

STATEMENT ON LANDLORD-TENANT RELATIONS

For a tenant who is poor and lives in a slum, the balance of power in landlord-tenant relations is an unequal one.

The slum dweller's ability to compete in the market place by moving elsewhere is sharply limited. His ability to seek legal redress is hampered both by his level of poverty and the lack of an adequate framework of legal protection. His ability to obtain protection from government is limited by inadequate code enforcement programs and a lack of effective governmental sanctions in dealing with major code violations.

Reformation of landlord-tenant law is a state and local government responsibility, but of major importance to the national welfare. The federal government already has substantial authority to help protect the rights of tenants through better code enforcement. The steps taken by the federal government, while indirect, can be of decisive importance.

Recommendations: The Task Force therefore recommends:

1. That a National Institute of Urban Housing Law be established and adequately funded on a long-term basis. The Institute should be empowered to prepare model statutes, develop briefs, and serve as a clearinghouse of housing law information.

2. That the administration of HUD's "Workable Program" which now statutorily calls for an effective program of code enforcement, be strengthened (a) by giving the matter highest possible priority in the Department, (b) by clarifying regulations and developing specific criteria on what constitutes an effective program, and (c) by requiring uniform statistical reporting to determine comparable rates of municipal performance.

3. That HUD's program of aid for concentrated code enforcement (Sec. 117) be revised to allow the use of such funds in hard core slum areas to cope with most urgent code violations, or new legislation should be sought to provide a new aid program for urgent repairs and intensified municipal services in such slum areas.

4. That HEW should be directed, either by legislation or administrative action, to require as a condition of continued welfare payments that state and local governments establish a program that: (a) provides a system for the inspection and certification of major code violations and the opportunity for welfare recipients to elect to withhold their rent where justified, (b) allows rent to be placed in escrow for the repair of such violations, and (c) requires enactment of appropriate legislation prohibiting summary eviction of such welfare tenants.

5. That all federal departments concerned with property acquisition prohibit payments for values represented by the amount of code violations.

6. That federal departments dealing with the audit and verification of real estate and mortgage loan assets require certification, for each property concerned, that no official complaints of code violations are presently pending.