



# City of San Antonio

## Agenda Memorandum

**File Number:**21-3313

**Agenda Item Number:** 3.

**Agenda Date:** 5/4/2021

**In Control:** Culture and Neighborhood Services Committee

**DEPARTMENT:** Neighborhood & Housing Services Department

**DEPARTMENT HEAD:** Verónica R. Soto, FAICP, Director

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUMMARY:

Emergency Housing Assistance Program (EHAP) and Center for Disease Control (CDC) Eviction Moratorium Update

### BACKGROUND INFORMATION:

On April 23, 2020, City Council approved the creation of the Emergency Housing Assistance Program (EHAP). The program provides eligible applicants rental or mortgage assistance, utility assistance, and cash assistance. The EHAP is administered by the Neighborhood and Housing Services Department (NHSD). The total budget for the EHAP is \$133.6 million. This includes Phases I-IV of the EHAP.

#### EHAP Budget by Phase:

Phase I approved April 23, 2020	\$25,595,299.00
Phase II approved June 4, 2020	\$26,944,551.00
Phase III approved September 17, 2020 amended January 21, 2020	\$34,311,149.82
Phase IV approved February 18, 2021	\$46,751,961.10
<b>Total</b>	<b>\$133,602,960.92</b>

As of April 27, 2021, the City has approved \$91.2 million in assistance to over 33,701 households seeking emergency rental, mortgage, and utility assistance. The below chart provides the breakout by City Council District.

<b>Emergency Housing Assistance Program</b>				
<b>CD</b>	<b>Avg AMI %</b>	<b>Approved</b>	<b>Avg HH Size</b>	<b>Approved \$</b>
1	27.5	3,213	3	8,297,444
2	27.9	4,470	3	11,705,172
3	28.9	3,751	3	9,792,671
4	29.1	3,012	3	8,230,512

5	24.6	2,547	3	6,098,650
6	31.9	3,357	3	9,298,918
7	29.1	3,682	3	9,831,603
8	31.3	3,779	2	10,496,288
9	31.2	2,457	2	7,048,831
10	31.6	2,926	3	8,390,360
County	31.2	507	3	1,997,324
<b>Totals</b>		<b>33,701</b>		<b>91,187,774</b>

## ISSUE:

Applicants seeking rental, mortgage and utility assistance are eligible for up to 9 months of assistance based on the following eligibility criteria utilized to determine assistance for the EHAP applicants, all applicants must:

- Reside within the San Antonio or Bexar County
- Provide documentation of hardship due to COVID-19
- Make less than 80% of the Area Median Income (AMI)

Assistance is tiered based on the applicant's AMI:

- If an applicant's income is at or below 50% AMI, the applicant is eligible for up to 9 months of rental or mortgage assistance and the current bill amount for utility bill (SAWS, CPS Energy, Internet) assistance.
- If an applicant's income is between 51% and 80% AMI, the applicant is eligible for up to 6 months of rental or mortgage assistance and the current bill amount for utility bill (SAWS, CPS Energy, Internet) assistance.

As of April 27, 2021, the City has approved \$91.2 million in assistance to over 33,701 households seeking emergency rental, mortgage, and utility assistance.

## Additional Funding for EHAP

On January 21, 2021, City Council approved two agreements with Bexar County to administer \$645,477 in grant funds from Texas Department of Housing and Community Affairs (TDHCA) -Texas Emergency Rental Assistance Program and \$1,500,000 in Bexar County General Funds for the purpose of providing rental assistance for residents living outside the City limits within Bexar County. The City is finalizing an agreement with the County to accept up to an additional \$5 million in U.S. Treasury funding for rental and utility assistance for Bexar County residents for a total of \$7,145,477 in EHAP funding for residents living outside the City limits.

## Center for Disease Control Moratorium

Although the Center for Disease Control (CDC) extended the moratorium on evictions for non-payment of rent through June 30, 2021, the Supreme Court of Texas did not take action to extend its 34th emergency order giving the Justice of the Peace courts protocol for implementing the order in their courts.

On April 1st, The Texas Joint Court Training Center (TJCTC) issued new guidance to the Justice of the Peace Courts advising them to cease providing the CDC declaration forms, set status hearings for currently delayed cases, and proceed with eviction hearings if the landlord chooses to do so.

With the expiration of the 34th emergency order, enforcement of the CDC order falls to the individual Justices of the Peace, who may choose to honor the order or follow The Texas Joint Court Training Center (TJCTC) guidance. The Consumer Finance Protections Bureau and the Federal Trade Commission can also enforce the CDC moratorium, these agencies have stated that their focus will be on multi-state enterprises, third party eviction filing services, and large private equity firms.

On April 7th, the Justices of the Peace in Bexar County issued a signed order clarifying that they will continue to delay

eviction cases if the defendant presents a valid CDC Declaration. The order is effective through June 30, 2021.

The CDC Moratorium went into effect on September 4th, 2020. Under the federal order, tenants with incomes below \$99,000 (or \$198,000 for a two-earner household) who have been had a loss of income due to the pandemic can give their landlord a signed declaration to prevent eviction for non-payment of rent. In the declaration, tenants must state that they have made efforts to pay their rent, such as through partial payments or applying for assistance programs. Landlords who receive a valid declaration cannot evict their tenant for non-payment of rent until the end of the moratorium. Landlords who believe the declaration given to them is invalid can challenge it in court.

The moratorium does not apply to other types of evictions such as those for lease violations or in rare cases criminal acts. It also does not prevent landlords from charging late fees or interest. Many leases are structured so that past-due late fees are considered lease violations. Evictions for lease violations are not prohibited under the pandemic.

**ALTERNATIVES:**

This item is for briefing purposes only.

**FISCAL IMPACT:**

This item is for briefing purposes only.

**RECOMMENDATION:**

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