
Guest Column: In Defense of Landlords

August 16, 2021



As the U.S. Centers for Disease Control moves to extend a federal eviction moratorium that (including its original CARES Act version) has now been in place for most of 18 months and that President Joe Biden himself concedes is "not likely to pass constitutional muster," most of the public rhetoric and advocacy boils down to "what about the tenants?"

That's understandable. Nobody - at least nobody who's ever faced the prospect of homelessness and has any heart at all - wants to see tenants kicked to the curb with nowhere to go, especially tenants who, through no fault of their own, have been pushed into a financial corner by nearly a year-and-a-half of lockdowns, business closures and other fallout from the COVID-19 pandemic.

Much less often asked, though, is the question "what about the landlords?" When that question does come up (and it's coming up in the courts again as the National Apartment Association and other landlord groups sue for compensation pursuant to the Fifth Amendment's "takings" clause) one can almost literally hear the world's smallest violin tuning up in the background.

I'm aware of, and reasonably well versed in, the centuries-long arguments over the ethics of rent and of property in land. I don't aim to settle those arguments here.

Given the long history of land ownership and home/apartment rental in the United States, though, it seems to me that the plaintiffs have a good case, and that the American "landlord class" deserves a far more sympathetic ear than it's had lately.

I've been a renter for most of my adult life, including times when I could have swung a down payment and qualified for a mortgage to own instead of rent. Renting made more sense for various reasons, including my somewhat itinerant lifestyle - following jobs, following love, etc.

Most of my landlords haven't been giant corporations with deep pockets. They've been regular people who worked hard, put their money into real estate down payments and tried to keep that real estate occupied by paying tenants until the property was paid off and might perhaps turn a profit or be sold. And even the giant corporations with deep pockets are providing a service to willing customers. They're not charities and shouldn't be expected to act like charities.

During the eviction moratoria, landlords haven't shed themselves of responsibility for keeping the water running, keeping the heat and air conditioning in working order and making mortgage payments. They're still paying, or trying to pay, those costs. But they're not getting the rent that tenants freely agreed to pay before moving in.

If you're looking for a solution that pleases and protects everyone, I'm sorry to say you're reading the wrong column. I have no such solution to offer.

However, given that the government's solution to every COVID-19 problem so far has been to kick the printing presses into high gear and mail out checks, it seems to me that America's landlords have a better case than most in suing for checks of their own.

Thomas L. Knapp (Twitter: @thomaslknapp) is director and senior news analyst at the William Lloyd Garrison Center for Libertarian Advocacy Journalism (thegarrisoncenter.org). He lives and works in north central Florida.