



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 1.

Agenda Date: 9/14/2020

In Control: Culture and Neighborhood Services Committee

DEPARTMENT:

Neighborhood & Housing Services Department

DEPARTMENT HEAD:

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

COUNCIL DISTRICTS IMPACTED:

Citywide

SUMMARY:

Briefing and discussion on public education and enforcement efforts related to the CDC's Moratorium.

BACKGROUND INFORMATION:

On September 1, 2020, the U.S. Centers for Disease Control and Prevention (CDC) filed an order <https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-19654.pdf> in the Federal Register to temporarily halt residential evictions for nonpayment of rent to prevent the further spread of COVID-19. The order was formally published <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19> on Friday, September 4, 2020 and bars evictions for nonpayment of rent for renters in residential housing until December 31, 2020.

ISSUE:

The CDC order applies to rental housing providers and prohibits any eviction action to remove a renter from their housing during the covered period (September 4, 2020 - December 31, 2020), so long as the renter provides the required declaration to their housing provider. This order does not prevent evictions based on the lawful reasons articulated in the order, other than nonpayment of rent. The order also does not eliminate the resident's obligations under the lease, and housing providers may charge late fees or other penalties for nonpayment of rent. The order covers residential buildings including a home, mobile home or land in a mobile

home park. It does not cover those residing in a hotel, motel, or guest house (short term leases).

For renters to be eligible for the order's protections, they must provide a declaration under penalty of perjury to their housing provider indicating the individual has used best efforts to obtain rental assistance, expects to earn no more than \$99,000 (no more than \$198,000 when filing jointly), is unable to pay their full rent due to related to COVID-19, is using best efforts to make timely partial payments, and that eviction would likely render the individual homeless or force the individual to move into and live in close quarters in a new congregate or shared living setting because the individual has no other available housing options.

Outreach

In order to provide the latest CDC order information to our community, the Neighborhood and Housing Services Department (NHSD) has developed a broad outreach plan that will take place over the next several weeks. This outreach plan is focused on getting essential information and material out to as many residents as possible through a variety of strategies including digital, in person, and local media platforms.

A flyer/information page, required CDC declaration form, and a frequently asked questions (FAQ) document are now available on our NHSD and COVID-19 websites. The material is currently available in English and Spanish with more languages to be added over the next several weeks. This information will be shared with the Financial Housing and Recovery Center (FHRC) block walking teams that are targeting our highest scoring equity tracts. Staff at the FHRC and Call Center has also been trained to assist anyone seeking assistance and direct them to the required documentation. Lastly our eviction court team continues to be available at the JP Courts for those facing eviction and are able to explain the order and provide declaration forms on site.

Information is being mailed out to properties with federal subsidy (CARES properties), small landlords (up to quadplex), frequent evictors based on court records, registered mobile home parks, and to those who have recent eviction filings at the County JP Courts. Information will also be e-mailed to all Emergency Housing Assistance Program (EHAP) applicants and registered landlords, registered Neighborhood Associations, Council Offices, and City contact lists.

A media information campaign will run on TV, Radio, newspapers, and digital platforms in both English and Spanish over the next several weeks. These advertisements will notify residents of the CDC order and available housing assistance and direct them on where they can go for more information.

In partnership with Texas RioGrande Legal Aid (TRLA) a virtual community information session will be hosted and recorded in both English and Spanish in September. TRLA will also create short information videos on the order. These recordings and video will be available online to the community.

Enforcement

The order states that the U.S. Department of Justice has discretion to pursue penalties of persons or organizations that violate the order up to \$500,000 in fines per violation and/or jail time. Enhanced penalties apply if the violation resulted in death.

Locally the City of San Antonio and Bexar County have added enforcement language in the most recent City Emergency Deceleration and County Executive Order. This enforcement language includes up to \$1000.00 penalties for violations of the CDC moratorium. Violations of the order can be reported to the City's Development Services Department (DSD) Code Enforcement Division. If the investigation finds that a violation has occurred, a citation will be issued to appear before Municipal Court for City residents or Justice of the Peace Court for County residents. Violations can be reported to 311. City staff will report any reported or suspected violations to Code Enforcement as we provide emergency housing assistance, eviction court

assistance, or other city services.

ALTERNATIVES:

This item is for briefing purposes only.

FISCAL IMPACT:

At this time, there is no fiscal impact.

RECOMMENDATION:

This item is for briefing purposes only