

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.

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

32 (B) This article applies to a landlord who owns five or more dwellings and may evict a
33 residential tenant on or after November 7, 2022.

34 **§ 4-14-102 DEFINITIONS.**

35 In this article:

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

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

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

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

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

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

49 **§ 4-14-103 ADMINISTRATIVE RULE.**

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

52 **§ 4-14-104 REQUIREMENTS.**

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

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

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

- 57 (2) the lease violations that may result in an eviction;
- 58 (3) a right for the tenant to cure any violations, including delinquent payments or
59 other lease violations; and
- 60 (4) the time period to cure the lease violations described in (B)(2). [~~and~~
- 61 (5) ~~if required, the time period to respond to the landlord.~~]

62 (C) A notice of proposed eviction shall be:

- 63 (1) provided to a tenant in a manner described in Section 24.005(f) of the Texas
64 Property Code;
- 65 (2) delivered using an email address or web portal the landlord uses to
66 communicate with the tenant in the regular course of business activity; or
- 67 (3) posted on the front door of the tenant's dwelling.

68 (D) The statement shall:

- 69 (1) be in 16-point font, bold typeface, and underlined;
- 70 (2) be placed at the top of the first page of the notice of proposed eviction; and
- 71 (3) include the following text in English and Spanish: "A NOTICE OF
72 PROPOSED EVICTION AND OPPORTUNITY TO CORRECT LEASE
73 VIOLATIONS. YOU DO NOT HAVE TO MOVE WHEN YOU GET THIS
74 NOTICE. [~~YOU MUST CONTACT YOUR LANDLORD AS SOON AS
75 POSSIBLE. FAILURE TO CONTACT YOUR LANDLORD MAY END
76 THE OPPORTUNITY TO CORRECT LEASE VIOLATIONS.~~] ESTO ES
77 UN AVISO DE PROPUESTA DE DESALOJO Y OPORTUNIDAD DE
78 CORREGIR VIOLACIONES AL CONTRATO DE ALQUILER. NO TIENE
79 QUE MUDARSE AL RECIBIR ESTE AVISO. [~~DEBE COMUNICARSE
80 CON SU ARRENDADOR TAN PROTO COMO SEA POSIBLE. EL NO
81 CONTACTAR A SU ARRENDADOR PUEDE DAR FIN A LA
82 OPORTUNIDAD DE CORREGIR LAS VIOLACIONES AL CONTRATO
83 DE ALQUILER.~~]"

84 (E) A landlord is not required to provide a notice of proposed eviction when [~~if~~]:

- 85 (1) the actions of the tenant, or the tenant's household members or guests, pose an
86 imminent threat of physical harm to the landlord, the landlord's employees, or
87 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 or
95 receiving a demand for possession at the end of their lease term and after
96 receiving a notice of non-renewal; or
- 97 (6) the notice of proposed eviction would be the fourth notice of proposed
98 eviction to the same tenant for the same violation unless the violation is for
99 the non-payment of rent.

100 **§ 4-14-105 TIME TO CURE LEASE VIOLATIONS.**

- 101 (A) A landlord shall provide a tenant with a specific number of days to cure lease
102 violations.
- 103 (B) The minimum time period to cure a lease violation is 7 ~~[21]~~ days.

104 ~~§ 4-14-106 TIME PERIOD TO RESPOND TO LANDLORD.~~

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

115 **§ 4-14-106 [7] NOTICE TO VACATE WITHOUT EFFECT.**

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

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

120 PART 4. The City Council directs the City Manager to assess the impacts of the
121 ordinance and provide recommendations, if any, to City Council on improvements
122 regarding the implementation of the ordinance. The City Manager shall also provide a
123 recommendation on how to define criminal activity to exclude minor crimes, align with
124 existing city policies, and to address situations related to domestic violence without
125 creating additional harm to victims. The City Manager shall provide such
126 recommendations within six months of the passage of this ordinance.

127 **PART 5.** This ordinance takes effect on _____, 2022.

128 **PASSED AND APPROVED**

129 §
130 §
131 _____, 2022 § _____
132 Steve Adler
133 Mayor

134
135
136 **APPROVED:** _____ **ATTEST:** _____
137 Anne L. Morgan Myrna Rios
138 City Attorney City Clerk