



Legislation Text

File #: 22-2623, Version: 1

STRATEGIC PRIORITY: Workforce, Education, & Equity
AGENDA DATE: November 9, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Community Care
EXECUTIVE: M. Elizabeth Cedillo-Pereira

SUBJECT

Authorization of **(1)** an ordinance **(a)** repealing Ordinance No. 31521; **(b)** providing a saving clause; and **(c)** providing an effective date **(Attachment A)**; and **(2)** a temporary ordinance **(a)** providing for a notice of proposed eviction by residential landlords before a notice to vacate a residential tenancy; **(b)** creating an offense; **(c)** providing a penalty not to exceed \$500.00; **(d)** providing a savings clause; **(e)** providing a severability clause; and **(f)** providing an effective date **(Attachment B)** - Financing: No cost consideration to the City

BACKGROUND

On April 22, 2020, City Council approved the COVID Landlord-Tenant Notice Ordinance (Ordinance No. 31521) that established a notice provision prior to evicting residential tenants during the COVID-19 Pandemic. This item will repeal Ordinance No. 31521, which is specific to COVID-19, and create a new temporary ordinance limited to rent delinquency.

Under the proposed temporary ordinance, a residential landlord will be required to provide a 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 Temporary Ordinance requires that the tenant respond to the notice no later than 10 days, in that time a tenant can cure overdue rent, fees, or other charges associated with the tenant's lease, negotiate a modification to the lease before the tenant loses housing, or provide the landlord with a rental assistance notice. If a tenant has provided the landlord with the rental assistance notice, the Ordinance delays eviction for 60 days.

The Temporary 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.

The Temporary Ordinance applies only to evictions based on rental delinquency 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 Temporary 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.

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.

On April 22, 2020, City Council approved the COVID Landlord-Tenant Notice Ordinance (Ordinance No. 31521) by Resolution No. 20-0647.

On October 19, 2022, City Council was briefed on eviction mitigation and rental assistance efforts and Ordinance 315121.

FISCAL INFORMATION

No cost consideration to the City.