



AUSTIN TENANTS
COUNCIL
Safe • Decent • Fair • Housing for All

Evictions in Travis County

Daniel Armendariz, Housing Advocate
daniel@housing-rights.org

Jeannie Nelson, Executive Director
jeannie@housing-rights.org

The Numbers

- **7745 evictions** filed in **Travis County** in **FY 2015** (Travis County HHS/VS, CDBG Office, March 2016)
- **Unverified numbers 1/2018 - 9/2018: 7526** evictions filed in Travis County
- **New** Travis County eviction **statistics** are **currently being compiled**

The Problem

Eviction history is **one of the top barriers to housing** for tenants in Austin. **Even eviction petitions that are resolved in favor of the tenant appear on his/her/their eviction history**, which can lead to:

- **Housing instability** and sudden loss of housing
- Eviction fees, loss of deposit, moving expenses, loss of personal property leading to further **financial instability** and a potential **cycle of housing instability**
- **Relocation of children** in schools
- **Loss of overall community** and **neighborhood stability**
- **Strain on JP courts** and loss of judicial efficiency

The Process

- Default
- Notice to Vacate
- The Eviction Filing
- Delivery of the Eviction Petition
- The Eviction Hearing
- Writ of Possession

January, 2016

NOTICE OF INTENT TO TERMINATE RIGHT OF OCCUPANCY
IF RENT, UTILITIES OR OTHER SUMS ARE NOT PAID

Johnny Smith
Jane Garcia
(Names of all residents)
1350 Oak Bend
(Street address and dwelling unit number, if applicable)
Mustin, TX 78741
(City, State, Zip)

May 29, 2018
Date

Re: Notice of intent to terminate right of occupancy regarding
Lease Contract dated January 1, 2018
between residents named above and
ABC Apartments, Inc. (owner)

Dear Resident(s):

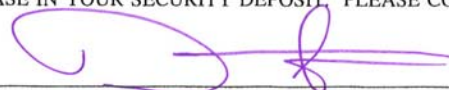
Since you have not paid all ☒ rent, ☒ utilities or ☒ other sums due under your lease contract, we intend to terminate your right of occupancy and possession under paragraph 32 of your Lease Contract. If you do not pay all unpaid sums within 3 days from delivery of this notice, we intend to send a notice to vacate. The unpaid sums due are described as follows:

Rent: \$2,500.00 (April and May) Utilities: \$250.00
Damages: \$500.00 (Door, window, carpet)

If you receive a notice to vacate because of such non-payment, the notice will require you to move out within 24 hours of receipt of the notice. Failure to vacate can result in appropriate legal action before the Justice of the Peace.

IF YOU WISH TO AVOID THIS TERMINATION OF YOUR OCCUPANCY RIGHTS, YOU WILL NEED TO PAY ALL PAST DUE SUMS AND POSSIBLY MAKE A MUTUALLY AGREEABLE INCREASE IN YOUR SECURITY DEPOSIT. PLEASE CONTACT US IMMEDIATELY.

May 29, 2018
DATE notice was given by the method checked below


SIGNATURE of owner's representative
512-123-456
Telephone Fax

The notice was: (check at least one)

- | | | |
|--|--|---|
| <input type="checkbox"/> hand delivered to any one of the residents named above; | <input type="checkbox"/> posted on the inside of the dwelling's main entry door (not the screen door) that has a keyless bolting device or keyless deadbolt on it; | <input type="checkbox"/> sent by first class mail; |
| <input checked="" type="checkbox"/> hand delivered to any person 16 or older residing in the dwelling; | | <input type="checkbox"/> sent by certified mail, return receipt requested; or |
| | | <input type="checkbox"/> sent by registered mail. |



WARNING



**THIS IS A NOTICE TO VACATE
THE FOLLOWING ADDRESS:**

Este es un aviso de desalojo de esta dirección:

TO ALL OCCUPANTS: A Writ of Possession, Cause # _____ has been issued by (court) _____ ordering your eviction from this property. The Writ will be executed on or after _____, 20____, ____:____.M.

You are hereby instructed to vacate the premises by that time. Your failure to do so will result in you being removed from the premises and may result in the loss of any personal possessions remaining.

ADVERTENCIA

ATENCION TODOS LOS INQUILINOS: La corte _____ Caso # _____ ha ordenado el desalojo de la propiedad que ocupan al momento. **Si no cumplen la orden voluntariamente para la fecha _____ serán retirados y correrán el riesgo de perder sus pertenencias.** (Move Out Date)

Posted _____, 20____ at ____:____.M.

Constable, Precinct 5

By Deputy _____

Community Interventions

- April 2018: **The Austin City Council** Council passed a **resolution for Eviction Intervention Services** – Resolution #20180426-031 **RFP for services not released as of 5/22/19**
- **Travis County CDBG funded** Austin Tenants Council for **Eviction Intervention Services in unincorporated Travis County** October 2018
- **Austin Tenants Council piloted** an **Eviction Intervention Program**, utilizing Travis County CDBG funds (unincorporated Travis County only) and ATC Discretionary funds (incorporated Travis County) **October 2018 - May 2019**

Pilot Program: Eviction Intervention

- **Piloted** from **October 2018 - May 2019**
- **Program primarily suspended for lack of funding: May 2019**
 - a. Currently funded for unincorporated Travis County only (Program not suspended for this small population)
 - b. **ATC seeking City, County and Private Foundation Support**

Pilot Program Goals

- **Prevent housing instability/homelessness**
- Negotiate an agreement with the landlord to **prevent the eviction filing**
- **Advise** client **on strategies for eviction hearing**
- Accompany client to court and **serve as an advocate in court**
- **Judgment for the defendant** in court
- Prepare client for each step of the process and have a **plan for alternate housing** in the event an eviction occurs

Outcomes Definitions

SUCCESSFUL INTERVENTION

NO EVICTION FILING AND/OR HOMELESSNESS PREVENTED

- NO EVICTION FILED
- NO EVICTION FILED. T FOUND ALT HOUSING.
- NO EVICTION FILED. T VACATED. FOUND ALT HOUSING.
- NO EVICTION FILED. T VACATED AND FOUND TEMP ALT HOUSING
- NO EVICTION FILED. T VACATED
- NO EVICTION FILED. LL AND T MADE ARRANGEMENT
- EVICTION FILED. T VACATED AND FOUND TEMP ALT HOUSING
- EVICTION FILED. WOP SERVED BUT NOT EXECUTED. T VACATED AND FOUND TEMP ALT HOUSING
- EVICTION FILED. LL AND T MADE ARRANGEMENT
- EVICTION FILED. LL AND T MADE ARRANGEMENT. EVICTION WITHDRAWN BY LL.
- EVICTION CANCELED BY PLAINTIFF
- EVICTION DISMISSED BY JUDGE
- EVICTED. NO WOP FILED. T FOUND ALT HOUSING
- EVICTED. WOP SERVED. T VACATED AND FOUND ALT. HOUSING
- EVICTED. WOP SERVED. T VACATED AND TEMP HOUSING
- TENANT APPEALED THEREBY DELAYING REMOVAL VIA WOP.
- JUDGMENT AWARDED TO DEFENDANT

UNSUCCESSFUL INTERVENTION

JUDGEMENT FOR EVICTION AND HOMELESSNESS

- T EVICTED. WOP EXECUTED.
- T EVICTED. NO WOP EXECUTED BUT NO CONFIRMATION OF VACATE OR FOUND ALT/TEMP HOUSING
- T VACATED BUT IS HOMELESS
- T LOST ON APPEAL

Pilot Program: The Numbers

Successful Intervention	Unsuccessful Intervention	Referred to Legal Aid
134	27	45

Total Served
206

October 1, 2018 - April 30, 2019

What We've Learned (Anecdotal)

- **One unfortunate life event** can start this cycle
- **Extensive** amount of **staff time** required for a meaningful intervention
- Client **follow up** is **difficult**
- **Earlier intervention** would result in **increased success**
- Expanded sources of **short term financial assistance** are **needed**
- **Quicker turnaround on financial assistance** would result in **increased success**

Policy Suggestions

- A variety of policy suggestions presented last year
- None have been implemented within our community at this time
- **ATC to provide list of policy suggestions upon request:**
jeannie@housing-rights.org