February 2023

# Renter Tax Credit Policy Brief

## Background and Context

The federal tax system is a powerful, effective financial tool that can immediately respond and provide support to struggling renters and prevent and reduce housing instability and homelessness. Financial resources that flowed through the tax code, such as multiple rounds of economic stimulus payments and temporary expansions of the Child Tax Credit (CTC) and Earned Income Tax Credit (EITC), proved effective in lifting people, especially children, out of poverty.[1] These critical investments that received bipartisan support from Congress enabled the U.S. to prevent — even temporarily — an eviction tsunami, and improve the food security, mental health, and overall financial security of millions of households. Housing affordability often leads to housing stability, and individual safety and security.

Inequities remain in our federal tax system, but we can change this system to do a better job of addressing the affordable housing and homelessness crisis. For decades, tax policy favored the wealthy. This has created, maintained, and even increased disparities in income and wealth. Lawmakers have done little to address these disparities or create opportunities for low- and middle-income people to prosper. Progressive elements of the tax code often benefit only wealthy people and corporations, leaving everyone else behind.

This document explains what a renter tax credit (RTC) is, why it is needed, and how it could work to benefit struggling tenants across the country. **RESULTS proposes a fully refundable, federal RTC to provide swift relief to a broader segment of the population experiencing housing insecurity that have not been served by existing housing and homelessness programs**.

## Reframing Housing Insecurity

Housing has been at the center of anti-poverty work for much of our nation's history, including when efforts to expand housing programs and to better understand housing needs came into the foreground in the 19th Century. Notably, the U.S. Department of Housing and Urban Development (HUD) had the second highest budget after the Department of Defense until the 1980s, at which point the focus of anti-poverty policy shifted away from housing.[2]

The U.S. now faces multiple housing crises that have continued to worsen and evolve, including housing supply and cost problems in both rural and urban environments. The Eviction Lab has found that "eviction rates in some cities are increasing to or surpassing their pre-pandemic levels."

A full-time minimum wage worker can only afford a one-bedroom rental at Fair Market Rent (FMR) in **nine percent of U.S. counties**.[3]

Putting our housing struggles in the global context also reflects the severity of the problem: the U.S. has the highest eviction rate among wealthy nations in the Organization for Economic Cooperation and Development.[4]

People experience housing insecurity in several ways, including but not limited to:

- Being so rent-burdened that even a modest financial shock may lead to eviction;
- Having to double- or triple-up with other families to afford rent;
- Moving back in with parents, grandparents, or other relatives;
- "Couch surfing" or scattered housing;
- Living in transitional housing, substandard housing, or having an informal living arrangement without a lease;
- Or living in a car.[5]

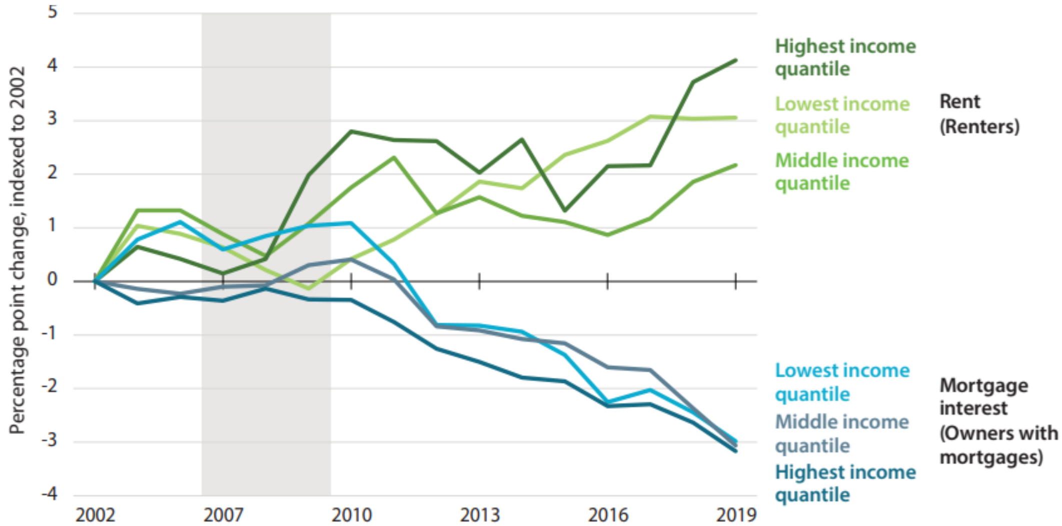
None of these experiences fit the stereotype of experiencing "homelessness" — a term that has negative associations — but all of them fit along the spectrum of housing insecurity.

Preventative measures are key for three primary reasons. First, housing insecurity can be traumatic and difficult to recover from physically, emotionally, professionally, and materially. Second, the unsheltered population is growing, and aid programs designed to help them are increasingly strained; these programs are simply unsustainable unless we stem the tide and address the underlying symptoms. Third, housing instability is detrimental to individuals and families in several ways long before they reach the point of being unsheltered.

## Why Renters?

Renters are often left behind by the existing tax code. Despite their contributions to the economy, many tax breaks, such as the mortgage interest deduction, first-time homebuyer credit, and state and local deductions, only benefit homeowners. This contributes to widening wealth disparities.[6] Prioritizing low-income renters is an important step in creating a fairer tax code.

**Change in Housing Expenditures as a Share of Total Household Expenditures, by Tenure and Income, 2002 to 2019**




Source: Consumer Expenditure Survey, 2002–2019; authors' calculations.

Note: Data are 3-year moving averages of the percentage point changes in household spending on rent (among renters) and mortgage interest (among owners with mortgages) as shares of total housing expenditures, indexed to 2002. The lowest income quantile includes pre-tax household incomes less than $35,000 in 2019 dollars. The middle income quantile includes pre-tax household incomes greater than $35,000 and less than $80,000 in 2019 dollars. The highest income quantile includes pre-tax household incomes of $80,000 or greater in 2019 dollars.

*Source: The Hamilton Project*

High rent costs are a severe burden on low-income renter households.[7] Even before the COVID-19 pandemic, millions of people in the U.S. struggled to afford housing. Now, rents are skyrocketing, and people are struggling even more to keep up. To make matters worse, wages are not increasing with rents. *Moreover, many renters who are low- and middle-income taxpayers are unable to tap into existing housing and homelessness programs.* Even gainfully employed people are unable to afford their rents. Right now, a minimum-wage worker cannot afford a two-bedroom apartment in any state in the U.S.[8]

A recent report found that **nearly half of all renter households are spending more than 30 percent of their incomes on rent** and utilities each month.

This forces people to make an impossible choice between housing and other necessities like food or healthcare.[9] And when tax benefits are given to homeowners, landlords, and developers, they are not necessarily passed down to renters.

Tax credits and other tax benefits would immediately and directly help people afford their rent, providing housing stability and *preventing* evictions and homelessness. It would also give people the freedom to spend their incomes on other necessities, such as food, clothing, healthcare, and childcare. The tax code, if designed to benefit and prioritize renters, could also help lift households further away from poverty and give them more housing choice and financial security. We would all benefit from a healthier, happier population that thrives and promotes economic growth.

## What is a Renter Tax Credit?

An RTC uses the tax code to deliver targeted relief to struggling renter households, like the CTC and EITC. By providing direct, immediate relief, this policy would effectively cap out-of-pocket rent and utilities, so that households can afford a safe place to live without sacrificing other basic needs. With an RTC, households that are considered "rent-burdened" would receive a tax benefit based on their income and how much they spend on rent.

An RTC could be structured and calculated in different ways.

One method is based on the relationship between a household's income and either the amount of rent they pay, the FMR, or the Small Area Fair Market Rent (SAFMR).[10] A household is considered rent-burdened if they pay more than 30 percent of their income on rent, including utilities. We could base an RTC on this percentage. The basic formula for an ideal RTC would be as follows:

*Credit amount = Rent paid/SAFMR/FMR – 30 percent of income*

For example, if Michael makes $1,000 per month, they should only spend $300 per month (30 percent) on rent. Assume that the FMR or reasonable amount that Michael (or anyone in a similar financial situation as Michael) should be paying is $300 per month. If they spend $500 per month on rent, this is $200 more than they should spend. To make up for this, they would receive a $200 per month RTC.

Although a federal RTC has not yet been enacted, some Members of Congress (MOCs) have introduced refundable RTC legislation and a number of states also have RTCs.[11] The Terner Center for Housing Innovation at the University of California, Berkeley drafted a seminal paper that formed the basis for these various policy proposals in Congress.[12]

Many states already have some variation of a tax credit or deduction for renters in place, providing a lifeline to those who are eligible to receive them.[13] But these benefits are not sufficient to address the housing affordability crises that many households experience. And none of them meet the criteria of being a fully refundable, monthly credit.

States such as Arizona,[14] Colorado,[15] Connecticut,[16] Iowa,[17] Missouri,[18] Montana,[19] New Mexico,[20] North Dakota,[21] Pennsylvania,[22] Rhode Island,[23] and Utah[24] have renter's tax credits but limit eligibility to the elderly and/or people with disabilities.

Some states, like Arizona,[25] California,[26] Hawaii,[27] Maryland,[28] Michigan,[29] Missouri,[30] Rhode Island,[31] and Utah[32] have renter's tax credits that are not refundable and only reduce a household's tax liability without providing any cash refund.

Similarly, states like Indiana,[33] Massachusetts,[34] and New Jersey[35] have deductions for renters that only reduce taxable income and do not benefit lower-income households.

In other states where the cost of living is very high, like California[36] and Hawaii,[37] the renter's tax credit is less than $100, which is inadequate to reduce rent burdens.

Additional states, such as Kentucky[38] and Nebraska,[39] have introduced legislation for a state-level renter's tax credit. In the proposed Kentucky bill, the RTC is limited to households with an income that is at or below 133 percent of the federal poverty line. This RTC will only cover 25 percent of annual rent costs and no more than $1,000.[40] Nebraska's proposed bill is slightly larger with a $3,000 cap, but it is just a deduction, not a credit. Meanwhile in Nebraska, property owners receive a state tax credit.[41]

In 2023, more states reported considering a similar type of tax mechanism in their state codes to provide relief to renters. In the Oregon legislature for example, Republican State Senator Cedric Hayden is sponsoring Senate Bill 435, which would create a renter tax deduction in the state and give renters a tax benefit similar to what homeowners receive.[42] Likewise, California State Republican lawmakers are making a push to increase the state's existing renter tax credit.[43]

## What Kind of Renter Tax Credit Do We Need?

For an RTC to truly help struggling renters, the credit must be a *fully refundable tax credit*. There are several states who offer a refundable tax credit, including Maine, Minnesota, New York, Vermont, Washington, D.C., and Wisconsin. But what does a fully refundable tax credit mean?

### Refundable versus Non-Refundable

A refundable tax credit simply works like this — if your tax credit is larger than the amount of taxes you owe, you receive a refund for the difference. For example, if you owe $300 in taxes and receive a $500 refundable tax credit, you would receive the remaining $200 as a tax refund. This is a great way to get money into people's hands, and it gives them the flexibility and freedom to make family financial decisions without the need for a middleman. This is how the EITC works as well as the 2021 expanded CTC.

However, if the credit was not refundable, the remaining $200 of your credit would disappear. Non-refundable tax credits, which most are, typically only benefit people with higher incomes.

### Credit versus Deduction

As noted above, a credit is a reduction in the amount of taxes you owe. A deduction, on the other hand, is a reduction in the amount of your taxable income. For example, if you make $1,000 of taxable income and receive a $600 tax deduction, you would only have $400 of taxable income. Lower taxable income means lower taxes owed. Like a non-refundable tax credit, deductions typically benefit people with higher incomes. Because of the progressive nature of our tax code, lower-income Americans already have little or no taxable income, thus a tax deduction has minimal or no impact on their tax liability. The most common federal tax deduction is the standard deduction, used by about 85 percent of tax filers.[44]

## Why Do We Need a Renter Tax Credit?

### The Tax Code Currently Does Not Prioritize Renters

The tax code reflects the priorities of the country. Policymakers use the tax code to collect revenue for the country and benefit various groups. Currently, the primary beneficiaries of our tax code are wealthy individuals and corporations, often at the expense of those with lower incomes or little wealth. Congress spends approximately $200 billion per year on housing, but the majority of that goes to the highest income households through benefits like the Mortgage Interest Deduction (MID).

The wealthiest seven million households (earning over $200,000 per year) in the country **receive more housing assistance through tax credits than the 55 million lowest-income renters**.[45]

Meanwhile, federal housing resources through other departments benefit only around five million households.[46] Despite their contributions to the economy, many tax breaks (e.g., the MID, the first-time homebuyer credit, state and local deductions, and even the Low-Income Housing Tax Credit) only benefit certain groups, like homeowners, developers, and landlords. A fairer tax code would go a long way in helping shrink wealth and income disparities in the U.S., reducing poverty and expanding opportunity.

We can fix the inequities in our federal tax system to better address the affordable housing crisis. For decades, tax policy ended up concentrating wealth mostly among those who already have it. This has created and increased disparities in income and wealth. Although there are some progressive elements to our tax code, overall, lawmakers have done little to address disparities within it.

### Renters Do Not Receive Similar Benefits to Homeowners, Landlords, and Developers

Renters are at greater risk of losing their shelter than homeowners in part because they are left out of benefits that homeowners, landlords, and developers receive. And unlike their homeowner counterparts, renters do not have the benefit of being locked into a fixed mortgage rate that insulates them from inflation and increasing housing prices. At the same time, existing programs are not meeting the needs of most rent-burdened households (those spending more than 30 percent of their income on housing) because of overregulation and bureaucracy. Meanwhile, economic benefits that go to other groups (e.g., landlords) are not passed down to renters. Now, we need multiple solutions to address the constellation of problems that contribute to housing instability and economic injustice.

### Similar Tax Credits Have Proven Effective in Lifting People Out of Poverty

While a federal RTC is a relatively novel concept, there is some precedent for it. Financial resources that flowed through the tax code, such as multiple rounds of economic stimulus payments and temporary expansions of the CTC, proved successful in lifting people, especially children, out of poverty. These critical investments enabled the U.S. to prevent (even temporarily) an eviction tsunami. They also improved food security, mental health, and overall financial stability in millions of households. The CTC alone reached over 61 million children in December of 2021, cutting child poverty by almost 30 percent. Families used this extra income to pay for food, healthcare, childcare, and other necessary expenses. They also used it to replenish or grow their savings for long-term stability. The CTC not only decreased child poverty in the short term, but it also increased family social mobility in the long term.[47] Sadly, Congress let these expansions expire at the end of 2021.

Using the existing mechanisms for the expanded CTC, EITC[48], and Economic Impact Payments (stimulus checks during the first year of the COVID-19 pandemic), we know we can put money directly into the pockets of people who need it, and we can do so on a monthly basis, which complements how households pay their bills. **Using the tax code this way reduces the administrative costs and burdens associated with other forms of assistance.**

### Existing Programs Are Inaccessible and/or Unavailable to Many Households

With a federal RTC, the tax code could affect long-term structural change that would address historic underinvestment in renters. While there are many important forms of aid, like Housing Choice Vouchers (HCVs), public housing, and other programs through HUD, these are not accessible or available to many people. Right now, only one in four eligible renters receive federal housing assistance due to inadequate funding. With an RTC, we can address many of the gaps we see with other programs, such as long waitlists to receive benefits, refusal or inability of landlords to take part in programs, and limited housing choice.

One study found that **an RTC would assist 250 percent as many poor renters and nearly three times as many severely cost-burdened renters** as existing housing subsidy programs.[49]

### A Federal RTC Can Strengthen the Workforce

Most renters who get evicted are employed. Losing one's housing can lead to job loss, which disrupts the workforce. It is in our best interest to make sure workers remain housed. Workers lose their housing because, for decades, wages have not kept up with astronomical increases in rent and they are unable to afford it.

In the last 20 years, **median rent has risen 13 percent, but the median income has risen less than 0.5 percent**.[50]

At the same time, federal assistance for new households has decreased.[51] **Rental costs have simply become so burdensome that even gainfully employed renters cannot keep up.** A federal RTC can help with rent affordability, thereby preventing those who are working from losing their housing.

One of the most striking findings in a 2016 study from Harvard is about how evictions negatively affect employment. This study revealed that "job loss is a weaker predictor of housing loss than vice versa."[52] Many assume that a tenant might be evicted because they lost their job and cannot pay rent. The reverse is more common: someone is evicted despite working, and *then* loses their job due to the logistical and stress-related complications associated with eviction. **Forced removal from housing increases the chances of losing one's employment by 11 to 22 percent**.[53] When workers who experience job loss after being displaced from their homes find new employment, their earnings are roughly 17 percent less on average, and this wage loss can continue for up to 20 years.[54]

## Why Do We Need to Both Increase Housing Supply and Support Renters Facing Challenges?

It is crucial that we have both supply- and demand-side solutions to the complex housing crises, and those solutions must be responsive to the needs of modern society. The dynamics of the affordable housing crisis are multifaceted and complex but can be simplified using the laws of supply and demand. The imbalance between the shortage of affordable housing supply and great demand for it (particularly at a time of high inflation) is driving prices even higher.

A federal RTC would provide urgent relief from the housing affordability crisis. We support efforts to increase affordable housing supply, but households would have to wait several years if not decades before realizing the benefits of built affordable units from an increased housing supply, a luxury that many people do not have. When households experience housing insecurity, the solution they clamor for is one that would immediately help them with affordability, not having to apply for a program with copious rules, regulations, and a long waitlist, nor is it helpful to be told they have to wait until they are on the streets or in a shelter before they can receive assistance.[55] Even if many more housing units are built over time, many will remain unaffordable for low-income households or built in places with limited economic opportunity, as is the case with much of today's existing supply of "affordable" housing units.[56] Supply-side solutions (like building more affordable housing) should complement demand-side solutions (like an RTC or other supports targeting renters).

In the early 2000s, the Institute for Children and Poverty estimated a gap between affordable housing units and low-income renters of over four million, leaving those with the lowest income "extremely vulnerable to homelessness, secondary to shifts in the housing market."[57] A more recent report from 2015 notes that ***for every 100 extremely low-income renters in the U.S., there are only about 30 affordable housing units available.***[58] The pandemic then exacerbated this issue. Even if people are able to afford rent, there may not be enough units available to them. This problem sometimes plays out in the HCV program when voucher recipients struggle to find a suitable unit within the required 60-day period after being awarded their voucher.[59]

While a federal RTC will have a more immediate impact on demand than on supply, it may have some effects on supply. There are at least two ways in which the RTC could influence supply. First, the RTC may help ease the supply shortage (even if only slightly) by broadening the range of units that renters can access, *providing them with greater housing choice*. Tenants will have more options because they will not be constrained by the same stipulations present in other housing assistance programs. For example, they will not have to find a landlord who is able and willing to participate in a voucher program or a federally subsidized development. Second, because RTC payments would go directly to renters, neighbors and landlords do not need to know which tenants are receiving the RTC and which are not. This should cut down on discrimination and NIMBYism, both of which limit access to and supply of affordable housing.

Building and restoring more affordable housing stock takes time. We support those efforts, especially ones that would boost supply by creating more equity in the tax code. In the meantime, millions of rent-burdened households could benefit immediately from a federal RTC.

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[3] Kass, Arielle. 2022. "OUT OF REACH: Home Affordability Challenged for Renters and Buyers in Metro Detroit." *Crain's Detroit Business* 38 (16): 21. https://ezproxy.lexpublib.org:2076/login.aspx?direct=true&db=bwh&AN=156587136&site=ehost-live&scope=site at 1 and 4.

[4] Gracie Himmelstein & Matthew Desmond, Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic, Health Affairs, April 2021, https://www.healthaffairs.org/do/10.1377/hpb20210315.747908/#:~:text=In%20surveys%20conducted%20with%20evicted,%2D%20and%20alcohol%2Drelated%20deaths at 4.

[5] Roger M. Nooe & David A. Patterson, The Ecology of Homelessness, Journal of Human Behavior in the Social Environment, March 12, 2010, https://doi.org/10.1080/10911350903269757.

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[7] The Effects of the Rent Burden on Low Income Families (March 2018), available at https://www.bls.gov/opub/mlr/2018/beyond-bls/the-effects-of-the-rent-burden-on-low-income-families.htm

[8] See generally, National Low Income Housing Coalition, Out of Reach, https://nlihc.org/oor

[9] Harvard University, Joint Center for Housing Studies, "The Rent Eats First: Rental Housing Unaffordability in the United States" (February 2022) https://www.jchs.harvard.edu/research-areas/journal-article/rent-eats-first-rental-housing-unaffordability-united-states

[10] U.S. Department of Housing & Urban Development, https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html. FMR is calculated by HUD to determine the reasonable market rate for a modest rental unit in a given area. It is typically based on the 40th percentile (or occasionally the 50th percentile) of rental rates among new leases. One drawback of FMR calculations is that rental rates can vary widely within a single area, and FMR treats entire metro areas homogenously. To remedy this, HUD has begun phasing in SAFMR calculations to localize this metric, making programs based on this calculation more equitable. SAFMRs allow localities to determine fair market rent for each zip code, and sometimes an even smaller area if a zip code is especially large and economically diverse.

[11] Then Sen. Kamala Harris proposed the Rent Relief Act with a companion bill from Rep. Danny Davis. See S. 1106, 116th Cong. (2019–2020), https://www.congress.gov/116/bills/s1106/BILLS-116s1106is.pdf and H.R. 2169, 116th Cong. (2019–2020), https://www.congress.gov/bill/116th-congress/house-bill/2169/text respectively.

Sen. Cory Booker proposed the Housing, Opportunity, Mobility, and Equity Act with Rep. Jim Clyburn proposing the same in the House during the following Congress. See S. 3342, 115th Cong. (2017–2018), https://www.congress.gov/bill/115th-congress/senate-bill/3342 and H.R. 4808, 116th Cong. (2019–2020), https://bit.ly/3OZE19w respectively. *See also*, Bold Proposals for Renters' Tax Credits, National Low Income Housing Coalition, https://nlihc.org/sites/default/files/Factsheet_08022018.pdf. Former Senator Dean Heller (R-NV) also introduced the Seniors Affordable Housing Tax Credit, S.3580, 115th Cong. (2017-2018), https://www.ncsha.org/resource/s-3580-seniors-affordable-housing-tax-credit-act/, which would provide a tax credit for owners of multifamily rental property who agree to rent their homes to extremely low-income seniors.

[12] The FAIR Tax Credit, Terner Center for Housing Innovation at UC Berkeley, https://ternercenter.berkeley.edu/wp-content/uploads/pdfs/FAIR_Credit.pdf

[13] See e.g., *Protecting and strengthening Minnesota's Renters' Credit*, Minnesota Budget Project, https://www.mnbudgetproject.org/issues/current-agenda/renters'-credit

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[15] CO Rev Stat § 39-31-101. https://leg.colorado.gov/sites/default/files/images/olls/crs2021-title-39.pdf at 917

[16] CGS Chapter 204a. https://www.cga.ct.gov/current/pub/chap_204a.htm#:~:text=Chapter%20204a%20%2D%20Property%20Tax%20Relief,Persons%20with%20Permanent%20Total%20Disability

[17] Iowa Code § 425.17. https://www.legis.iowa.gov/docs/code/425.17.pdf

[18] RSMo §135.010 et seq. https://revisor.mo.gov/main/OneSection.aspx?section=135.010

[19] MCA § 15-30-2337. https://www.leg.mt.gov/bills/mca/title_0150/chapter_0300/part_0230/sections_index.html

[20] NMSA § 7-2-18. https://nmonesource.com/nmos/nmsa/en/item/4340/index.do#!fragment/zoupio-_Toc100336881/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoAvbRABwEtsBaAfX2zgEYAGLgZl4BsADiEcAlABpk2UoQgBFRIVwBPaAHJ1EiITC4Ei5Ws3bd+kAGU8pAEJqASgFEAMo4BqAQQByAYUcTSMAAjaFJ2MTEgA

[21] N.D. Cent. Code § 57-02-08.1. https://www.ndlegis.gov/cencode/t57c02.pdf

[22] Pa. Code § 61.401.1. https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/061/chapter401/s401.1.html&searchunitkeywords=rent%2Crebate&origQuery=rent%20rebate&operator=OR&title=null

[23] R.I. Gen. Laws § 44-33-3. http://webserver.rilin.state.ri.us/Statutes/TITLE44/44-33/44-33-3.HTM

[24] UT Code § 59-2-12. https://le.utah.gov/xcode/Title59/Chapter2/59-2-P12.html

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[27] HI Rev. Stat. § 235.55.7. https://files.hawaii.gov/tax/legal/hrs/hrs_235.pdf at 43.

[28] MD Code, Tax-Property § 9-102. https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gtp&section=9-102

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