



City of San Antonio

Legislation Details (With Text)

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Title: Emergency Housing Assistance Program (EHAP), Texas Emergency Rental Assistance Program (TERAP), and Texas Eviction Diversion Program (TEDP) Update to include discussion of evictions and the CDC Moratorium (Lori Houston, Assistant City Manager, Verónica R. Soto, FAICP, Director, Neighborhood & Housing Services)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Presentation

Date	Ver.	Action By	Action	Result
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DEPARTMENT:

Neighborhood & Housing Services Department

DEPARTMENT HEAD:

Verónica R. Soto, FAICP, Neighborhood & Housing Services Department Director

COUNCIL DISTRICTS IMPACTED:

Citywide

SUMMARY:

Briefing on the Emergency Housing Assistance Program (EHAP), Texas Emergency Rental Assistance Program (TERAP), and Texas Eviction Diversion Program (TEDP) to include information on evictions in Bexar County and the CDC Moratorium.

BACKGROUND INFORMATION:

In response to COVID 19, the City has initiated several programs to prevent eviction or foreclosure and help our residents remain housed. In the past couple of weeks staff has seen an increase in applications to the Emergency Housing Assistance Program (EHAP). The weekly application rate for the past 6 weeks is outlined below.

Week Ending	Number of Applications
October 30	1,407

November 6	1,303
November 13	1,303
November 20	1,304
November 27	795
December 4	1,469
Total	7,581

Staff has also seen an increase in eviction filings. However, several of the evictions will be reset as a result of the CDC moratorium but the moratorium is set to expire on December 31st. The table below outlines the eviction filings per week for the last 6 weeks for which data from the Justice of the Peace Courts is available.

Week Ending	Number of Evictions Filed
October 16	202
October 23	180
October 30	151
November 6	275
November 13	262
November 20	265
Total	1,335

ISSUE:

The purpose of this briefing is to highlight the programs that the City, State, and Federal government have that are aimed at eviction or foreclosure prevention so our residents remain housed.

On April 23, 2020, City Council approved the creation of the COVID-19 Emergency Housing Assistance Program (EHAP). The program provides eligible applicants rental or mortgage assistance, utility assistance, and cash assistance. The project budget is currently \$76,600,323 and as of November 30, the City of San Antonio has approved \$61.7 Million in assistance to residents seeking emergency rental, mortgage and utility assistance to over 22,600 households.

The chart below provides the breakout by City Council District.

Emergency Housing Assistance Program (As of November 30, 2020)				
CD	Avg AMI %	Approved	Avg HH Size	Approved \$
1	27.6	2,208	3	5,821,527
2	27.9	3,019	3	7,995,062
3	28.9	2,523	3	6,661,561
4	29.1	2,061	3	5,774,368
5	24.7	1,735	3	4,334,871
6	32.4	2,301	3	6,484,569
7	28.7	2,488	3	6,749,114
8	31.8	2,574	2	7,169,742
9	31.5	1,698	2	4,923,310

10	31.8	1,988	3	5,733,435
Totals		22,595		\$61,647,560

More recently, the city amended the program eligibility to allow students that live on privately owned student housing participate in the program if their parent was the signature on the lease. Prior to this amendment the student had to be on the lease. Since this change, City staff has tracked the student applicants and can confirm that 30 students have applied and received assistance from the program. At the current rate of spending, the program will deplete funding in January. However, the state has pre-awarded the city with an additional \$3.2 million for the program. This funding will get us through February.

City Council approved the Notice of Tenants' Rights ordinance on June 25th, 2020. The ordinance requires that landlord include a form when issuing a notice to vacate due to non-payment to a tenant. The form educates the tenant on their rights and the eviction process.

The City partnered with 5 Justices of the Peace that represent 4 precincts to help case management eviction filings and ensure tenants and landlords are aware of the City and County rental assistance programs that may be available to them. The precincts were providing all defendants information on these programs in the mail notification they defendant received to inform them of the scheduled hearing date. The precincts have mailed out over 3,200 packets that include the information, and the City also mails packets to defendants as well. City staff are present at each hearing and in addition to rental assistance the City also refers clients to the Right to Counsel program. From June to November 24th, the Eviction Diversion team has achieved 485 resets and 364 dismissals.

Staff also provided over 400 referrals to the Right to Counsel program. An RFP for Right to Counsel services in the new year will be released the week of December 7th, 2020. The contract with the existing vendor will be amended to ensure there is no gap in services in the new year.

Federal and state agencies also enacted new programs to prevent evictions. At the state level, The Texas Department of Housing and Community Affairs (TDHCA) is making \$40 million in Community Development Block Grant CARES Act (CDBG-CV) funds available to entitlement communities in the state of Texas who have existing COVID-19 rental assistance programs and have indicated an interest to participate in the Texas Emergency Rental Assistance Program (TERAP). On November 23, 2020, TDHCA announced allocations to entitlement communities with San Antonio to receive \$3,603,100.02. The money will be available on January 15, 2021 and \$3.24 million will be distributed through the existing EHAP platform. The remaining \$360k will be earmarked for the Texas Eviction Diversion Program (TEDP) which provides rental assistance to tenants who have been sued for eviction, providing the landlord and tenant an alternative to eviction. NHSD is currently participating in the pilot (TEDP) with a \$600,000 allocation from TDHCA. In November, staff participated in trainings on how to administer the program and worked to develop an online application. As of December 1st, five households have been awarded rent assistance totaling \$33,786. Each household receives 6 months of assistance, the current average per household is \$6,750. Additional funding for the program may be available and staff will monitor and pursue.

At the Federal level, the CARES Act included a prohibition on notice to vacate for non-payment of rent in federally-financed properties until July 25th. The Act mandated that notice to vacate for non-payment of rent issued after July 25th needed to be 30-day notices, meaning that CARES-subject properties could not file for non-payment of rent-related

evictions until late August at the earliest.

On September 1st, the Centers for Disease Control & Prevention (CDC) issued a new eviction moratorium that applied to all notices to vacate for non-payment of rent effective September 4th- December 31st, 2020. To qualify for protection, tenant must:

- Be a tenant, lessee, or resident of a residential property
 - o Have annual income below \$99,000 (single) or \$198,000 (couple)
 - o Give their landlord a signed declaration. This declaration can be used to stop an eviction at any point in the process, including after a judgement against the defendant has been issued.

If tenants do not provide a signed declaration, the landlord can still proceed with filing and writs of possession can also be executed.

Per state order, the Bexar County Justice of the Peace courts who oversee evictions have been mailing a template declaration to each defendant. In November, the City onboarded two new staff to work with clients on understanding the CDC moratorium. NHSD staff have also mailed declarations to these households and made phone calls where this contact information was available. Copies of the ordinance are available on the City's website in English, Spanish, Arabic, Vietnamese, Chinese, Burmese, French, Farsi, and Korean. NHSD are also present for eviction hearings to inform landlords and tenants of the ordinance and connect them to assistance programs to prevent the eviction.

On January 1st, 2021, the CDC moratorium will expire absent federal action. Any further moratoriums would need to come by order of a federal agency or the Governor's office. The City of San Antonio has signed on to a petition urging the extension of the moratorium. Individual JP court judges can also decide to postpone hearings in their courts.

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ALTERNATIVES:

This item is for briefing purposes only.

FISCAL IMPACT:

There is no fiscal impact as this item is for briefing purposes only.

RECOMMENDATION:

This item is for briefing purposes only.