

# Regional Affordability Committee Meeting Transcript – 05/22/2019

Title: City of Austin

Description: 24/7

Channel: 6 - COAUS

Recorded On: 5/22/2019 6:00:00 AM

Original Air Date: 5/22/2019

Transcript Generated by SnapStream

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>> Garza: I think we have a quorum. I'm Delia Garza, chair of the regional mobility committee. We're meeting in the boards and commission room of city hall. Today is may 22nd, 2019. The time is 10:10. I'll call the meeting to order. Before we take up our agenda items I don't think we have anybody signed up for citizensnication, but I wanted to welcome councilmembers Paige Ellis and I believe councilmember Natasha harper-madison will be joining us. I've enjoyed the opportunity to dig in and learn about different topics and also to get to know the elected officials in different regions. So I think it's been a it's different than other committees, but we'll have a good discussion. I also wanted to introduce commissioner Terry cook with Williamson county who we're hoping the commissioners' court in Williamson county will appoint because there has been a seat available for Williamson county. I think someone showed up maybe one time so we're glad to have you here and hope that -- please let my office know if there's any official invitation that they want us to resend to initiate the process to get you nominated to serve on this board. Thank you for bei here. So the first item is approval of minutes. So if we could prove the minutes? It's been seconded. All those in favor, pl ease raise your right hand of agenda item 1 say aye. Any nays. All ayes? That's 7:00-0. The next item would be citizen communication and I don't believe we have any --

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then three is the affordable housing and discussion for evictions in central Texas. Would the speakers like to speak before or after the presentation? I have Daniel armandez -- is oh, you are the presenters. Thank you for signing in. You will be speaking. You have more than three minutes. [Laughter]. And I believe this was -- this has been an ongoing -- evictions have been an ongoing issue for many of our constituents. >> I think we've asked to have it somewhat as a rolling item because it's such a serious problem. >> It is. So thank you for being here. >> Thank you for having us. I think what we wanted to do was give you an update today. We presented here, Julianna Gonzalez and Daniel presented here about a year ago and thatntation was on policy recommendations around what we could do to improve our

situation with evictions in Travis county and in the state as a whole. I understand there is a regional committee, but our expertise is Travis county so most of what we will talk about here today is Travis county. We do serve Williamson county at the tenants council and I can tell you that we see similar issues in Williamson county, but I don't have access to the kind of data that I have for Travis county at this point. So we're going to talk a little bit about evictions in Travis county and what we're seeing in the community at this time. So the data that we have currently that is official

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release data is still from 2015 and there were 7,745 evictions in Travis county in fiscal year 2015. We have some unverified numbers at this point and incomplete numbers for 2018 that came from a JP business analyst and those numbers are being compiled for calendar year 2018. As we speak. So what we know is between January and September of 2018 in Travis county there were 7,526 evictions. If you extrapolate that data, and this is not always an accurate way to do this, so don't take this as absolute numbers, but if you extrapolate that data and assume that we are having the roughly same number of evictions a month, we probably had about 10,000 evictions in 2018 in Travis county, so the problem is growing. And we do expect that the new Travis county statistics will be out -- not only the ones that we've asked the JP business analyst to collect for us, but the Travis county cdbg office is actually going to publish a report on evictions within the next month or so as well. >> Madam chair, just to verify that, we have pulled together kind of a task force within Travis county to try and get a handle on these numbers because they're not gathered centrally anywhere so we've asked our staff to try to track that and begin to try to produce a report. >> I think that's fantastic. One of the things that we know is that gathering this data is very difficult. You might be familiar with the eviction lab out of Princeton. They're very clear that the numbers that they've collected for our area are very incomplete. If you look up Travis county or Austin on the eviction lab website, you kind of get a pop-up that says these numbers are very difficult to collect and we know that they're incomplete. And the numbers that they're

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reporting on significantly lower than when we're getting actual data from the county. As you all probably know, eviction history is a barrier to housing. It creates housing instability. It can create homelessness. It certainly creates a cycle of financial instability for the clients that we see. Once they're evicted then they're starting over with increased costs, paying all of these fees. And sometimes that just results in eventually another eviction. And the cycle continuing. Children and schools have to be relocated many times. The JP courts I think are overrun with eviction cases. So we know that as a community we need to start looking at this problem and I think this is why we're here. You know that too. So thank you for having us here. Daniel is going to refresh you on the process of what an eviction looks like. And for new community members. He's just going to quickly go through what the eviction process looks like. >> Hi. I'm a Houston advocate with Austin tenants' council. So this process applies to Texas at large. But basically the eviction process begins with an alleged breach or default of the contract.

The landlord usually alleges in a notice to vacate to state the reason why they're asking the tenant to leave. So the notice to vacate is delivered by the landlord, there's a specific procedure laid out in statute in terms of the manner in which it's delivered and the language that it has to contain. The statute gives a tenant three days minimum to vacate

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the property. But there is a provision in statute that allows for a landlord and tenant to contract for a shorter period. The phrase shorter period is not defined in the statute. The vast majority of the leases in Austin in terms of the larger apartment complexes are under Texas apartment association's lease, and the default language in that lease is 24 hours. As a statutory matter, the tenant does not have to vacate, but if they don't as a practical matter the eviction filing is imminent. So the eviction filing is next, three days pass or 24 hours, the landlord has -- they can do it online or they can do it in person. It's having to me from a housing advocate perspective, as a practical matter a landlord merely needs to go to the JP and file the paperwork. There's no vetting at the front end. So the landlord literally just goes up to the clerk and says I'd like to file an eviction, pay the fee, fill out the paperwork. And so the question of whether or not it's a legitimately filed eviction is a fact question which will bear out in the hearing itself. And it's not impossible or implausible that the first instance in which a tenant knows why they're being asked to leave is in fact when they're standing in court. Why? Because the notice to vacate doesn't have to tell them why they're leaving according to statute. So that's a real problem and I've confronted that many,

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many times when the tenant simply doesn't understand why they're being asked to leave because it's not in the notice to vacate and the landlord is not telling them. The eviction is filed. Delivery of the eviction notice is by constable. It's usually in person, that's the ideal situation, the constable tries to put it in the hand of the person trying to leave, although it can be in a number of different ways. It's a very specific process in terms of delivery. And then the hearing is scheduled, so the eviction will tell the tenant that they're being sued for possession of the property and/or rent. And that notice needs to come to the tenant. The hearing itself needs to be scheduled not less than 10 days and not more than 21 days from the date of filing. So then you have the hearing. The tenant shows up at the hearing hopefully. If he doesn't it's a default judgment. Usually the tenant is representing themselves. The landlord frequently is represented by a representative of the apartment complex or it's not uncommon for the apartment complex to hire a company that specializes in nothing but evictions, that's all they do. >> I'm going to just say that in the majority of cases tenants are terrified of this process and so most tenants don't go to court. The ones that we hear from do, but statistically across this country the data shows that tenants don't show up for this court hearing. >> That's right. And sort of from that perspective, most tenants are sort of terrified of the whole formality of the process itself from the very beginning.

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So frequently they don't show up in court because they interpreted the notice to vacate as a legally binding demand. And they just leave. So hopefully we're talking to them and saying you don't necessarily have to leave, but yeah. So in court if they do show up they don't -- it's my experience that they don't frequently understand what they can and cannot ask for, what they can and cannot say. Frequently they will complain at that point that they have other issues with the landlord and the property. And those issues will not be heard by the judge. Eviction is -- the question before the judge is who has a greater right to possession of the property. That's the only question. That's the question to be answered. Rent can be asked for, but in terms of all these other grievances that a tenant frequently airs in the eviction, they are not heard. And frequently the tenant doesn't understand -- often times in my experience those experiences, those issues are sort of what lead to tenant not paying rent. And so in court they sort of feel that they ought to be able to air those grievances, but they're simply not allowed in an eviction hearing. So after the hearing typically the tenant -- >> May I ask you a question? On this notice of intent to terminate the right of occupancy, is the notice that is delivered to the resident. >> It's the notice to vacate.

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It is required in the vast majority of situations, there is an instance in statute that the landlord can give a verbal notice. >> Is that what was copied in our packet, the notice to vacate? >> The notice to vacate. >> There is nothing in here about you have the right to appeal this. There's no further information about any of their legal right. >> Yes, ma'am. They receive -- so that's from the landlord. When they receive the eviction notice, which is telling the tenant that they're being sued for possession of the property, in that notice from the court they are given certain guidance as to their rights. >> So this notice doesn't require any information about their right to appeal -- >> No. Let me clarify again. The notice to vacate in the statute merely -- okay. My -- sort of my mind boggles at this. The notice to -- the purpose of a notice to vacate is for a landlord to demand possession of the property, right? To demand that the tenant vacate their housing. But the statute merely requires that the landlord name the tenant, have a date and give a date of moveout. And basically in effect be unequivocal in its intent, you must leave, you must vacate, your right to occupancy is being terminated. But the reason why the landlord is asking is not required by statute. So in Texas a landlord can ask a tenant to leave within 24 hours and not tell them why. >> I have a quick clarifying question on that. So on this champ you're showing here they haven't

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paid their rent, utilities. So they're given a reason in this case. But let's say did they -- I don't know, is there a way for them -- they have a contract, don't they? Don't you sign a -- the tenant sign a contract? >> The lease, yes, sir. >> And does it say okay, if you're in arrears on your payment, does this do orthopedic or can the landlord say oh, you left too much junk on the little patio or you didn't park wrong too many times? >> Right. So I'm not a lawyer, okay, but I can tell you that in the state of Texas if a landlord -- if a tenant is delinquent on rent, there's a 24 hour grace period provided by statute. If the tenant is delinquent on rent, post the grace period, the landlord has no legal obligation to accept any rent whatsoever from that point forward. If the tenant shows up in their office with 100% of the rent and 100% of the late fees, which rarely happens, but frequently it does Happe the tenant has 100% of the rent, maybe not also the late fees, the landlord can say I'm sorry -- >> You broke the contract. >> Absolutely. And that does happen. So the eviction hearing is held, typically the tenant, if the tenant is representing themselves and they haven't contacted us, and other circumstances and sue, they are evicted, and so from the data of the eviction the statute provides a five-day period -- I'm sorry, civil code -- civil rules provide a five-day period in which the tenant has two legal options and only two legal options. Other file an appeal or move out. Those are their options.

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Their five calendar days begin on the date and time of the judgment. And if it hands on a weekend or a holiday it moves to the next business day. So as a practical matter frequently they don't have five days. And that's it. They either file the appeal or they have to move out. If they neither file an appeal successfully, a perfect appeal, or move out -- and move out as a practical matter is understood to be delivering possession, hand the key. If they don't do cert one of those things on the five-day period, then on the sixth day the landlord must go to the court and file unlikes for writ of possession. The writ of possession takes the form of the notice that you see there and it's delivered by a constable and it gives the tenant 24 hours to vacate and deliver possession to the landlord. Failure to do that within the 24 hour period results in the physical removal of the tenant. So there's no allowance for the tenant at that point to get their belonging out. So I'm counseling folks and I am telling them if they are at this stage -- I'm literally having a very short conversation because time is of the essence. They're calling me and saying I got an Orange notice on my door and I'm telling them, you no longer have any sort of legal recourse. A constable will be coming after the expiration of that date and there will be no arguing with the constable. They will tell you to leave and you must. And they will not allow you to pack your belongings. So anything you don't want to lose, essential items, birth certificate, medicine, et cetera, you must have in hand packed at the door

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because the constable will come and say it's time to leave, you must leave, and anything left in the property is for the landlord to put on the curb. That's the final end to the eviction process. >> So they lose the -- they lose their possessions? They have no right to take their possessions out of the

apartment? >> So if a writ of -- so if a writ of possession is issued and -- they have 24 hours to do whatever they need to do to take that person off the property. Including their possessions. Their possessions -- their right to be on that property ends at the end of that 24 period. And irrespective of what's left, they themselves have to be off the property. So yes, as a practical matter, they frequently lose their possessions. Their possessions are typically put on the curb in the public way and they're free to get them because they're in the public way, not on the property. They're free to come back and get them, but as a practical matter what I hear is that others start to take the possessions because they believe they're free, they're in the public way. >> Yeah. I first learned about this issue, there was a Facebook post about a veteran who had been sick, was in the hospital, didn't pay his rent, and when he was released came back to find out his possessions had been moved on the curb and that people were taking them. And I think a neighbor called the police to try and stop it and the police said, it's in the public right-of-way and we can't stop it. So that just seemed like it was a really bad law and a bad circumstance.

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>> So I'm sorry, I didn't introduce myself earlier because I felt like I knew many of you, but I'm Jeannie Nelson, the executive director of Austin tenants' council. I've been with the tenants council since about December. So I wanted to just say that we do have the community's attention on this matter. There are some community interventions happening. They're not happening quickly, but they're happening. In April of 2018 the Austin city council passed a resolution to fund eviction intervention services. Currently the rfp for those services has not been released, but there is a plan to fund eviction intervention services in our community. Travis county funded a small program with the tenant's council for citizens in unincorporated Travis county for an eviction intervention program, and we at the tenants council have been piloting an eviction intervention program since October of 2018 utilizing the Travis county funding for unincorporated Travis county and utilizing our discretionary funding for the rest of Travis county. >> Have you talked with city staff about this rfp not being released? >> They're still working with putting it together. I don't have a lot more information than that, just that they are working on it and that they're expecting that it should come out in the next four to six weeks. >> Okay. We'll follow up with that. >> Thank you. So the bad news is we've suspended our pilot this week. I don't have the money to fund it right now. We are still serving unincorporated Travis county because we have funding for that, but that is not the primary need for services. Most of the need that we see is, of course, within broader Travis county. We are in the process of seeking city, county and private foundation support.

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I do believe that this is a community problem that is going to take more than just the tenants council, just the city of Austin, just Travis county. And I do think that there are private foundations and private citizens in this community that are interested in this problem. And so we're exploring those options as well. But I wanted you to hear a little bit about what we have been -- what we were doing in this pilot

program and what we've been able to learn from it. Of course the goal is to prevent housing instability and homelessness to prevent an eviction filing if we can and to advise clients on what the process looks like, strategies for what's going to happen in court and what they need to plan for if the eviction actually happens. So for me the primary goal is to make sure that a person is not homeless at the end of this. That they do have some type of housing to go to. If they get to stay in the housing that they're in, great. If not, how do we help them through this process with the least financial fallout and the least fallout in their personal lives. And so we have done that successfully. I'm going to let Daniel very quickly tell you about the outcomes of the pilot program. >> So there's a lot of outcomes in terms of the definitions of a success and unsuccessful intervention. That bottom definition of a successful intervention in an ideal circumstance is one in which the eviction itself, the eviction filing rather, the filing of the eviction has been prevented. And of course homelessness prevented. The reason why it's significant, sort of the goal, is to avoid the filing itself is because in the

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state of Texas the mere act, the mere act of filing an eviction will ensure that eventually, probably within a matter of months, the filing of the eviction, reference to that filing will appear on the tenant's credit history, credit record. As we went back before, there's nothing preventing a landlord from filing an eviction, there's no vetting process at the outset. So if the tenant prevails, which is typically unlikely, but if the tenant prevails in an eviction, the burden is on them to take the judgment and go through the long arduous process of clearing their record. And an unsuccessful intervention is one in which the tenant was evicted and has become homeless. >> Can I ask for some clarity there? Do you mean the credit report or the rental history? >> The rental history is reflected on the rental report. There is no such thing as rental history as a separate and independent document regulated by an agency or -- there is one's credit report. That is housed with Experian, Trans Union and Equifax with a fax, and that shows up on their credit history and so does the judgment, by the way. >> So what number is associated with the reference? Generally speaking if there's something that's negative on your credit report it also subsequently has a number associated with it. If it's a filing, but not a judgment, I'm not certain how that works. >> So it's my understanding that -- so there's a portion of your credit history devoted to legal action basically and it's in that section in which the reference to the filing

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appears. That's my understanding. If the tenant is evicted, obviously the judgment is placed there. If the tenant prevails, it's my understanding that they don't take it upon themselves to remove it. The tenant must. So -- >> If when they get the notice to vacate they do vacate -- is the landlord could not file the eviction. Does that happen often? >> It does happen actually. So like we were saying before there's nothing preventing the landlord from filing an eviction. The judge doesn't know the tenant has vacated. And frequently landlords will file the eviction anyway. They shouldn't. I'm not a lawyer, but they shouldn't because the only question for the filing of an eviction is if there's a question as to possession

of the property, who has the greater right. If the tenant doesn't have possession that question should be answered. There should be no filing. And the landlords will do it anyway and the reason they do it is because they are owed money and they want the court judgment. They want that document so they can make a case to credit collections agencies, et cetera, that that money is owed. So I'm counseling folks, I'm counseling folks, if you do choose to vacate, make sure you do so in a way that's proveable and then just for good measure affirmatively contact the court and say time no longer there. >> Have there ever been cases where that has happened and they file the eviction anyway? Would a judge just say there's evidence -- I'm assuming the person would show up to court. >> If the person showed up up -- doesn't show up to court there's a default judgment. But what's interesting is so there is a default judgment if the defendant doesn't show up.

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But if the defendant doesn't show up and I have seen this, I've actually witnessed this, where the landlord shows up and the judge says is the tenant still there. And the landlord says I don't know. It and then the judge issues eviction. >> My understanding is -- I'm sorry, did you have a question? That there is a -- probably a number of businesses like this, but there's one in particular that goes to each of the jps and collects all of the data on the eviction notices that have been filed, if that's the right term for when it gets to the JP court. And then they maintain essentially a black list for apartments of people who have had evictions filed against them and they are -- it's very difficult to be able to rent an apartment again if you're on that list. >> Right. >> Am I understanding that process correctly? Because I've heard this described from different sources and it seems like there's some validity to it? >> I'm not aware of any particular list. All I know is that the eviction filing, just the filing appearing on your credit presents a great obstacle for the tenant. The landlord looks at your credit history and sees a filing or two files, but no judgments, they don't have to rent to you. They can just say, do you know what, I'm not going to mess with this person. Obviously they've given their past landlords cause to file evictions. So it's just -- that's why preventing the filing of the eviction is so significant. >> I know there is a service. I confirmed this with an apartment association -- an

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apartment corporation. And they said there is a service that goes around to the jps and collects this information for those of us in the business. I know it exists. I don't recall the name of the service. It makes it so much more difficult for anyone who has had this happen to even get into housing again in the future. >> So I know that you have other items on your agenda and that we are probably over our time. In the 206 people that we served in this pilot program we had a successful intervention with 134 of those people, which either means that the eviction wasn't filed but also that it's not just that. In many of the cases the eviction was filed, but we were also able to make sure that we were able to and maintain stable housing. Because at the end of the day housing stability is our primary goal. We did have 27 clients who the eviction was filed, the eviction judgment was for the plaintiff and they became

homeless. And 45 of our clients were referred to legal aid. So those are an exclusion for us from that point. We don't -- we can't follow those clients all the way through, someone else then takes that case on because it was an advocate could not represent the person in. >> So what's the difference in the pilot program and what you -- the services you normally provide. What was the difference? >> The difference is that the services that we normally provide are very much just this is what happens in the process and you kind of take it yourself. And we don't have the staff capacity in our normal counseling services to actually call the landlord, help the tenant negotiate with the landlord, but in this pilot program we were

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negotiating on behalf of the tenant with the landlord as part of the process. So was the funding that you don't have any more providing that salary for that extra staff? >> Well, it was providing salary for Daniel, for incorporated Travis county. The rest was funded through our discretionary funding. But the difference is it was less advice and more intervention. He was actually on the phone with the landlord following a client. The goal is actually to be able to go to court with the client. And the statute in Texas actually allows an advocate, not an attorney in an eviction case to represent a client in court. So the goal long-term is to go to court with those clients. I think we will start to broaden or narrow the definition of success, not to be just was the eviction not filed or did the person not end up homeless, but when we able to prevent displacement. That would be the best outcome. With piloting this program and learning what works and what doesn't, we had a broad definition of success, which was the person didn't end up homeless or the eviction wasn't filed. But at the end of the day the problem is the instability. So we want to maintain housing stability. So we learned a lot from this program and what we really learned was that an unfortunate life event starts the cycle, that it's a very labor intensive process. It's hours and hours of work on Daniel's part to actually have a meaningful intervention. To contact the landlord and then contact the tenant and go back to the landlord and go to court. So when we started talking about this several years ago what the tenant's council thought this looked like has looked very different in

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reality. This is why I'm saying it's going to take more than city funding, more than county funding. We'll have to get folks in community involved. We maybe could serve 400 people in a year, but it's going to be a costly service with all of the staff time, all of the client follow-up, very difficult. Daniel to find out the outcomes of these cases sometimes he loses contact with a client, he has to call the landlord. He has to get in touch with the courts. And some of the biggest lessons we learned is about financial assistance. Short-term financial assistance in these unfortunate life vents would fix a lot of this and quicker turnaround on the financial assistance. Landlords don't want to negotiate in the beginning and they don't want to wait 30 days to get their money when financial assistance actually is available or they don't want to wait three days, honestly. So initially we wanted to just figure out how to better represent people, go to court with them, intervene. Now what I'm envisions is that coupled with short-term rental

assistance and participates with organizations that can provide heavy duty case management for those who need it as well. Some clients need light touch case management that we can provide. We're not a case management agency. So I say light touch. We can get them through court, we can get them the money that they need hopefully to-- if we can make this short-term financial assistance happen. We can maybe help them by paying the debt so they can stay in their housing. But for ethics that are in the cycle we're going to need some long-term solutions with case management agencies as well. >> Can I just say quickly? With respect to the rental assistance, the single greatest reason why landlords refuse Travis

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county rental assistance is because the contract requires them to not file an eviction within 30 days. I don't know how you get around that, but so you're aware, the single greatest reason that we hear from tenants, they get approved, Travis county presents the contract to the landlord, and the landlord says I'm not waiving my right to file an eviction within 30 days because if I start counting 30 days from disbursement of the funds or contract execution, it puts me into another rental period. Over the next rental period. So that guarantees that obviously the tenant can say I understand the intent, but that's the single greatest reason why it's refused. And it is refused by a lot of landlords. >> It would be really helpful if you all are collecting that data because we've been trying to also document it internally. We did allocate a fairly substantial increase in funding for the rental assistance program because we had increased it in relation to the rising cost of rent. So it's been a bigger increase on our budget. And we've been trying to track to make sure, for instance, that landlords abide by that commitment and don't proceed to eviction for people that we've provided the rental assistance for. But I don't know that we've tracked the data. We may have, but it would be useful to compare with your notes as well as to the number of landlords who turn it down because they think it's going to take too long. We've also sped up the process so that they get the payment quicker. So it would be interesting to know is it half the landlords that you're aware of, is it three-quarters. Do you have any ballpark on it? >> I would just say the vast

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majority of landlords who have been presented with the contract, the vast majority, refuse because of that specific provision in the contract. Disbursement time turnaround is a separate and additional issue, which landlords do express a problem with. But the greatest videophone sort of a contractual restriction on filing an eviction. They don't want to waive their right to file the eviction. >> We are not meaningfully collecting that data and I don't know that we have the systems to at this time either. So what we're telling you is very anecdotal on that matter. >> And that's based on your advocacy for the tenants when they go to present the rental assistance to the landlords they in the V majority of cases turn it down? >> Yes, ma'am. So I've been with Austin tenants' council for about five years. Since I've been with them Travis county has provided emergency rental assistance and in that time over those years that is the single greatest reason. It's the restriction on the eviction filing. I understand the intent. I don't know how

you get around it, but I just wanted you to be aware of that. >> We're seeing a much greater demand on the rental assistance so somebody is taking it and it would be great to have a better understanding from that data. But thank you. >> I want to thank you for your time. We provided policy suggestions last year to this committee and you have a list of those. Nothing has really changed in our climate or in our political climate or in our policy. Since last year those suggestions are still all things we would endorse and hope that you all might take up as a committee. Thank you. >> Trustee Comstock. >> Thank you very much for that presentation. How do you use volunteers and do you have them and how do you recruit? Because Austin volunteers a lot and I think there are a

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lot of people who might be interested in helping you. Is there a training program? How do you use volunteers or how could you? >> We primarily at the tenants council we use volunteers more on our fair housing side to do some fair housing testing. But we are looking to recruit volunteers specifically for this. And one of the things is the data. To do what we do, to advocate, that takes a lot of knowledge and it would take a long-term training program for volunteers, maybe six, eight months to really be able to go to court as an advocate. Though we could use attorney volunteers to help in those situations where it's out of our league. But one of the things we've been looking at is the amount of just clerical work that it takes, the follow-up. So we could certainly use volunteers to help in that capacity and we have had several volunteers, but don't have nearly the long-term commitment or the cadre of volunteers that we need for that. >> My question was going to be the services that you guys provide, are they exclusively for people renting market rate apartments or does that include haca or housing choice voucher clients as well? >> It does include housing choice voucher clients and haca clients. >> I noticed in some of the advocacy work that I was doing early on that folks were finding themselves at risk of eviction because of failed inspections. Is that a process that might be helpful in terms of volunteers? I found that employing handy men to fix things that were broken and the apartment not having to make the repairs stayed their desire to find the solution.

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>> I will let Daniel speak to that. I will tell you most of the evictions, 99% of the evictions that we have helped people with were no nonpayment of rent. But Daniel, do you want to speak to that more? >> That's definitely a problem. We do have a repair program in terms of guiding folks on their rights and responsibilities under the statute in terms of requesting health and safety repairs and we do get a lot of clients who receive public assistance in some way in terms of housing who have repairs, the landlord is failing to fix them. They fail an inspection and as a result the contract with haca is threatened. To your question, it's never a good idea for a tenant to hire somebody to work on a property that's not theirs. So it's usually a violation of the contract just from the get-go. That would be possible if such a program would coordinate with the landlord and receive, you know, written permission to do that work. That would be the only way that I would suggest it. But that's definitely the core -- that is actually a significant

reason why many recipients of section 8 and other federal housing programs are threatened in losing their housing is precisely because the landlord fails to make the repairs and then they fail the inspection. We always counsel tenants never do the work yourself. Contact the landlord through the normal process because that would be a breach of the contract. >> Trustee Mathias? >> Dr. Mathias from the school board. I appreciate very much your presentation. My question is going to be directed on to this committee rather than you, but maybe you have some input on the answer to it. My question for us is now simply now what? It just seems that the evictions are the symptom of -- that somehow tied to

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the increased land valuation that we have here in Austin and the inability of persons to afford staying on that land when the land increases, what pains me is that we are sitting on land today where people were displaced. That is to say 130 years ago in the 1880s this was the Mexican community of Austin nestled between the flooding Colorado river and the red light and saloon district of gay town, beside the city dump. This was not valuable land at that time, but then factors shifted and by the 1910s of course the community was displaced because they rented the shanties that were on this land. So this is nothing new. My question for us becomes now what? I mean, it just seems that rather than just -- I really appreciate the presentation, but then I think for us as policymakers the question becomes what are we going to do about it? I would love to see nothing more than us take some stand as a committee. And the Austin ISD we have lost 6,500 students in the past seven years. 6500 students, largely due to the lack of affordability. We currently have -- staff is it texting me saying we have a 17.9% churn rate, meaning 17%, nearly one in every five students, is leaving our district on a nearly basis due to a lack of affordability. So if there's anything at all that we at this table can do to help to address that, I am all in. Love the presentation. Evictions are the symptom. What does that mean for us? >> >> I'll answer that on a couple of levels. There's only so much we have the power to do, and the state, which will be our next presentation on the threats of revenue caps and their lack of action on school finance, when that is the greatest portion of somebody's property tax bill, is, you

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know -- the state hasn't acted on that, unfortunately, and is now shifting the blame on local governments that, you know, it's central health's spot, it's central Austin, Travis county's fault. So now we're faced with capping how we can raise -- in fact, we've lowered our tax rate, but because evaluations go up, that means we bring in more revenue. But I guess that's on a broader level. With regard to this action, it wasn't posted, it was just a briefing, so there wasn't -- we can't take an actual action. We can bring it back as action -- I went to look at that just to see if, you know, I could entertain a motion to -- if it had been listed for action, entertain a motion to endorse the policy recommendations. The problem is, is since we all represent different boards, we can't tell Travis county what to do. They would just have to, you know, taste back to their -- there's a couple that are specific -- the policy recommendations are in your packet, and there are some specific to the different -- you know, different

entities and how we move forward on those different things. So the next meeting, the last item is future agenda items, we could bring this back as an action item to say we will, you know, as this committee, endorse the recommendations, and then encourage each of us to go back to our respective bodies and say here are ways that, you know, we can possibly move the needle on these evictions and propose that as a -- in our instance, they're called an item from council, bring it as an item from council. >> Madam chair, if I could simply respond, first of all, I want to praise all of us coming together and representing our jurisd, being able to talk about the issues and solutions. I want to thank the city of Austin and others who have been part of conversation on how is it we might be able to take lands that currently occupy

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schools and dream about how it is that might be able to meet other community needs. If there's a school there but we don't have the community to support a school, how can we have the painful conversations as a community that would result in a dream together. I know that the city of Austin has been a tremendous partner. If we could get affordable housing onto some of those sites to help draw students back to some of our public schools, that would be such a win-win-win situation. So I just want to thank our friends at the city who are working on those conversations. >> Mad an chair, it seems that one thing we can do in the meantime between meetings is have -- whether it's our economic development staffs or whatever staff members that might be, to build an asset map of the programs that we have in place currently to address these types of issues, what information are we looking for, what information are we documenting, which of those programs should be partnering with school district programs, with city programs, with county programs. We are suddenly not powerless in that. We've allocated resources over time to address these types of issues. Nick chew's court is addressing evictions, specifically, and the manner in which they are managing that docket. >> Garza: Okay. >> So there are things we can do to identify, then we can also start looking at some of our fair housing policies. We just approved a new affordable housing product on decker thats opposed through a affordable housing analysis because they said, look, if you do this,6% of the houses in that census track will be affordable, but when you overlay the development that's happening in colony park, the 3100 homes, et cetera, that number will go back to 24%.

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So just knowing all the programs that we have in place and making sure that we are aligning our issues and aligning our staff would be, I think, a really good first step that we could actually come back and work on something. >> Garza: Yeah. >> And I have a couple specific questions. Certainly we all know that this is one of the biggest issues of our times, here in Austin, Travis county, and, frankly, elsewhere. >> Nationwide. >> Nationwide and globally,en. But when I look here specifically at Travis county and the state of Texas, a few things occur to me, and one thing is, what are some of these triggers beyond the increasing price of land or your increasing property taxes, your increasing grants, of course we know

landlords pass those increases along the rent, and that is having a history of being incarcerated -- right? -  
- Makes it extremely difficult, many times, to be able to even obtain an apartment, and another one that you have pointed out is having any kind of history of having a bad credit rating, of being late, or of having an eviction. And you have pointed that out. So my question is, I know that the state of Texas, we have some -- our laws in Texas are some of the stiffest as far as the burden being on tenants, whether it is your ability to renew your contract from month to month or what happens in evictions. If you look at other parts of the country, there are different statutes in place regarding eviction, as well as allowing, you know, renewal of rental. So I would like some information on what we can do versus what would have to be done at the state of Texas level by statute there, so that would be really

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helpful to me, to know that. And then another one that was alluded to is, if there are specific recommendations, I see the policy suggestions at the back here, that you have some, it would be good to have a list of specific recommendations. But as was stated, since we all represent different bodies, we would have to -- and I think -- I've just been told -- >> It was behind me -- >> Look at the next packet. That is very handy. Thank you. Obviously, very focused on the presentation in front of me. So what we all have to do is go back to our individual bodies who we represent. >> Yeah. >> Thank you. >> Garza: Just a quick time check. We have, like, 50 more minutes and two more agenda items, so let's do one more question or comment and then move to the next one. >> I appreciate you printing out the policy recommendations because I didn't remember all of them. But we have done the first two. I mean, there was a note here that none of the actions have been taken. Travis county raised the emergency rent payments. We increased them to more closely reflect the market. And we've had a have there ever -- we've had Avery large increase in our budget in that rainy because a lot of people are taking advantage of the emergency rental assistance that pays at a higher rate. I wanted to make sure you all knew that. The second is, we've accelerated the payments to the landlords. We worked with our county auditor and our internal systems and increased the -- or degreed the -- we've decreased the. A of time that it mount of time it takes on those first two. I thought I understood there was legislation pending that would have addressed the assignment of punitive late fees on rents. I thought that was moving through the legislature, but is there any quick update to give on that one? >> It passed yesterday. >> Yay!

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>> Yay! >> It's not a yay to us. They didn't cap late fees, they put a safe harbor on late fees. The number was 12%. We were looking -- we were hoping for something closer to the late fees that a person would pay for a late mortgage payment, which is in many -- most mortgages, around 5%. Additionally, some of the language in the bill didn't really give tenants an avenue to appeal late fees, and there's still a lot of language -- and go read it, and I can -- I can email you the bill number if you'd like. Some of the language in the bill really still allows an assessment of fees on top of that 12%. >> Oh, wow. >> If -- it's really broad. I'm trying to walk a line here, honestly, and not just give you my part of that it allows for a

calculation that is not very well defined. I don't think that it was a victory for tenants. >> Well, I'm sorry to hear that. I thought it started as an attempt to reduce that harmful process that just piles up fee on top of fee. >> You do know that it went to this legislature; right? >> It did start as that. It didn't pass last legislative session, and the number they were looking at then is 8%, so the 12% is very disappointing because we thought 8% was too high. >> For that recommendation, it says stickers county, or state law. Can the city pass an ordinance that has -- that says you cannot evict someone for non-payment of late fees? That's not purely a state law issue? >> I think that we can pass laws

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locally that are more stringent, but not less stringent than state law. However, what often happens is then the legislature will pass another law that says the city can't do this or can't do that. >> I guess it depends on what side you're on, what "Less stringent" is. >> I'll give you an example, it is not a requirement that the landlord file the notice to vacate when they file an eviction. So while you have a -- a notice which is statutorily required to be delivered by the landlord, when the landlord is actually filing the eviction, it is not required to perfect an eviction filing to produce that notice at the justice of the peace. And usually in an eviction hearing, the judge will say, hey, did you deliver the notice? If the landlord is unable to produce it, they take their word or they don't. Sometimes -- sometimes -- they have the discretion to throw it out, but I've been in cases where the judge -- the landlord could not produce it and the eviction went forward. So I don't know if that's -- you know, that's just a little thing that could -- I think could be addressed where you would make -- you would require that -- the landlord to produce the notice. >> Garza: Okay. Well, thank you and good discussion. The next item is item 4, and it's briefing and discussion on the possible impact of revenue caps on the city of Austin budget. >> Good morning, commissioners, trustees, board members, council members, and mayor pro tem. I think I have all the titles. My name is deputy cfo for the city. I just have a very brief presentation on the fiscal impacts of two bills in particular that we've been tracking. So here they are, senate

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bill 2 I'm sure most of you have heard about. It has passed both chambers, both the house and senate is currently in conference committee where they are working to iron out some differences in it. Both chambers approved senate bill 2 at a rate of 3 1/2%, so our rollback rate currently at 8% would be lowered to three and a half percent, effective January 1st of 2020. So it's not something that would affect jurisdictions this year, it would impact you beginning in tax year 2020, which would be most jurisdictions' fiscal year 2021. So next year. Next budget. There are a couple of differences between the bill that they're trying to work out in conference committee. The house version of the bill includes an adjustment for homestead exemptions that would raise roughly two million dollars more compared to the senate version of the bill. Not a lot, really, when you look at the next slide and you see when the fiscal implications of the three and a half percent are. The house version of the bill also links passage of sb 2, enactment of sb2 to the passage of finance bill, house bill 3, so those two, in the house version of

the bill, have been linked. So it's kind of -- you know, it's a good us in/bad news kind of thing. We either get finance reform, very much need, and sb2, very much not needed, or -- they tied them together in a bad way to some degree. The other bill, it's important to note, senate bill 1152, that passed both chambers with very minor differences. My understanding is those have been ironed out already in conference committees. Th1 appears headed to the governor's desk. It changes what we can do in regard to the collection of our franchise fees. Currently most jurisdictions assess and collect a telecommunications and cable franchise fee from companies that provide both services. That bill would allow us to collect only the greater of those two fees at a fiscal impact to the city of \$5.6 million annually. It also has a delayed implementation of January 1st, 2020, so it would only be will a

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\$4 million impact O year 2020, \$5.6 million impact on the years after that. So we take those revenues -- this is our five-year financial forecast. The one-liked short version of our forecast showing projected budget of \$1,072,000,000 for 2020. The growth trajectory there is somewhere around 3.8% annual growth in our budget so those bars grow each years, and that's really to reflect what I like to call the cost of doing business as normal the most part. This is not opening new rec centers, enhancing park maintenance or doing more for the homeless population, it's just a base budget projection that reflects rising wages, rising workers' comps could. We will see we did include in this forecast 30 additional officers per year in addition to the opening of one new fire/ems station per year, pursuant to council resolutions and conversations related to those public safety needs. We do include in the revenue forecast that green line, the \$5.6 million impact coming from the franchise fees change, anythings to a three and a half percent revenue cap. Really, the only good news in that slide is in fiscal year 2020, we project we'll still be able to balance our budget so we have a little bit of time to determine how, as a city, we'll adjust to this new, much lower revenue reality, but beginning fiscal year 2021, which begins October 1st of 2020, we would forecast an 18 and a half million dollars budget deficit, and it compounds, just like if you're earning interest at three and a half percent, versus eight percent, the eight percent is going to compound much faster, well, the deficit we're going to experience will be likewise, so we project a deficit of more than \$58.2 million. Really, it's a shame because

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it's a remedy in search of a problem because, you know, we all know that the real problem is to stay -- recapture system for -- >> [Off mic] >> So the savings, at least in the first year of three and a half percent, and, you know, this assumes that but for three and a half percent, we would go to the full eight percent, but the savings to a typical homeowner? Fiscal year '21 of being three and a half cent versus eight percent is \$1.80 per month. Again, that assumes you're at the maximum tax rate in both cases. >> Could you say that again? What a household would get back per month with this rollback from eight percent -- >> The most they could get back would be \$1.80 per month in the first year if the city were to go to eight percent, but for this change in legislation. The legislature is even -- you know, where they

started off talking about this tax relief, they've changed their tune to, no, no, no, it's tax reform because they all understand, no, no, there will be no tax relief from this bill, so they've even changed their rhetoric in regards to how they talk about it had. >> Garza: So then at the '23-'24, what's the savings? >> I'd have to report back to you. I don't want to guess. We have the number, I just don't have it in my head. >> Garza: Okay. >> But it does grow as well, so it would be more than \$1.80 per month. >> Just from a structural standpoint, the county has -- 80% of our budget is constitutionally driven, courts, jails, indigent care, the sheriff's office. So we know how that's going to impact us. From a structural standpoint, given your cost drivers, what is it going to impact in your budget most? >> Right. I can't really answer that question because we've not had that conversation with the city council about, you know, all their priorities and what areas would be off the table from reductions,

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what areas would we be looking at. I can give you a sense of order of magnitude. A look at \$58 million, that's roughly the entire operating budget of our library. Not just this beautiful central library, the entire library system, all the branches, all the books on the shelves, all the personnel that run the libraries, roughly the budget of our entire library system so obviously we're not just going to completely close down the libraries. You really can't look at a budget like the city of Austin's where 68% of the revenues we have in the general fund go to fund public safety services. You can't look at gaps of this magnitude and think you're not going to impact public safety services. The legislature doesn't like to hear it, it's just the cold reality of the fact, you can't cut \$58 million from a budget and leave 68% of your budget off the table. Just not going to work. Okay. And, again, it's not really solving anything because if you look on this slide, we go back and we look over the last six years, what's been happening with tax bills on a typical homeowner. So here we define the typical homeowner as owner of a median valued home, currently about \$223,000, but the numbers on this reflect rising values, changes in tax rate and exemptions, this slide reflects everything, so in fy 14, you can see the owner of a median home paid roughly \$4,700 to all of the taxing entities, Austin community college, central health, the school district. Here we use Austin independent school district. It's not the only school district that comes into Austin, but they do serve roughly 75% of parents and children in the city of Austin, their kids go to -- their kids go to aid. But Travis county and the city of Austin, one thing you can see is, the pieces of this, the strata here are not really growing much for the city of Austin and the other taxing entities. What's growing understand a what's growing dramatically

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are the school's taxes, but you really have to look at it as what does the school retain, in the school financing system, versus what is recaptured by the state. The top piece of this where it's growing and growing rapidly is the state recapture payment. I think you all know this story, how the recapture works, the school district is the single largest payer of recapture in the state and those payments have been growing classically. What we show over on the -- growing drastically. Tax bills have been rising. Our

calculations indicate that the median homeowner has been seeing a 7.1% annual growth in their tax bills, but if we were to get rid of this school financing system, those tax bills have only been growing about 2.4%. The vast preponderance of the growth in tax bills in Austin, at least, for most austinites, have been driven by recapture and the school refinancing model. That's all I have for you. I'm happy to answer any questions you might have. I wish I had better news for you. >> Garza: So what is the -- I mean isn't the last day of legislature Sunday? >> May 27th. Monday. >> Garza: So what do you -- what do you think the -- I know you're not bree. >> I'm not bree, but I talked to her, including on Sunday. I did talk to her Sunday, actually. I have not heard where we are with the back room negotiations. My understanding is, really, for all intents and purposes, they would have to approve sb2 and house bill 3. Again, they've been tied by the 26th. Otherwise, we're looking at a special session if they want to continue with those bills. Hopefully at this point the clock is our friend, but again, the way they've been tied, you know, if the city is lucky and we don't get senate bill 2, we probably won't get house bill 3, which is a beneficial bill, at least for Austin independent school district, I know it's beneficial by I can't speak further

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jurisdictions. >> Garza: Okay. I'll start this way. Go ahead. >> Just very brief. We thank you for breaking out the amount that's retained versus the amount recaptured. I think that taxpayers in Austin need to be aware of that. When we see our tax big, it's not broken out, we think the school system is getting all this money, they're not getting all this money. What you've provided, how it's reattend would continue to shrink, the state's general fund continues to grow. It's outrageous. >> We don't look at that. Most other jurisdictions that serve school districts that come into Austin, they either aren't paying recapture yet or they're paying comparatively very small recapture. You have a similar dynamic because as local taxes are going up, the school's share of what they fund goes down, so you still have a similar dynamic in regards to, even if I was living up in round Rock, if tax bills are going up there, what's really driving is is the school's finance system, even though Round Rock may not pay ree, or you may now, or you're getting close. >> Getting close. >> Anybody here? >> Maybe a quick comment real quick. Round Rock, of course we feel the effects of what goes on here in Austin, we just feel it sometimes in a year or two, sometimes later. The migration is going north, but we're certainly watching what's going on with house bill 3. We also know there are strings attached, just like we heard a minute ago with the bill, whatever it was that was passed, we always have to be cautious of that because there's stipulations that come with that funding, it's not always ideal, so we have to be aware of that. But the whole rising cost, we're affected by it. Of course the rental property, what we were talking about earlier, you know, we have people doubling up in their homes, sometimes apartments if that's allowed, but it's certainly difficult. We're watching all this and

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visiting -- but we have -- I think a small portion of our district is in the city of Austin and that causes all kinds of confusion with some taxpayers. They live in Travis county, live in Austin, sometimes they live in Austin, Williamson county. We're all in this together. As you were saying a minute, we're all in this together, we're all affected by the rising costs everywhere. >> In the same way we were trying to understand root causes on the eviction discussion, I think it's really crucial for the public to understand, this is a coordinated effort that's happening all over the country. The head of the Texas municipal league side at a recent press conference, this legislation is identical, state to state, down to the comma. So I think it would be important for the public to understand who's really pushing this because the people that I've read about who are the architects of this kind of legislation include grover Norquest, who is -- I don't even know what to describe him, but he's completely antigovernment. His mantra -- Google this, everybody look it up -- his mantra is our goal is to shrink government until it's small enough to drown in the bathtub. And I don't think most people would agree with a plan to literally drown government in the bathtub. I think most people want police and fire services, I think they want clean water, I think they want sewage treated properly and not dumped into our Lakes and rivers, I think they want our streets maintained, and certainly they want them expanded. There's a constant push for us to build more and more roads and highways. So I think people need to really understand what's going on here because this plan has been pushed as tax relief, saving the taxpayers. It doesn't achieve that, but what it does do is strangle local governments so that

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we're in a position of not even being able to afford to continue to provide the basic services that we have have -- we have now, not even talking about expanding. By the time this really hit, these people who were the architects of it at the legislature may well be gone. I hope. >> So you're saying down to the comma? >> Down to the comma. This legislation, according to the Texas municipal league, these bills were identical across the C I in many state legislatures. So there are organizations that are pushing these bills who have no concern -- >> Google Alec's website. >> Alec is one of them, and they coordinate these kinds of regressive bills all across the country. But people need to understand, this is not good government. This is being run by people whose goal is to literally destroy government. And I think we see examples of that in a number of unfortunate countries around the world where the government has fallen apart. It's not a good outcome. Again, we need to understand the root cause, and what's going to happen is, we'll be among our coalition of local governments, all trying to figure out where we can find additional funds, where we can save money, and it will increase pressure on all the basic services we provide. This is not going to be a good outcome for and it will certainly not bring the relief that the Republican leadership has promised. >> Garza: Mr. Travillion. >> I was busy saying amen. >> Garza: Okay. [Laughter] >> But it is really important that we are able to identify the impact. What our planning and budget office has done is it has identified our core functions and our core costs, and then it has also

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identified exactly what we're going to lose in the \$19.6 million that we anticipate going away year one. And ironically, it seems that this is being put in place so that it will take effect in fy21 so you won't be able to feel the impact before the next election cycle, which is -- which is cynical and disingenuous on its face as well. But what we have done is identified the funding that goes away. 4 million in our ability to build road, our ability to address health and human services initiatives, and down the list just to know what is going to be impacted suddenly. And I think it's important for us to convey to our communities what is on the table, what will be lost, and who is responsible. So I think it's important that we take every opportunity -- we can't dictate what goes on at the legislature, but we can determine whether it happens under the cover of darkness. And we need to make sure that everybody knows who did what, when, and how, and who's going to be impacted. >> Garza: All right. Thank you for that presentation. >> You're welcome. >> Garza: And I think the next agenda item is -- there was discussion last time about our -- kind of like our strategic plan, I believe it's in your packet, everybody has it. What I was going to suggest, because I know that councilmember harper-madison also wanted to be part of this discussion, and I believe Sherri has to leave in a little bit, too. >> I do. >> Garza: What I was going to suggest, I know we don't like homework, but two things, and this kind of bleeds into the next agenda item, which is future agenda items, was, as commissioner

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Travillion suggested, maybe we can hand this down payment, the policy recommendations, to our staff - not just -- it would be like our housing department, and determine -- kind of do an analysis of what has been done, what hasn't been done, if it's feasible, if it's been tried before, just to get like an understanding similar to your suggestion about an asset map, and then we could list that as an agenda item next time just to have a discussion on, you know, well, actually the city of Austin is doing this or can't do this because of -- you know, this and this. >> Could we also request to get -- because you can see it embedded in these policy recommendations and also it came up in a conversation some, but somehow a clearer picture of what we can do versus what would have to be a statutory change via the Texas legislature. I think that would be helpful. >> Garza: That would be a good -- and we can ask our law 19 grace. >> Garza: -- We can ask our law. >> Great. >> Garza: I'd be surprised if we can't pass an ordinance that says you can't convict someone for non-payment of late fees, what the legal framework is. Then you have also in your packet -- the way we -- for those of you that are new -- created this, we kind of have just a workshop one day where one of my staff facilitated the discussion, so I was thinking maybe we could do something similar at the next meeting where we go through this, update it. I noticed mention codenext in here, so we will take that out. And the names are different, too. So I would suggest we go through and update this item at our next meeting. Does anybody else have any future agenda items they want to discuss? All right. Well, thank you. >> Thank you.

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>> Garza: When is our next meeting? >> August. >> August, what day? >> August 17th. >> Garza: Starts at 10:00? August 7th. >> [Off mic] >> Madam chair? >> Garza: Yes. >> I did have a question, it may need reconsideration but it may not, it says committee members in attendance, I'm not listed but under the action to approve the minutes from the previous meeting, I've made the motion. So I'm presuming I was at the meeting. [Laughter] But I'm not positive. >> Could have been virtual. >> Could have been virtual, yeah. So do we need to make a motion to reconsider the minutes? >> Yeah. Is there a second to commissioner Shea's -- all those in favor of amending the minutes to reflect that commissioner Shea was here, say aye. >> Aye. >> All right. That says patently. >> The next meeting is with August what? >> 7th. >> 7th? All right. >> All right. Well, having no further business, we're adjourned at 11:32. Thank you all for coming. >> Thank you.