

ORDINANCE NO. 20221027-023

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 owns five or more dwellings and 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 and notice of tenants' rights 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) a notice of tenants' rights that complies with Subsection (F).

(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. 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.."

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

- (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;
- (2) the tenant, or the tenant's household members or guests, engage in criminal activity;
- (3) an insured casualty loss such as fire, smoke, hail, explosion, or a similar cause creates a condition that makes the residential premises totally unusable;
- (4) the tenant, or the tenant's household members or guests, intentionally damages property on the premises; or
- (5) the tenant holds over after giving notice of termination or intent to vacate or receiving a demand for possession at the end of their lease term and after receiving a notice of non-renewal; or

(6) the notice of proposed eviction would be the fourth notice of proposed eviction to the same tenant for the same violation unless the violation is for the non-payment of rent.

(F) A notice of tenants' rights must be written in English and Spanish, include a link to the City's tenant assistance program webpage, and provide information about:

- (1) a tenant's right to remain at the property while the eviction process moves forward; and
- (2) eviction-related legal resources that are available to the tenant.

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

(A) A landlord shall provide a tenant with a specific number of days to cure lease violations.

(B) The minimum time period to cure a lease violation is 7 days.

§ 4-14-106 NOTICE TO VACATE WITHOUT EFFECT.

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

- (1) the notice of proposed eviction fails to comply with this article; or
- (2) given before the time period to cure lease violations expires.

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

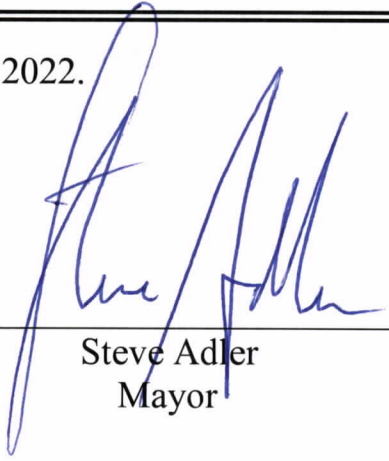
PART 5. The City Council directs the City Manager to maintain a webpage with resources for renters that is regularly updated with current program and funding information; and application dates.

PART 6. This ordinance takes effect on November 7, 2022.

PASSED AND APPROVED

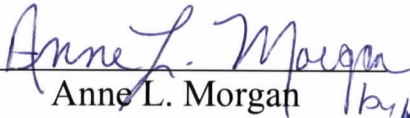
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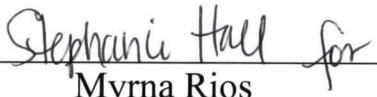
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk