LEVERAGE OUR POWER
Leverage our power

Tenant-landlord relations during COVID-19

This playbook was created and edited by the Housing and Neighborhoods Team of the Pandemic Portal:

Jocelyn Galindo, Angory Espinal, Kuteara Jamison, and Lauren McCarrathan

This playbook is a project of the Ida B Wells Just Data Lab in collaboration with the Anti Eviction Mapping Project

This playbook is free to download at:

www.thejustdatalab.com

Cover image by Makeba Rainey
“Justice is not a natural part of the lifecycle of the United States, nor is it a product of evolution; it is always the outcome of struggle.”

-Keeanga-Yamahtta Taylor, From #BlackLivesMatter To Black Liberation
Section One: Brief History of Housing Discrimination

Section Two: Landlord Profiles During COVID-19

Section Three: Negotiation and Bargaining

Resource Guide
BRIEF HISTORY OF HOUSING DISCRIMINATION
Institutional racism has historically driven the housing market. Since the Fair Housing Act of 1968 steps have been taken to address this national issue but racism continues to run deep in the housing market. Research has shown that cities in both the North and South continue to be heavily segregated. Discrimination in housing can be traced back to the control of property and space that Whites had before and after slavery, this is control, is embedded in the housing market. The Fair Housing Act of 1968 made discrimination in housing illegal. Under the act it is illegal for landlords to refuse to sell or rent to a person because of race, color, disability, sex, family status, or origin. The Fair Housing Act made housing discrimination illegal, but it still exists in more informal instances as well as in policies that directly affect communities of color. An example of this is rezoning bills, lack of affordable housing, and gentrification. Housing is not accessible to all. The lack of affordable housing and public housing systematically affect communities of color. In major cities rezoning policies target neighborhoods that are predominantly black and/or latinx. These policies displace people of color by pushing them out of their neighborhoods with the construction of new buildings, the increase in rent, and the flock of inaccessible businesses.

Based on the mapping of landlord typology using data collected by AEMP (Anti-Eviction Mapping Project), we hope to demonstrate the fallacies that landlords depend on to make claims and how unsound their tactics are during the time of COVID-19. This section offers readers a sampling on the types of communication that have occurred during the pandemic, spanning from the beginning of the pandemic through July, when many protections were due to finish. *
**LANDLORDS OFFER RELIEF THROUGH RENT DEFERRALS**

Sample Communication: “While the mayor has issued an emergency order to protect tenants from non-payment evictions, the mayor’s order does not waive your obligation to pay rent. In order to take advantage of the rent deferral program, the Mayor’s order requires you to provide documentation or objectively verifiable information of the financial impacts caused by COVID-19.”

A rent deferral is difficult to consider when a tenant has no stable income, little to no emergency savings and/or has no idea when they will receive unemployment benefits. The legally binding agreement may not account for the long-term instability that tenants are facing in resuming full capacity of employment while also assuming that the main priority of the tenants is paying rent. If the tenant were to default in any aspect, the landlord can use this as evidence that they tried to negotiate with the tenant. If possible, reviewing the tenant’s situation should be accounted as an ongoing process to account for other hardships. Remember: their offer of rent deferment signals that the landlord may want to avoid finding a new tenant during the global pandemic.

**LANDLORDS OVERESTIMATE GOVERNMENTAL ASSISTANCE FOR TENANTS**

Sample Communications: "Our management has no choice but to collect rent as usual (regardless of whether your income was affected due to COVID-19) in order to keep operations going and to pay our mortgage. Please immediately apply for unemployment benefits and/or any funds the government is offering."

When the landlord believes that the tenant will find a way to get governmental assistance, landlords absolve themselves from any responsibility in the relationship. These types of communications were sent mid-April when it was not clear how the money from the CARES act was going to be partitioned. Considering that not all tenants are eligible for governmental assistance, it may be helpful to switch the script: pressure landlords to discuss mortgage forbearance options with their lender. People who have invested in essential human services for profit know the risks and should work on ways to absorb the cost. It may be necessary for all tenants to come together and raise this proposal with the landlord so the burden shifts away from the individual tenant.
WHEN LANDLORDS CLAIM TO HELP BUT DO SO IN THE MOST MENIAL MANNER

Sample Communication: “Effective June 1st, my office will be able to take credit cards for your rent payment. We have also agreed that the owners will pay the transaction fee that is charged for June and July.”

These types of communications demonstrate how the landlord views housing as a commodity and assumes the tenant to be passive as they follow their suggestions. Additionally, landlords are not being realistic about the situation by disregarding the long-term implications of credit card debt or claiming to relieve the tenants’ stress when they are actually mandated by the government (i.e.: waived late fees). It may be helpful to act on the offensive by researching what other buildings offering similar amenities to yours are charging. Asking around with other tenants about how other landlords in your neighborhood are offering relief can expand the conversation into tangible solutions rather than assuming a given “path” will help.

LANDLORDS ARE LESS THAN WILLING TO COMMUNICATE

Sample Communication: "We do not have any procedures in place for rent relief. Rent is due as scheduled. Thank you."

Many communications that AEMP received were responses to tenant inquiries about rent relief. Exemplifying good practice, tenants were proactive and would often send long emails explaining their fears about their situations, only to be met with a curt response about the landlord’s needs without validating the tenants’ concerns. Broadly, these communications evidence how more communication between the tenants and the landlord has occurred virtually due to social distancing measures. There is a need for empathetic and productive communication, meaning that individually approaching the landlord may deter them from understanding the gravity of the situation. Tenants’ unions emphasize talking to one another, which includes talking to other tenants to get an understanding of how the landlord is treating others. Landlords may tell different “deals” to other tenants, so talking to one another can compel the landlord to be consistent with their communications.
LANDLORDS ASSUMING THAT TENANTS ARE BEING SELFISH

Sample Communication: “Please keep in mind that the rent you pay in turn pays the salaries of our staff and allows us to maintain operations. It is important that rent is collected in a timely manner.”

In messages such as these, tenants are being characterized as immoral or selfish. Landlords are placing the responsibility on tenants and deeming them inconsiderate if they are not able to pay rent in a timely manner. These communications evidence one of the ways in which landlords are not fully understanding of tenants’ inability to pay rent, but rather assuming that tenants are simply neglecting to pay. Communication between landlords and tenants could be reframed when thinking about housing as a right, rather than a commodity.

LANDLORDS THREATENING TO USE LITIGATION

Sample Communication: “You are our only tenant using the pandemic as an excuse not to pay rent. We intend to follow the law and use every resource at our disposal to ensure that we receive what we are owed.”

As seen in this example, landlords may use threats when tenants fail to pay rent, often sending intimidating messages that threaten legal action. This method does not take into account the uncertainty and change in financial stability for many tenants. Additionally, tenants may be receiving misinformation and subject to fees or even eviction, despite protections in place. Tenants unions have noted the importance of being familiar with these policies and making collective efforts in addition to individual ones when attempting to bargain with landlords. Depending on region, it may be illegal for landlords to harass the tenant due to non-payment over COVID-19, which the tenants can use as an argument in court (if it comes to that point).
In this type of situation, landlords have asked for different forms of “proof” that tenants are facing hardship due to COVID-19 and unable to pay their rent. These different forms of documentation can include letters from employers, bank statements, or even verification of health care expenses. This process can be detrimental for tenants having their privacy invaded in order to qualify for payment plans or other agreements with landlords. Thus, it is important to know what landlords can ask for and what tenants do and do not have to provide. Additionally, it is important to situate this communication in the context of local ordinances. This communication is based in Los Angeles, where tenants are not obligated to provide evidence of hardship. Looking at local ordinances about what landlords can and can't ask for during the pandemic demonstrates how landlords can easily lie to get information they want.

**TIME TO REFLECT!**

Do these tactics surprise you? Why or why not?

How do these communications make you feel as a tenant?

What sort of knowledge can be taken away from this section and be given to your community?

*This section is supplemented with knowledge provided by: The Philadelphia Tenants Union, Los Angeles Tenants Union, and Metropolitan Council on Housing. Specific tenant guides created by these collectives and more are cited in the "Resource Guide" of this playbook.*
NEGOTIATION & BARGAINING
Things to consider:

This playbook should act as a guide and not a controlling force

Those in charge of facilitating the conversation within the cohort should establish group norms. Your group should keep in mind and discuss that norms might be different than usual in the context of a pandemic; conversations may have to occur over zoom rather than in person. Will conversation be free flowing or will group members need to use the raise hand function to participate? Could your group possibly meet in a neighborhood location where socially distanced conversation is possible in an outdoor environment?

Conversation, and the playbook, will focus more on questions than answers. The goal of OUR playbook is to open a conversation about what change is possible and what change is necessary in relation to the adversity tenants are currently facing. Group members should strive to ask open ended questions that will drive conversation forward.

Another goal of these discussions is to encourage relationship building between participants. These conversations will hopefully allow you to realize the similarities and differences between yourself and your neighbors, so that concepts such as bargaining and negotiation can be seen in the collective space.

Final note: Prompts in our playbook are conversation starting points; don’t let them limit your conversation if it strays elsewhere; because a lot of these topics are focusing on relevance, don’t be afraid to discuss how these issues are appearing in your life and in your community right now.
DEFINING CONCEPTS

**BARGAINING:**
As an intransitive verb: to negotiate over the terms of a purchase, agreement, or contract; to come to terms (Merriam Webster)

**NEGOTIATION**
to confer with another so as to arrive at the settlement of some matter; to arrange for or bring about through conference, discussion, and compromise (Merriam Webster)

**NOTES AND REFLECTION:**
Jot down some thoughts/feelings/reactions you have about these definitions. How has the COVID19 pandemic altered how you view these processes?
Reflection directions: what sort of ideas or items do you associate with bargaining? Do these ideas have a positive or negative connotation? Use this space to think about and outline what sort of ideas or things American society has told or implied to you that bargaining is acceptable or the chosen method.

<table>
<thead>
<tr>
<th>THINGS/IDEAS YOU CAN BARGAIN FOR</th>
<th>THINGS/IDEAS YOU CANNOT BARGAIN FOR</th>
</tr>
</thead>
</table>

After taking a few minutes individually to jot down some notes, discuss as a group. What patterns are emerging here?
OUR VISION: COULD WE CHALLENGE HOW THE HOUSING AND RENTAL PROCESS IS VIEWED IN TERMS OF BARGAINING/NEGOTIATION?

EXAMPLE:

Unionization in the United States provides an example of how negotiating or bargaining as a collective can be beneficial for the group involved; this started with the National Labor Relations Act in 1935. Unionization benefitted its members as it acquired increased pay and better benefits, increased health care coverage and pushed for increased safety precautions at the workplace. Important context here is that the fight for labor rights was tied to the fight for civil rights. As labornotes.org stated, "Unions serve their members when they fight not only for improvements in the workplace but also against inequities in society."

In a similar manner, if those who have the same job and join the same union can bargain together, why can’t we reimagine the policy of housing rentals as a collective effort?
BARGAINING ALONE VS. AS A COLLECTIVE: A DISCUSSION

What are some of the positives that we could imagine from this?

Take a few moments to write down some ideas, and then share as a group.

LET’S TAKE A MOMENT TO REIMAGINE THE POLICY OF HOUSING/RENTING AS A COLLECTIVE EFFORT:

If bargaining/negotiating for rent was a collective effort, what would change and what would remain the same? How would our community change, as a result of this collective effort?

Take a few moments to write down some ideas, and then discuss as a group. Would these changes be beneficial to the community?
A consequence of collective bargaining for rent could yield more concise communication between the landlord and the renter. The landlord wouldn’t be dealing with individuals, but a collective.

An additional possible positive is that tenants would feel less alone in the process of negotiating rent. The collective would have a support system, like a union.

As reported by AEMP data, there has been a surplus of reported inconsistent and unhelpful communication by landlords.

With stay at home orders in effect along with social distancing measures, “traditional” bargaining and negotiation situations (discussing terms in person, at the same table) may seem impossible or a threat to ones' health.

A tenant collective, as a group, could outline how negotiation could continue in the most productive way. Some examples could include by email or letter, which creates a paper trail, over the phone, which is more personal but still not "in person", or social distancing negotiations with masks.
If these societal norms were changed or shifted, so that bargaining was expected rather than a point of contention, many aggressive confrontations that have been documented between landlords and tenants during the 2020 COVID19 pandemic would be mitigated.

HAS THE COVID19 PANDEMIC SHED LIGHT ON THE NEED TO REDEFINE BARGAINING, SPECIFICALLY FOR TENANTS?

some ideas that we thought of:

The process of bargaining shouldn’t be limited to deciding the terms of the initial contract and the price of the rental space.

This graphic depicts how bargaining should be thought of as a continual, ongoing process, especially in times of uncertainty and drastic change.

If these societal norms were changed or shifted, so that bargaining was expected rather than a point of contention, many aggressive confrontations that have been documented between landlords and tenants during the 2020 COVID19 pandemic would be mitigated.
How can bargaining be thought of as a positive thing and as a source of empowerment for renters?

As AEMP's data clearly shows, this isn't the case for tenants currently in all areas of the United States.

"Many of your employers have been asked to shut down operations, but not at our apartment complex."

"Keep in mind that your rent pays the salaries of more than 300 members of our apartment complex team; it is tempting to let other fend for themselves..."

"The rent strike flyer we found outside your door is in violation of the rental policies. The pandemic cannot be used as an excuse to avoid paying rent."

Discuss as a group: what do you think bargaining is and is not in the scope of the current pandemic? How are these issues appearing in your life right now? Have your efforts to bargain with your landlord been met with aggression or retaliation?
GENERAL NEGOTIATION STRATEGIES THAT COULD BE APPLICABLE FOR BARGAINING WITH YOUR LANDLORD

**best alternative to a negotiated agreement**

- Be honest with what you can afford right now but begin thinking about possible backup plans before you enter the conversation.

**small talk before and active listening skills during**

- Think about how the context of in person vs virtual conversation will apply here; make it a goal to re-humanize the process of bargaining.

**Using your history as a tenant as leverage**

- Let's frame an aspect usually seen as a detriment so that it can be utilized to our advantage; your presence in the community makes it successful, safe, and allows it to continue to grow.

**Tenant presenting the offer vs landlord presenting the offer**

- The party that presents the first offer typically has the most leverage when negotiating. This is a good opportunity for the tenant to differentiate between unwilling vs. unable to pay rent.
What should we **bargain** for as tenants?

Food Not Rent Initiative by LATU; visit foodnotrent.org for more information

How can we **leverage** our power as tenants?
One way to leverage your power as a tenant is having the skills and knowledge to identify how landlord negotiation oftentimes emphasizes unequal relationships, with the detriment to tenants.
2. IF BARGAINING IS IN A CAUSAL RELATIONSHIP WITH THE AMOUNT OF LEVERAGE, HOW CAN WE, AS TENANTS, INCREASE OUR LEVERAGE?

How can you, in partnership with your community, leverage your power? Jot down some ideas here.

How can you, in your current situation, leverage your power? Jot down some ideas here.

Group exercise: personally reflect and then discuss your responses as a group: think about the differences between your responses for "you as an individual" versus "you as a community."
Instead of the typical perception where power is solely found in money, tenants could instead root power in numbers (of people) in the bargaining/negotiation process.

Tenants can go into the negotiation process with the goal of negotiating for more than the tenant's goal so that the result of the negotiation is the original goal.

Tenants are bargaining in multiple formats or the format where they feel most power; some examples are verbal and written, in person or virtually, alone or as a group.

During the negotiation process, tenants can make a point where the presence of the tenant increases the value of the property; the presence of the tenant in the rental space is contributing in creating a safe, prosperous, connected community.

As mentioned in the landlord profiles section, some landlords are requesting letters or documentation from employers. The employer could help to leverage tenant power by vouching for the renter in this documentation instead of providing solely numbers based information like was cited above.

Could you use some of these examples in your community?
There are organizations and movements that have goals of uniting renters during COVID-19. Some examples are LA Tenants Union and the Anti-Eviction Mapping Project.

For example, LATU’s Food Not Rent campaign argues to think about the future and prioritize food/medicine since no one knows when the pandemic will end. Working on the assumption that the federal and state governments will not provide resources needed to survive, LATU emphasized that it is necessary to withhold rent to collectively bargain with landlords and lawmakers. Tenant groups around the country have called for the cancellation of rent, stressing that erasing renters’ debt and ensuring they stay housed is the only way out of this housing crisis. Therefore, we have included a list of resources to uplift the work of tenant groups and share knowledge to build just housing rights for all.

Visit latenantsunion.org for more information.
TOPICS TO CONSIDER:

DATA THAT ARE (AND ARE NOT) AVAILABLE TO US

AEMP's mission is to document resistance upon gentrifying landscapes by producing digital maps, oral history work, film, murals, and community events. Their website, antievictionmap.com, provides interactive maps that allow visitors to visualize the impact of housing protection legislation. One thing to note is that oftentimes, data is not available to us. An example is that right now, we aren't aware of the net movement by geographic area caused by illegal evictions.

Visit antievictionmap.com for more resources like this interactive COVID19 Housing Protection Legislation map
Let's circle back and connect all the topics outlined in the playbook in our discussion. How has the racial segregation driven by the housing market affected your neighborhood and community? What 'type' of landlord is your community dealing with, and what sort of tactics of negotiation could you employ against them? How can your community leverage their power as tenants, possibly using some of the examples provided? Does your community cohort have similar goals to some of the listed organizations and movements?
Check out the work tenants unions around the country have done on the ground!

**Philly Tenants Union**
Founded in 2016, this tenant led organization has created a COVID-19 Organizing Guide, offering organizational tools for tenants to band together against landlords: [http://phillytenantsunion.org/](http://phillytenantsunion.org/)

**Los Angeles Tenants Union**
An autonomous, member funded union that fights for the human right to housing. They have compiled a list of COVID-19 Resources for LA residents along with crisis demands: [https://latenantsunion.org/en/](https://latenantsunion.org/en/)

**Met Council on Housing**
Believing in the motto "housing for people, not profit", this tenants' rights membership organization is one of many groups that support the ongoing rent strike in NY during the pandemic: [https://www.metcouncilonhousing.org/](https://www.metcouncilonhousing.org/)

**Autonomous Tenants Union**
A Chicago based volunteer tenants collective that fights for community control of housing through coalition building: [https://autonomoustenantsunion.org/covid19](https://autonomoustenantsunion.org/covid19)

*This list is just a sampling of tenants organizations*
Renters Are Being Forced From Their Homes Despite Eviction Moratoriums Meant to Protect Them

‘The housing emergency most harms people of color:’ Black Americans face an unequal housing market — and coronavirus could make it worse

Published: June 3, 2020 at 11:07 a.m. ET

As the Coronavirus Ravages the City, Where Should a Good New Yorker Be?

Landlords Jump the Gun as Eviction Moratorium Wanes

The CARES Act temporarily protects millions of renters from being kicked out of their homes for nonpayment. Filings aren't supposed to resume until after Friday.