



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

Item Creation Date:

HCD21-25 - LGL Eviction Moratorium item FINAL

Agenda Item#:

Summary:

ORDINANCE establishing a grace period for tenants to cure any rent delinquency and temporarily prohibiting certain residential evictions and other actions during the grace period due to the COVID-19 pandemic; adopting the Centers for Disease Control and Prevention ("CDC") Order to temporarily halt residential evictions to prevent the further spread of COVID-19; declaring the City's intent to cooperate with the federal government, including without limitation the Department of Justice, in its initiation of criminal proceedings for violation of the CDC order; authorizing designated City personnel to develop or cause to be developed mechanisms to support tenants who allege violations of the CDC Order, including notifying the courts about alleged violators and referring tenants to the Houston Harris County Emergency Rental Assistance program and other like programs for tenants facing eviction proceedings or the threat of eviction proceedings in violation of this Ordinance, the CDC order, Texas Supreme Court Orders regarding the COVID-19 state of disaster as they pertain to eviction proceedings or other applicable COVID-19 orders

Background:

The Housing and Community Development Department (HCDD) recommends City Council approval of an Ordinance establishing a grace period for tenants to cure any rent delinquency and temporarily prohibiting residential evictions and other actions during the grace period due to the COVID-19 pandemic; adopting and enforcing the Centers for Disease Control and Prevention (CDC) Order to Temporary Halt Residential evictions to prevent further spread of the Coronavirus Disease 2019 (COVID-19). The CDC Order prohibits a landlord, owner of residential property, or other person with a legal right to pursue eviction or possessory action from evicting any "covered person" from any residential property in any state in which there are documented cases of COVID-19. In brief, the CDC Order defines a "covered person," in relevant part, as: any tenant, lessee, or resident of a residential property who provides to their landlord, a declaration under penalty of perjury indicating that: (1) the individual has used best efforts to obtain all available government assistance for rent or housing; (2) the individual meets certain income limits (such as earning no more than \$99,000 or \$198,000 (if filing a joint tax return) in annual income for Calendar Year 2021 or the tenant received a stimulus check under the CARES Act); (3) the individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses; (4) the individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and (5) eviction would likely render the individual homeless or force the individual to move into and live in close quarters because the individual has no other available housing options.

Evicting residential tenants during the pandemic will destabilize the Houston economy and will contribute to additional person-to-person contact by rendering individuals homeless or forcing such individuals to move into and live in close quarters in a new household, shared living setting, or congregate shelters, which puts them at higher risk to COVID-19. This Ordinance will ensure that residents in the City are safely housed, prevent homelessness, and mitigate the spread of COVID-19. During the period beginning on the date City Council approves this Ordinance through and including March 31, 2021 ("Grace Period"), a landlord is prohibited from (a) evicting or initiating, in any way, any eviction proceeding (including but not limited to issuing a notice to vacate), against a covered person; (b) removing the covered person's property; (c) excluding a covered person from the covered person's residential property; or (d) seizing a covered person's nonexempt property subject to a lien created under Section 54.041 of the Texas Property Code. As with the CDC Order, this Ordinance does not relieve the covered person of the obligation to pay rent nor does it prohibit the landlord for evicting a tenant for reasons other than the timely payment of rent, such as a tenant who is threatening the health or safety of other residents during the Grace Period.

By adopting this Ordinance and the CDC Order, the City also declares its intention to cooperate with the Federal Government including the United States Department of Justice (DOJ) in its enforcement of the CDC Order. The DOJ may initiate criminal proceedings, as appropriate, seeking the imposition of criminal penalties for violation of the CDC Order. A person violating the CDC Order, may be subject to (i) a fine of no more than \$100,000 if the violation does not result in death or (ii) a fine of no more than \$250,000 if the violation results in a death or as otherwise provided by law. The fines double if the offender is an organization.

The HCDD Director will promote compliance with this Ordinance and the CDC Order by coordinating the reception and evaluation of alleged violations, such as the utilization of the Eviction Defense Coalition's hotline and referring tenants to the Houston Harris County Emergency Rental Assistance Program and other similar eviction proceedings programs.

This Ordinance expires at 11:59 PM on March 31, 2021.

Tom McCasland, Director

Contact Information:

Roxanne Lawson

Phone: (832) 394-6307

ATTACHMENTS:

Description

Ordinance

Type

Ordinance/Resolution/Motion