

[Opinion](#)  
[Guest Voices](#)



Housing rights activists and tenants protest against evictions and the poor condition of their apartments outside the offices of the landlord Broadway Capital in Chelsea, Mass., April 25, 2022. (OSV News/Reuters/Brian Snyder)



by Dwayne David Paul

[View Author Profile](#)

Follow on Twitter at [@DwayneDavidPaul](#)

[Join the Conversation](#)

August 28, 2024

[Share on Bluesky](#)[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

I recently attended a webinar hosted by a coalition of housing advocates on what they have dubbed the [National Tenants Bill of Rights](#). It is a comprehensive set of remedies meant to correct the legal power imbalance between landlords and tenants in order to improve access to dignified, stable housing. Throughout the 90-minute presentation, I repeatedly asked myself: Isn't it strange that there is not already a robust set of universal rights granted to tenants, given that they constitute about [one-third of U.S. households](#)?

Like most Americans, I think more about our democracy during election years, in part, because the mechanics of democratic participation take center stage. While they are vital, there is a web of less visible but equally important ideas and practices that form the infrastructure for our democracy. Rights are a key part of that. I left the webinar convinced that a National Tenants Bill of Rights was necessary to promote democracy, and that the Catholic articulation of the [common good](#) would help explain why.

The United States is in a housing crisis. Rents are unaffordable for [half of renters](#), [43%](#) of renter households fear that their homes negatively impact their health and well-being, and homelessness is at an [all-time high](#). Furthermore, economists [predict](#) that the cost of buying a home will not decrease for years to come. With the situation that grave, our rights must no longer be left to the whims of the marketplace or our landlords.

Central to the church's idea of the common good is the government's responsibility to arbitrate between parties and their sometimes competing interests. That means the law has to recognize how we embody various economic, political and social forms in given settings. Those forms have various rights, responsibilities and vulnerabilities that just governance accounts for. While this might seem abstract, think of how both your expectations and needs are structured when you show up as a patient at your next visit to the doctor, or citizen as you reenter the country.

Isn't it strange that there is not already a robust set of universal rights granted to tenants, given that they constitute about one-third of U.S. households?

[Tweet this](#)

Federal housing law cannot do this for renters because it does not sufficiently recognize the tenant as a political subject. That's a problem for the 114 million American renters; the rights and interests of their landlords, on the other hand, are enshrined in the U.S. Constitution because of their position as property owners. That fundamental imbalance goes a long way to explaining the terrible outcomes that people experience on the rental market.

Federal housing laws do not protect tenants on the basis of what makes them tenants: that they do not own, nor do they have the rights that follow, the property in which they live. The 1968 [Fair Housing Act](#), for instance, is a civil rights law. It is meant to shield people from housing discrimination on the basis of race, color, disability, national origin, family status and sex.

The Fair Housing Act is important, because for instance, one of the ways that I show up to the rental office is as a Black man. To promote the common good, the government has an interest in mediating the relationship between, in this case, Black people and landlords because of a pervasive history — and present — of race-based discrimination in the housing market. Yet, due to the country's history of marginalizing propertyless people, and because my only possessions are a laptop, an 8-year-old Corolla and too many books, I also have an interest in property relations being accounted for as well.

The National Tenants Bill of Rights that housing advocates propose tries to do much of that work. It would establish the groundwork for things such as a right to a fair lease that does not make unreasonable demands, the right to a habitable home and the speedy resolution of issues, and eviction protections that articulate fair grounds for kicking people out of their homes. None of this strips landlords of their rights, but instead establishes a needed counterbalance to the magnificent power they have over this most fundamental part of their tenants' lives.

Advertisement

In the spring of 1776, John Adams received a letter that, judging from the tone of [his reply](#), was as annoying to him as it was progressive for the times. Months before the publication of the Declaration of Independence, Judge James Sullivan wrote to

Adams about the uneasiness he felt that the would-be nation would restrict voting to propertied men alone. Sullivan was concerned that reproducing the relationship between political representation and ownership would also reproduce the undemocratic spirit that at least some of the revolutionaries were about to rebel against.

Adams, for his part, saw where this line of reasoning would go. If they removed the property qualification for the franchise, it would be a [slippery slope of democratic empowerment](#). "There will be no End of it," [he wrote](#). "New Claims will arise. Women will demand a Vote...and every Man, who has not a Farthing, will demand an equal Voice with any other in all Acts of State. It tends to confound and destroy all Distinctions, and prostrate all Ranks, to one common Levell."

Adams' side won the day. It would be another 70 years or so until virtually all white men secured the vote regardless of whether or not they owned property, decades more before emancipated Black men could vote, half a century more for white women could and 45 more years to the passage of the [Voting Rights Act](#) (1965) that gave these legal pronouncements practical effect. Yet the disadvantage baked into the property qualification, as it was called, undermined our democratic aspirations through that long struggle to the present day. A National Tenants Bill of Rights would be another necessary step in the right direction.