



Legislation Text

File #: 20-802, Version: 1

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 22, 2020

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

An ordinance **(1)** providing for a COVID notice of possible eviction by residential landlords before a notice to vacate a residential tenancy due to the COVID-19 pandemic; **(2)** creating a COVID hardship notice for tenants; **(3)** creating an offense; **(4)** providing a penalty not to exceed \$500.00; and **(5)** providing an effective date - Financing: No cost consideration to the City

BACKGROUND

The coronavirus, referred to as COVID-19, is a highly contagious virus that spreads from person to person, especially in group settings.

The Mayor of the City of Dallas issued a Declaration of Local Disaster on March 12, 2020. The Declaration allows the City to take necessary measures to reduce the possibility of exposures to COVID-19 and promote the health and safety of Dallas residents. On March 13, 2020, Governor Greg Abbott issued a declaration of State of Disaster to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans.

Several emergency regulations to combat the spread of COVID-19 and minimize exposure have been issued since the first official emergency declarations. To comply with federal guidance, individuals may be unable to work and may incur COVID-19 related expenses, which may impact a tenant's ability to pay rent, fees, or other associated charges.

Dallas County Judge Clay Jenkins issued orders advising Dallas County Justices of the Peace to suspend eviction hearings and writs of possession for a minimum of 60 days beginning April 8, 2020. The Texas Supreme Court issued orders delaying or suspending certain proceedings related to eviction lawsuits through April 30, 2020 and May 7, 2020.

If a landlord provides sufficient notice of possible eviction, a tenant will have the time that may enable the tenant to cure overdue rent, fees, or other charges associated with the tenant's lease, or to negotiate a modification to the lease before the tenant loses housing. This would also serve to

reduce person-to-person contact with individuals outside of the tenant's household.

Establishing a notice provision prior to evicting residential tenants during the COVID-19 Pandemic will enable landlords and tenants to work collaboratively to permit tenants to remain in their homes. This is in consideration while at the same time ensuring landlords maintain a level of revenue that will permit them to continue to provide housing options for tenants.

Under the proposed Ordinance, a residential landlord will be required to provide a COVID Notice of Possible Eviction (COVID Notice) that informs the tenant of the option to seek rental assistance and provides time for the negotiation of lease payment agreements prior to initiating the eviction process via a Notice to Vacate. The Ordinance requires that the tenant respond to the COVID Notice no later than 21 days from receipt.

The Ordinance delays eviction for 60 days if a tenant has experienced a financial hardship due to the COVID-19 disaster and encourages negotiation between the landlord and tenant to create a lease payment plan, modification, or other options.

The Ordinance excludes any delays of eviction when there is a breach of the lease other than nonpayment of rent or fees or evidence of abatable criminal activity and establishes a specific termination period of the ordinance to expire the later of the termination of the Governor's declared state of disaster due to the COVID-19 Pandemic or the Mayor's declared state of local disaster due to the COVID-19 Pandemic.

The Ordinance applies only to evictions related to residential properties and does not excuse the tenant of any requirement to pay rent or fees under a lease, but encourages the parties to collaborate on a workable solution.

The Ordinance creates an offense not to exceed \$500.00 when a person who knows of facts that provide a tenant with an affirmative defense to eviction under this ordinance, and who nonetheless in bad faith endeavors to evict a tenant.

The purpose of the Ordinance is to address matters of public health, safety, and welfare and serves the public purpose of safeguarding all City of Dallas residents from the detriments of the COVID-19 Pandemic.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 1, 2020, the Dallas City Council considered a previous notice of eviction proposal and the matter was referred to the Ad Hoc Committee on COVID-19 Human and Social Recovery and Assistance.

The Ad Hoc Committee on COVID-19 Human and Social Recovery and Assistance was briefed on the proposed COVID Landlord-Tenant Notice Ordinance on April 9, 2020.

On April 16, 2020, the Ad Hoc Committee on COVID-19 Human and Social Recovery and Assistance unanimously voted to refer the proposed COVID Landlord-Tenant Notice Ordinance to the full Council for consideration.

FISCAL INFORMATION

No cost consideration to the City.