

RESOLUTION NO. 20220203-040

WHEREAS, half a million Austinites are renters, and they deserve more rights and protections; and

WHEREAS, as rent and cost of living continues to increase, affordable housing is more difficult to find and displacement and evictions are more likely to occur; and

WHEREAS, over 40 states have statutes that provide protection against evictions and eviction prevention by giving tenants an opportunity to cure or remedy issues that have led to their evictions, such as nonpayment of rent, lease violations, or repairs; and

WHEREAS, the Austin City Council enacted an ordinance protecting renters against eviction by providing tenants an opportunity to cure in 2020-2021 due to the COVID-19 pandemic; and

WHEREAS, providing an opportunity to cure helps prevent eviction filings, displacement, and homelessness while still ensuring outstanding rent is paid; and

WHEREAS, housing stability and eviction prevention is necessary for a family's health and economic stability; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to prepare an eviction prevention code amendment for council consideration. The code amendment shall establish a notice of proposed eviction that rental property operators must provide to tenants before issuing a notice to vacate, thereby providing a renter additional time, information, or resources to prevent an eviction, and any other notice requirements. The notice shall allow tenants to respond and cure the issues to prevent an eviction, such as nonpayment of rent and lease violations unrelated to imminent threats of physical harm or violent criminal activity. The notice may include a reasonable minimum time period by when a resident must make initial contact with the landlord or

provide an initial response after receiving a notice of proposed eviction, if the proposed ordinance creates a notice of period of 14 days or more. The notice shall be in English, Spanish, and any additional languages that may be required.

BE IT FURTHER RESOLVED:

In developing the eviction prevention code amendment, the City Manager is directed to engage, without limitation, the Austin Apartment Association, the Austin Board of Realtors, Ending Community Homelessness Coalition, Texas RioGrande Legal Aid, Building and Strengthening Tenant Action, and Austin Tenants Council to consider input for recommendations on the various aspects of the code amendment, including but not limited to determining:

- the number of days required before providing a notice to vacate. The ordinance should consider best practices from other cities and states, and take into consideration renters' rights allowed in other cities and states, which typically allow for a cure period of between 7 days and 30 days;
- whether there should be reasonable exemptions to the notice of proposed eviction requirement such as imminent threats of physical harm, certain kinds of criminal activity, or certain kinds of property damage, and;
- whether there should be other elements that further the policy goal.

BE IT FURTHER RESOLVED:

The City Manager shall also consider provisions that require a longer period for tenants to respond for instances where the City is under certain kinds of disaster declarations.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide Council a recommended ordinance for consideration on a Council agenda by March 24, 2022. The City Manager is

directed to prepare a form notice to be adopted by rule. The form notice should include tenant resources and be adaptable and easy to use.

ADOPTED: February 3, 2022

ATTEST:



Myrna Rios
City Clerk