

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 4-14 TO RENAME THE CHAPTER; TO RENAME AND RENUMBER PROVISIONS RELATING TO THE REGISTRATION OF RENTAL PROPERTY; AND TO REQUIRE A LANDLORD TO PROVIDE A NOTICE OF PROPOSED EVICTION PRIOR TO GIVING A NOTICE TO VACATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Chapter 4-14 (*Registration of Rental Property*) is amended to rename the chapter and Article 1 (*General Provisions*) and to rename and renumber Articles 2, 3, 4, and 5 to read:

**CHAPTER 4-14 [~~REGISTRATION OF~~] RENTAL PROPERTY**

***ARTICLE 1. REGISTRATION OF RENTAL PROPERTY [~~GENERAL PROVISIONS~~]***

**DIVISION 1 [~~ARTICLE 2~~]. RENTAL REGISTRATION APPLICATION.**

**DIVISION 2 [~~ARTICLE 3~~]. OPERATION.**

**DIVISION 3 [~~ARTICLE 4~~]. INSPECTION.**

**DIVISION 4 [~~ARTICLE 5~~]. ENFORCEMENT.**

**PART 2.** City Code Section 4-14-1 (*Purpose*), Section 4-14-2 (*Definitions*), Section 4-14-3 (*Registration Required; Exceptions*), Section 4-14-4 (*Registration*), Section 4-14-6 (*Other Permits or Licenses Required*), Section 4-14-30 (*Rental of Unregistered Property Prohibited*), Section 4-14-31 (*Registration Period*), Section 4-14-34 (*Signs*), Section 4-14-40 (*Inspection by Code Official*), Section 4-14-50 (*Suspension*), Section 4-14-51 (*Revocation*), and Section 4-14-53 (*Penalty*) are amended to replace the word “chapter” with “article”.

**PART 3.** City Code Chapter 4-14 (*Rental Property*) is amended to add a new Article 2 (*Notice of Proposed Eviction*) to read:

***ARTICLE 2. NOTICE OF PROPOSED EVICTION.***

**§ 4-14-101 PURPOSE AND APPLICABILITY.**

(A) The purpose of this article is to provide a residential tenant with additional time, information, or resources to prevent eviction filings, displacement, and homelessness.

(B) This article applies to a landlord who may evict a residential tenant on or after November 7, 2022.

#### **§ 4-14-102 DEFINITIONS.**

In this article:

(1) DELINQUENT PAYMENT means rent, fee, or other charge owed under the lease that is not paid timely.

(2) DWELLING means one or more rooms rented for use as a residence.

(3) LANDLORD means a person who owns, leases, or subleases a dwelling and includes the landlord's manager or agent.

(4) NOTICE OF PROPOSED EVICTION means a notice that precedes a notice to vacate in accordance with Texas Property Code Section 24.005(e) and complies with the requirements found in Section 4-14-104 (*Requirements*).

(5) NOTICE TO VACATE means the statutory notice to vacate required by Section 24.005 of the Texas Property Code that must precede the filing of an eviction suit.

(6) TENANT means a person, or a member of their household, who is authorized to occupy a dwelling to the exclusion of others.

#### **§ 4-14-103 ADMINISTRATIVE RULE.**

The city manager is authorized to adopt a form notice of proposed eviction by rule and in accordance with Chapter 1-2 (*Adoption of Rules*).

#### **§ 4-14-104 REQUIREMENTS.**

(A) Except as provided in Subsection (E), a landlord shall give a tenant a notice of proposed eviction prior to giving the tenant a notice to vacate.

(B) A notice of proposed eviction must be in writing and include:

(1) a statement that complies with Subsection (D);

(2) the lease violations that may result in an eviction;

(3) a right for the tenant to cure any violations, including delinquent payments or other lease violations;

(4) the time period to cure the lease violations described in (B)(2); and

(5) if required, the time period to respond to the landlord.

(C) A notice of proposed eviction shall be:

(1) provided to a tenant in a manner described in Section 24.005(f) of the Texas Property Code;

(2) delivered using an email address or web portal the landlord uses to communicate with the tenant in the regular course of business activity; or

(3) posted on the front door of the tenant's dwelling.

(D) The statement shall:

(1) be in 16-point font, bold typeface, and underlined;

(2) be placed at the top of the first page of the notice of proposed eviction; and

(3) include the following text in English and Spanish: "A NOTICE OF PROPOSED EVICTION AND OPPORTUNITY TO CORRECT LEASE VIOLATIONS. YOU DO NOT HAVE TO MOVE WHEN YOU GET THIS NOTICE. YOU MUST CONTACT YOUR LANDLORD AS SOON AS POSSIBLE. FAILURE TO CONTACT YOUR LANDLORD MAY END THE OPPORTUNITY TO CORRECT LEASE VIOLATIONS. ESTO ES UN AVISO DE PROPUESTA DE DESALOJO Y OPORTUNIDAD DE CORREGIR VIOLACIONES AL CONTRATO DE ALQUILER. NO TIENE QUE MUDARSE AL RECIBIR ESTE AVISO. DEBE COMUNICARSE CON SU ARRENDADOR TAN PROTO COMO SEA POSIBLE. EL NO CONTACTAR A SU ARRENDADOR PUEDE DAR FIN A LA OPORTUNIDAD DE CORREGIR LAS VIOLACIONES AL CONTRATO DE ALQUILER."

(E) A landlord is not required to provide a notice of proposed eviction if:

(1) the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of physical harm to the landlord, the landlord's employees, or other tenants, including other tenants within the household;

- 88 (2) the tenant, or the tenant's household members or guests, engage in criminal  
89 activity;
- 90 (3) an insured casualty loss such as fire, smoke, hail, explosion, or a similar cause  
91 creates a condition that makes the residential premises totally unusable;
- 92 (4) the tenant, or the tenant's household members or guests, intentionally  
93 damages property on the premises; or
- 94 (5) the tenant holds over after giving notice of termination or intent to vacate.

95 **§ 4-14-105 TIME TO CURE LEASE VIOLATIONS.**

- 96 (A) A landlord shall provide a tenant with a specific number of days to cure lease  
97 violations.
- 98 (B) The minimum time period to cure a lease violation is 21 days.

99 **§ 4-14-106 TIME PERIOD TO RESPOND TO LANDLORD.**

- 100 (A) A landlord may require a tenant to respond to the notice of proposed eviction within  
101 a specific time period.
- 102 (B) The minimum time period to respond to the landlord is 14 days.
- 103 (C) If a landlord requires a tenant to respond to the notice of proposed eviction, the  
104 landlord must allow the tenant to respond in writing, including by electronic mail  
105 or web portal used to communicate with tenants in the regular course of business  
106 activity.
- 107 (D) If the tenant fails to respond to the landlord within the timeframe described in  
108 Subsection (A), the landlord may give a notice to vacate before the time period to  
109 cure lease violations expires.

110 **§ 4-14-107 NOTICE TO VACATE WITHOUT EFFECT.**

111 In accordance with Section 24.005(e) of the Texas Property Code, a notice to vacate  
112 shall have no effect if the notice of proposed eviction:

- 113 (1) fails to comply with this article; or
- 114 (2) is given before the time period to cure lease violations expires.

115 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2022.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2022

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Steve Adler

Mayor

**APPROVED:** \_\_\_\_\_

Anne L. Morgan

City Attorney

**ATTEST:** \_\_\_\_\_

Myrna Rios

City Clerk