonization ordinance by 2024, that will have a goal of removing gas-powered appliances from residential and commercial buildings by the year 2050

Strategic Actions for a Just Economy policy directors say while the program is needed to combat climate change, it may have an unintended impact on the state's housing crisis — including in Los Angeles, where lawmakers expect to roll out a decarbonization policy by next year. The goal is to have zero-carbon apartments by the year 2050.

As it stands, tenants who fall under California's Tenant Protection Act are subject to a legal loophole called the "substantial remodel loophole," which puts them at risk of eviction.

Some tenants are already experiencing this, including Maria de Lourdes Mata, who has lived in the same two-bedroom apartment unit in Echo Park for nearly 35 years.

"All my children have grown up here, all my grandchildren," she says in Spanish. "We have lived here as if it is our house."

Substantial Remodel Provision: A loophole in LA's Just Cause for Eviction Ordinance that permits landlords to evict tenants in order to renovate a unit or building.

Bad-Faith Renovictions

“... there are ways to get around statewide rent control and also in other municipalities what if for example your tenant is doing nothing wrong and you have this beautiful ocean view apartment and the rent is \$792 dollars? And you can't just ask a tenant to move under statewide rent control.

Well there is a really good reason to be able to have this tenant vacate and that will allow you to obtain market rent for your units. So what is that reason? That reason is if you want to renovate that unit.”



Landlord attorney Dennis Block is advising owners to use the substantial remodel provision to “beat rent control”

Renoviction in Los Angeles

April 2023
COVID
Moratorium
Ends

Dec 2023
LARHH takes on
this campaign

Oct 2024
Motion introduced
and agendized

May 2023
Immediate surge
in renovictions

Jan - Sep 2024
Educate councilmembers and
secure support

**LA's Housing and
Homelessness
Committee voting on
ending renovictions in
LA today at 2:30PM!**



MOTION

HOUSING & HOMELESSNESS

In 2019, the State of California adopted AB 1482 (Chiu) "The Tenant Protection Act," which provides statewide regulation of certain non-rent stabilized rental units, limiting the allowable annual rent increase to no more than 10 percent for buildings fifteen years or older, and not subject to Statewide Rent Stabilization. A major component of the Tenant Protection Act provides wide regulation for "just cause" evictions, including for what is known as "substantial remodel", which is defined as major structural, electrical, plumbing or mechanical system work lasting 30 or more days and requiring local permits. Like the Tenant Protection Act, the City's Just Cause Ordinance (JCO) qualifies "substantial remodel" as a "no-fault" eviction in which a tenant in good standing can be evicted if the unit requires permitted work and the building owner self-certifies that the work will require 30 days or more to complete.

The City's Rent Stabilization Ordinance (RSO) provides protections for tenants from evictions for units undergoing substantial remodel through the Tenant Habitability Program (THP). THP was adopted in 2005 (LAMC § 152 et seq) and requires building owners with units subject to RSO who need to substantially remodel a unit to temporarily relocate impacted tenant(s) while requiring the tenant(s) to continue paying rent to maintain tenancy while temporarily relocated and the remodel work is completed. The THP requires the building owner to submit a Tenant Habitability Plan to the Los Angeles Housing Department, and requires the agreement of the tenant to execute the Tenant Habitability Plan which includes cost recovery for the remodel work.

The THP is an important tool for displaced tenants in RSO units to maintain tenancy and to enable the right to return to the remodeled unit. The JCO enables "substantial remodel" as a reason to evict a tenant and the City should take steps to further protect tenants from this no-fault eviction by eliminating LAMC 165.03 (1.2) from the JCO. Although substantial remodels are sometimes necessary, it should not be a reason to evict a tenant from their home, and tenants should have the right to return and maintain their tenancy.

The Los Angeles Housing Department, in collaboration with the City Attorney, should report to Council with options to amend LAMC 165.03 (1.2) the City's Just Cause Ordinance, in order to provide further eviction protections for tenants in units undergoing substantial remodel, and report with an urgency clause to immediately end this eviction practice.

I THEREFORE MOVE that the Los Angeles Housing Department (LAHD), with the assistance of the City Attorney, report with recommendations to amend the Just Cause for Eviction Ordinance, LAMC 165.03 by removing the Substantial Remodel clause (LAMC 165.03 (1.2.)), and replace with a method for tenants to maintain tenancy during a "substantial remodel" wherein a tenant continues paying rent while a substantial remodel takes place, such as through a Tenant Habitability Plan (THP), for those renters impacted by eviction proceedings currently done as "substantial remodel", and include other protections for renters subjected to this provision such as verification of "self-certification" of the substantial remodel work.

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Q & A