

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 20200326-090 TO AMEND THE DEFINITION OF “IMPACTED TENANT” AND TO AMEND THE APPLICABILITY, REQUIREMENTS, AND EXPIRATION DATE OF THE ORDINANCE THAT REQUIRES A LANDLORD TO PROVIDE A NOTICE OF PROPOSED EVICTION PRIOR TO A NOTICE TO VACATE AS A RESULT OF THE COVID-19 PANDEMIC; AND DECLARING AN EMERGENCY.

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

PART 1. FINDINGS. The City Council readopts the Part 1 (FINDINGS) of Ordinance No. 20200326-090 and additionally finds:

(12) On April 13, 2020, Mayor Adler issued Mayor Order No. 20200413-009 and continued the stay at home/residence requirements imposed in Mayor Order No. 2020324-007;

(13) On April 27, 2020, Governor Abbott issued GA-18 that authorized a limited set of reopened services to open at a limited capacity on May 1, 2020; and

(14) In order to comply with Mayor Order No. 20200413-009, Governor Abbott’s Executive Order, and federal guidance; and to avoid person-to-person contact, individuals may still be unable to work, which will continue to impact a tenant’s ability to pay rent, fees, or other charges associated with the tenant’s lease.

PART 2. The City Council amends Part 2 (*Definitions*) of Ordinance No. 20200326-090 to amend the definition of “Impacted Tenant” to read as follows:

PART 2. DEFINITIONS.

IMPACTED TENANT means a person, or a member of their household, who is authorized by a lease to occupy property to the exclusion of others and:

(a) loses wages, revenue, or income during the local disaster; or

(b) incurs delinquent payments as a result of the local disaster.

PART 3. The City Council amends Part 3 (*Applicability*) of Ordinance No. 20200326-090 to amend the end of the applicability period to read as follows:

PART 3. APPLICABILITY. This ordinance applies to a landlord who may evict an impacted tenant because of delinquent payments that occur beginning on the effective date of this ordinance and ending on the day the local disaster terminates [~~May 8, 2020~~].

PART 4. The City Council amends Subsection (C) in Part 4 of Ordinance No. 20200326-090 to read as follows:

(C) A notice of proposed eviction must be:

(1) provided to an impacted tenant in a manner that is authorized by Texas Property Code Section 24.005(f) for a notice to vacate;

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

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

PART 5. The City Council amends Part 8 of Ordinance No. 20200326-090 to amend the expiration date to read as follows:

PART 8. This ordinance expires the 61st day after the day the local disaster terminates [~~May 8, 2020~~].

PART 6. It is declared to be the intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

PART 7. The COVID-19 pandemic and related emergency declarations and orders restricting the operation of various businesses jeopardize Austin residents' ability to maintain housing and constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the preservation of the public peace, health, and safety.

PART 8. This ordinance is effective immediately upon passage due to the emergency identified in Part 6.

PASSED AND APPROVED

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_____, 2020

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk