

RESOLUTION NO.

WHEREAS, in many circumstances, a landlord must provide a tenant with a "Notice to Vacate" before filing an eviction lawsuit; and

WHEREAS, when an eviction lawsuit is filed in the Justice of the Peace precinct where the rental property is located, the tenant is served with the lawsuit and the date to appear in court for trial; and

WHEREAS, if the court determines it is appropriate to evict the tenant, a writ of possession is issued; and

WHEREAS, a writ of possession requires the tenant to leave the property and to remove his or her belongings and allows a landlord to remove the tenants' belongings from the property if the tenant does not vacate the property within the allotted time; and

WHEREAS, it is critical that tenants know their rights before and after an eviction judgment; and

WHEREAS, Travis County data from 2014 to 2015 reveals that 7,745 eviction petitions were filed in Travis County, resulting in 4,235 eviction judgments and 1,477 writ of possessions; and

WHEREAS, according to Travis County's 2015 data, the 78741 zip code area experienced the most eviction petitions, judgments, and writ of possessions; and

WHEREAS, having an eviction history is one of the top barriers for obtaining rental housing in Austin, particularly affordable rental housing; and

WHEREAS, evictions can also contribute to high rates of school mobility, which can impact children's academic performance and access to education; and

WHEREAS, Resolution No. 20170803-058 acknowledged the burden renters face when experiencing evictions and displacement in a competitive rental market, and the Resolution directed the City Manager to include information regarding Travis County and Williamson County's eviction appeals and record expungement processes on the City's "Resources for Renters" website; and

WHEREAS, through the Community Development Block Grant-funded "Renters' Rights Assistance Program," Austin Tenants' Council provides information to clients regarding the eviction process; and

WHEREAS, the Texas Property Code allows non-attorney advocates to represent clients in eviction cases; and

WHEREAS, Austin does not currently have a program that coordinates non-attorney advocates to represent tenants during the eviction process; and

WHEREAS, the creation of such a program could work in conjunction with existing tenant counseling and mediation services and could allow eviction counselors to provide direct support to individuals in the midst of an eviction process by:

- Reviewing and evaluating vacation and eviction notices;
- Identifying, gathering, and organizing relevant documents and facts to present in court;
- Educating tenants about the eviction process and what to expect at hearings;
- Accompanying tenants to hearings and intervening as appropriate to fairly and thoroughly present the tenant's case;
- Helping the tenant understand the outcome of the hearing; and

WHEREAS, the City of Austin is committed to ensuring that renters know their rights under Texas State law and that tenants of all incomes are granted the opportunity to exercise these rights, **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY OF AUSTIN CITY COUNCIL:

The Council directs the City Manager to propose an eviction counseling program, to identify any additional resources required to implement such a program, and to return with a budget ~~amendment~~ item for Council consideration no later than June 30, 2018.

The Council recommends that the program provide early intervention services through education, support, and mediation after a tenant has received a Notice to Vacate, as well as representation during eviction court proceedings.

ADOPTED: _____, 2018

ATTEST: _____

Jannette S. Goodall
City Clerk