

Memorandum



CITY OF DALLAS

DATE November 14, 2022

TO Honorable Members of the Housing & Homelessness Solutions Committee: Casey Thomas (Chair), Jesse Moreno (Vice-Chair), Carolyn King Arnold, Paula Blackmon, Cara Mendelsohn, Paul Ridley, Jaynie Schultz

SUBJECT **Permanent Eviction Ordinance Discussion**

Background

A temporary Notice of Proposed Eviction ordinance was approved by City Council on November 9, 2022, replacing the COVID-19 Evictions Ordinance. The temporary ordinance requires landlords to provide tenants with a 10-day notice of possible eviction which provides tenants an opportunity to cure their delinquent rent. Under the ordinance, tenants are required to show notice that they have applied to Qualified Rental Assistance Program (“QRAP”) to receive up to 60 days to cure their delinquent rent. However, the temporary ordinance is not based on QRAP approval to qualify for up to 60 days to cure delinquent rent. If tenants are approved for rental assistance, the eviction ordinance provides that the landlord will agree to the payment plan before filing a suit after the 60-day period has expired.

The objective of the temporary ordinance is to provide time for tenants facing possible eviction to work with their landlords to cure potential lease violations regarding rental arrears.

The City Council has instructed City staff to collaborate with stakeholders to develop a permanent evictions ordinance.

Permanent Evictions Ordinance

The purpose of the permanent eviction ordinance is to enable residential landlords and tenants to work collaboratively in a way that allows tenants to understand their rights and responsibilities to cure lease violations and help prevent the loss of housing, while maintaining lease obligations.

The draft permanent ordinance would require the landlord to provide a written notice of possible eviction to tenants, establish a timeline for tenants to respond, and establish an opportunity for tenants to cure the violations. The permanent ordinance in current draft form deviates from the temporary ordinance in several ways. Firstly, a permanent ordinance would not require tenants to participate in a rental assistance program to receive the protections from the ordinance. Secondly, the permanent ordinance would incentivize proactive responses by providing additional time to cure for those tenants who respond more expeditiously to the notice. Additionally, the permanent ordinance would require the landlord to provide tenants with a Tenant Rights and Responsibilities Fact Sheet, developed and maintained by the Office of Equity and Inclusion, Fair Housing

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Division that outlines the evictions process and timelines. Collectively, these changes would work to ensure that Dallas tenants are provided the opportunity to cure and to be educated on the evictions process, while also incentivizing communication and cooperation, and resolution between landlord and tenants.

Next Steps

The permanent evictions ordinance is currently in draft form and has been provided to external stakeholders, namely Dallas Evictions Assistance Center and the Apartment Association of Greater Dallas. Staff intends to hold community engagement in November and December and is seeking input from HHS Committee on potential engagement opportunities.

The plan is to present the final draft of the permanent ordinance to the HHS Committee at the January 24, 2023, Committee meeting and proceed to full council in the first quarter of 2023.



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