

Eviction Overview, Tenant Protections, Education and Outreach, Notice of Tenants Rights

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Recap: Eviction Process

- Reasons for Eviction
 - *Failure to Pay Rent*
 - *Violation of lease terms*
 - *Illegal activity or unsafe behavior*
- 1. Three day notice to Vacate/Quit
- 2. Forcible Entry and Detainer Suit filed within 21 days in JP Court
- 3. Eviction Hearing in JP Court
- 4. 5 day appeal period for tenant
- 5. Writ of Possession

CARES Act – Temporary Moratorium on Eviction Filings

- 120-day moratorium on evictions for any residential property that receives federal housing funds beginning March 27, 2020 and ending on July 24th, 2020. Landlord is prohibited from:
 - making, or causing to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of a rental unit from the tenant for nonpayment of rent or other fees or charges; or
 - charging fees, penalties, or other charges related to such nonpayment of rent.
- A landlord also:
 - may not issue a notice to vacate until after July 24th, 2020 unless the moratorium period has been extended by the federal government; and
 - must still provide the federally-required 30-day notice to vacate whenever the landlord begins eviction actions once the CARES Act moratorium expires.
- 50% (approximately 130k) of all city rental properties are protected under the CARES Act.

State of Texas and Bexar County – Temporary Moratorium on Eviction Proceedings

The Texas Supreme Court and Bexar County have suspended eviction proceedings until May 18th and June 1st.

- Statutory pre-eviction steps can and are continuing, e.g., landlords issuing “notices to vacate”

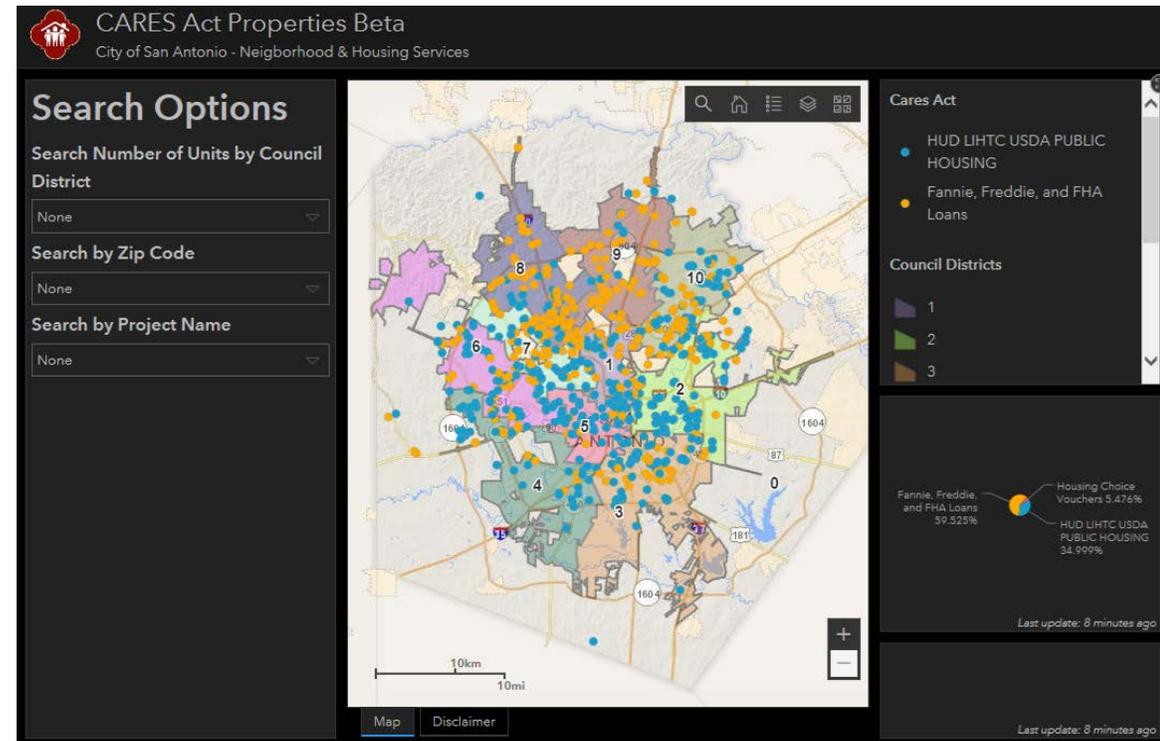
Texas Property Code prohibits landlords from illegally denying access to tenants through lockouts and prohibits property owners from shutting off utilities for nonpayment of rent.

Tenant and Landlord Resources

- Fair Housing Website and Hotline
 - Counseling services for tenants that may experience evictions, repairs, security deposits, utilities billing and termination, code violations, lease disputes, occupancy standards and other related issues.
- Right to Counsel Program
- COVID 19 Emergency Housing Assistance Program
 - Mirrors Risk Mitigation Fund that was adopted in October 2018
 - Adopted by City Council on April 23rd
- Bexar County Housing Authority Rental Assistance Program
- Non-Profit Community
 - Catholic Charities
 - SAMM
 - St. Vincent de Paul

CARES Act Map

- Interactive map that includes all the properties that are subject to the protections in the CARES Act.
 - City staff resource when processing EHAP applications to make sure that the landlord is not applying fees.
 - Tenant resource to determine if a property
 - Landlord to determine if their property is subject to the protections



Tenant Protections Letter

- Co-Signed by City and County Manager
 - *Federal, State, and Local Protections*
 - *Penalties for Violations*
 - *City and County Rental Assistance Programs*
 - *HUD FAQ's*
- Mailed
 - *CARES Act Properties*
 - *San Antonio Apartment Association Data Base*
 - *Property owners that filed an eviction in the last 12 months*
 - *Absentee Landlord Database*
 - *Small landlord inventory*
- Emailed
 - *San Antonio Apartment Association Membership*
 - *San Antonio Board of Realtors Membership*
- Press Release



DAVID SMITH
COUNTY MANAGER
COUNTY OF BEXAR
TEXAS



ERIK WALSH
CITY MANAGER
CITY OF SAN ANTONIO
TEXAS

MAY 4, 2020

BEXAR COUNTY & THE CITY OF SAN ANTONIO AFFIRM TENANT PROTECTIONS AMIDST COVID-19 PANDEMIC

The public health and economic realities of the pandemic have caused uncertainty for both renters and housing providers. However, harassment of tenants is never acceptable. Under COVID-19 there are new protections that everyone should be aware of.

1) Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The CARES Act provides additional protections for residents at properties with federal Housing and Urban Development (HUD) financing such as public housing authorities, Low Income Housing Tax Credit (LIHTC)-developed properties, or developments with federally-backed mortgages through Fannie Mae and Freddie Mac. These protections also apply to people who use Section 8 housing vouchers to pay their rent.

Under the CARES Act the federal government has implemented a 120-day moratorium on evictions for any residential property that receives federal housing funds, including both public housing and mixed income housing beginning March 27, 2020 and ending on July 24th, 2020. During the 120-day moratorium a landlord is prohibited from:

(1) making, or causing to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of a rental unit from the tenant for nonpayment of rent or other fees or charges; or

(2) charging fees, penalties, or other charges to the tenant related to such nonpayment of rent.

A landlord also:

(1) may not issue a notice to vacate until after July 24th, 2020 unless the moratorium period has been extended by the federal government; and

Targeted Outreach for Tenants

- Tenants Rights and Housing Assistance
 - Flyers to properties that are frequently the subject of an eviction filing.
 - These properties were identified through the For Everyone Home Initiative.
 - TRLA, our Right to Counsel contractor, will target invitations to “know your rights” trainings to sites where known or suspected violations are taking place
 - The Community Health Team is distributing flyers in areas with a low equity score.
- Partnership Organizations
 - COPS/Metro
 - SA Stand
 - Affordable housing providers (for profit or not for profit)
 - Catholic Charities

Targeted Outreach for Landlords

- Landlord/Property Owners
 - Outreach to frequent users of the eviction process to educate them on tenants rights and rental assistance programs.
 - Partnership Organizations
 - San Antonio Apartment Association Membership
 - SABOR Membership
 - Real Estate Council
 - National Association of Real Estate Property Managers
- Stakeholder Outreach
 - Risk Mitigation Fund Stakeholder Group
 - Right to Counsel Stakeholder Group

What else can be done?

- Heard the concerns expressed about the experience of tenants and what may come after the moratoria are lifted
- Need for tenants' understanding of their rights
 - Notice to Vacate does not mean you must move out immediately
- Need to target those tenants with resources that are in crisis
- Need to affect the period in which a tenant may catch up on rent
- Need for a remedy beyond the emergency period
- Need for a layperson's understanding of the eviction process
- Need for relief now

Notice of Tenant's Rights

- Emphasizes that Notice to Vacate does not require tenant to leave the premises
- Advises payment plan with landlord
- Provides City emergency resource - 311
 - Catholic Charities' Guadalupe Community Center resource information
- Outlines eviction process
- Provides link to self-help information packet with advocacy information

Mandatory Notification During the COVID-19 State of Emergency - A Notice to Vacate for Non-payment of Rent

- You have received a Notice to Vacate for Non-Payment of Rent (“Notice to Vacate”) because you did not timely pay the rent due under your Lease.
- The Notice to Vacate is only the first step in the eviction process and **does not mean you must move out immediately**. You still have time to resolve the payment of rent due. If you need assistance with making a rental payment the City of San Antonio’s Emergency Housing Assistance Program may be able to help. Please call 311 or visit www.sanantonio.gov/nhsd/programs/fairhousing or contact the Guadalupe Community Center at 210-226-6178.
- **You should immediately contact your landlord and try to work out a mutually agreeable payment arrangement**. Any payment arrangement should be in writing and signed by both you and your landlord.

Mandatory Notification During the COVID-19 State of Emergency - A Notice to Vacate for Non-payment of Rent

- After the Notice to Vacate has been delivered, the landlord may file an Eviction Suit in a Justice Court. The Justice Court will set a date for the eviction hearing which is usually within 21 days of the filing and notify you in writing of the date you must appear. If you can work out an agreement with your landlord before the eviction hearing begins, then the payment arrangement should be presented to the Court in an Agreed Order. If the landlord accepts payment of all amounts due before the court date and the only reason for eviction is non-payment of rent, the landlord will usually dismiss the eviction case.
- **You may appear at the hearing and defend your rights.** If you do not appear, a judge may conclude that you do not oppose the eviction and issue judgment for the landlord. The court will hear the case and issue a decision.
- ***“Self-Help Legal Information Packet: When an Eviction Case Has Been Filed Against You”*** may be accessed online at:
- <https://www.bexar.org/DocumentCenter/View/22596/Self-Help-Legal-Information-Packet-When-an-Eviction-Case-Has-Been-Filed-Against-You-PDF>

Mandatory Notification During the COVID-19 State of Emergency - A Notice to Vacate for Non-payment of Rent

- If you do not move or file an appeal within five days after a decision in favor of the landlord, then the landlord can request a Writ of Possession from the Court. A 24-hour advance notice will be posted on your door before the Writ of Possession is served.
- You are strongly encouraged to communicate with your landlord during the entire process to work out an agreement and to see if there are City, County, or community services that can provide help or resources.
- **Name of Resident:** _____
- **Unit Number:** _____
- **Date of Delivery:** _____
- **Manner of Delivery:** _____

Self-Help Legal Information Packet: When an Eviction Case Has Been Filed Against You



Self-Help Legal Information Packets are provided for the benefit of justice courts and individuals seeking access to justice through the court system. They do not constitute legal advice, and the court is not responsible for the accuracy of the information contained in the packet.

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Notice of Tenant's Rights

- Enacted through Ordinance
- Applies beyond the emergency period
- Applies to all landlords
- Fines of \$500 – may have multiple citations
 - Tenant reports failure to provide Notice of Rights, the tenant can submit a complaint to the City for investigation
 - If the investigator finds that the landlord failed to provide a Notice, a case will be filed in Municipal Court
 - An Administrative Hearing Officer will conduct a hearing and can assess a penalty up to \$500
 - Subsequent reports could lead to additional violations

Stakeholder Input in Ongoing

- Tenants
 - Fair Housing Hotline
 - Emergency Housing Applicants
 - Housing Providers
 - Risk Mitigation Fund Stakeholder Group
 - Right to Counsel Stakeholder Group
- Property Owners/Landlords
 - San Antonio Apartment Association
 - San Antonio Board of Realtors
 - Real Estate Council
 - National Association of Real Estate Property Managers
- Community
 - COPS/Metro
 - Catholic Charities

Next Steps

- Continue Outreach and Education
- More Stakeholder Input
- City Council Consideration on May 14th