

Briefing on Travis County Evictions During COVID-19

Austin City Council Work Session

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Today's Presentation

- **Quick overview of eviction process**
- **COVID-19 changes**
- **Current state of evictions**
- **Q & A**

The "normal" eviction process

Formal vs. Informal Evictions

Formal eviction: when a tenant moves out after court involvement.

Informal eviction: when a tenant moves out under verbal or written threat of eviction but the courts are not involved.

Typical Eviction Process if You Don't Pay Rent



Landlord gives tenant a notice to vacate



Landlord files eviction case in Justice Court



Tenant receives notice of eviction hearing from constable



Writ of possession issued - constable removes tenant and belongings out of home



Eviction proceedings in Justice Court and tenant found to owe rent & loses

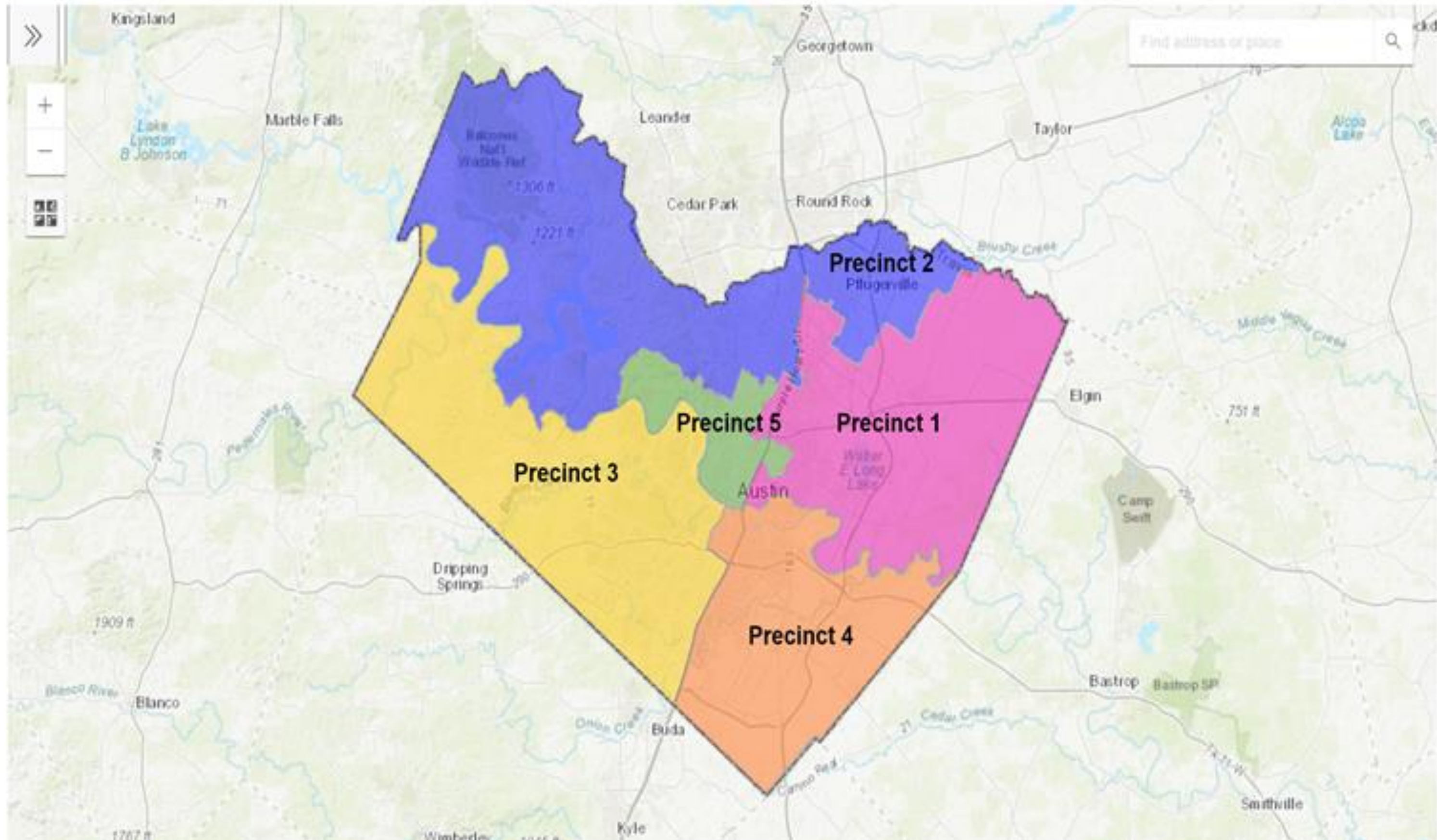


Optional:
Optional:
Appeal to
County Court



Process normally is 3-5 weeks

Travis County Justice Court & Constable Precincts



Changes during COVID-19

Laws, rules & policy changes during COVID-19

- **Court Orders**
- **Federal CARES Act**
- **City Action (Mayor Adler's Order & City Council Ordinances)**

Educational materials for constituents at bastaaustin.org/covid19

AUSTIN COVID-19 EVICTION MORATORIUM:
What happens if I don't pay rent?

Due to COVID-19, the City of Austin is giving tenants 60 days to pay back rent for April and May. Late fees still apply.

The CARES Act extended many protections against late fees and extra eviction protections to certain renters. See our flier at bastaaustin.org/covid-19 → scroll down to #12!

The Travis County Courts have also paused eviction hearings until June 1st and no writ of possession an issue until after June 1st.

In addition, landlords cannot give notices to vacate, lock tenants out of their apartments, or take their belongings if they haven't paid rent during this crisis.

ATX COVID-19 Eviction Process

I've been impacted by COVID-19. What happens if I don't pay April or May rent on time?

PAY LATE → **PAY ON TIME**

Landlord gives you "Notice of Proposed Eviction" - you have 60 days to pay money owed

After 60 days (by June 1st) - Don't pay back rent (Cure)

Landlord gives tenant notice to vacate.

Landlord files eviction case in Justice Court

Tenant receives notice of eviction hearing by constable

Eviction proceedings in Justice Court. Tenant is found to owe rent. **TENANT LOSES!**

Writ of possession issued - constable removes tenant and belongings out of home

Optional: Appeal to County Court

TENANT STAYS! safe from eviction for nonpayment

Pay back-rent owed + late fees within the 60 days

Typical Eviction Process If You Don't Pay Rent

Landlord gives tenant a notice to vacate

Landlord files eviction case in Justice Court

Tenant receives notice of eviction hearing from constable

Eviction proceedings in Justice Court and tenant found to owe rent & loses

Optional: Appeal to County Court

Writ of possession issued - constable removes tenant and belongings out of home

TAKE NOTE: If your landlord gave you a notice to vacate before March 28th, the eviction process may possibly resume starting June 2nd.

Disclaimer: Flyer is for educational purposes and should not be substituted for legal advice. Updated as of 4/29/20. Things are changing fast! For latest updates check our social media @bastaaustin

I LIVE IN AUSTIN & GOT A NOTICE TO VACATE. NOW WHAT?

CHANGES TO EVICTION NOTICES DURING COVID-19

(in addition to the temporary "pause" for most eviction hearings)

MAYORAL ORDER THAT LANDLORDS CAN'T ISSUE NOTICES TO VACATE UNTIL MAY 8TH

EXCEPTIONS: physical harm or criminal activity

PENALTY: Violators can be jailed for up to 180 days or fined up to \$1,000.

CITY ORDINANCE THAT IF YOU DON'T PAY RENT, LANDLORDS HAVE TO GIVE YOU A "NOTICE OF PROPOSED EVICTION AND OPPORTUNITY TO PAY" BEFORE A NOTICE TO VACATE

This notice gives you 60 days to pay April and May rent & charges owed.

PENALTY: If landlords don't give you this notice & proceed with an eviction, the eviction case should be thrown out & the landlord can be fined up to \$500.

YOU ARE NOT POWERLESS!

FIND LINKS FOR TEMPLATE LETTERS & MORE: bastaaustin.org/covid-19 BASTA RESOURCE GUIDE

ibASTA! [@bastaaustin](https://www.instagram.com/bastaaustin)

DON'T PANIC

NOTICE TO VACATE ≠ **COURT ORDER**

You can't be removed from your home until your landlord takes you to court and a judge orders it.

REVIEW IT

Confirm it's a Notice to Vacate

NOTICE OF PROPOSED EVICTION AND OPPORTUNITY TO PAY ≠ **NOTICE TO VACATE**

If you pay within 60 days, you can stay. If not, a Notice to Vacate can be issued.

REPORT IT

If it is a wrongly-issued Notice to Vacate, report it to the City by calling 311. Fill out our form to track noncomplying landlords **BASTA Resource Guide #11**

DISPUTE IT

If you don't think your landlord should have given you a Notice to Vacate, you can tell them using this template letter **BASTA Resource Guide #10**

DOCUMENT IT

Always document communications with pictures, video, or audio.

FIND ASSISTANCE

In the coming days and weeks, check this link for rental assistance. **BASTA Resource Guide #27**

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CARES Act COVID-19 Tenant Protections

Tenants in federally-subsidized housing & federally-backed properties are covered.

These protections may apply to more than half of Austinites! We don't have all the data yet but here's how to find out what we know:

START HERE

Do you live in subsidized housing like Section 8, tax credit, or public housing?

Yes!! → **COVERED!!** CHECK YOUR PROTECTIONS BELOW!!

No → How many units are in the property where you live?

1 to 4 units → **COVERAGE UNKNOWN**

5+ units → Go to <https://rebrand.ly/74d2f> to see if your property is on the list.

On the list → **Likely COVERED!!** Your property is likely covered! You should confirm with your landlord using this letter: **BASTA Resource Guide #14**

Not on the list → **May NOT be COVERED!!** You may not be covered. But since this list is not complete, you can still ask your landlord to be sure. Find a template letter: **BASTA Resource Guide #15**

What Is a Federally-Backed Property?

These are properties where the federal government has purchased, securitized, owned, insured, or guaranteed the mortgage through the involvement of Fannie Mae, Freddie Mac, HUD, USDA, or other agencies. This information is normally not publicly accessible.

So what are the protections?

Until July 25, 2020, landlords may not:

- Give notices to vacate in nonpayment cases
- File nonpayment eviction cases
- Charge late fees

After July 25th, landlords must give an additional 30-day notice to vacate.

Tenants who do not pay rent during this 120-day period may still face financial and legal liabilities, including eviction, after the moratorium ends, so pay your rent if you can.

For latest updates check our social media @bastaaustin

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Court orders

Supreme Court of Texas

- Moratorium on hearings **expired May 18th**

Travis County Justice Courts

- Moratorium on eviction hearings **expired yesterday, June 1st.**

Williamson County Justice Courts

- Moratorium on eviction hearings **expires June 15th.**



There were exceptions for imminent threat

CARES Act

Applies to **federally-subsidized** and **federally supported** housing

There is NO complete list -
especially 1-4 unit properties

Up to 60% Austin rental units
could be covered

BASTA, TRLA, TX Housers map:
<https://bit.ly/2X8hQ8K>

Until after July 25th



No notices to vacate

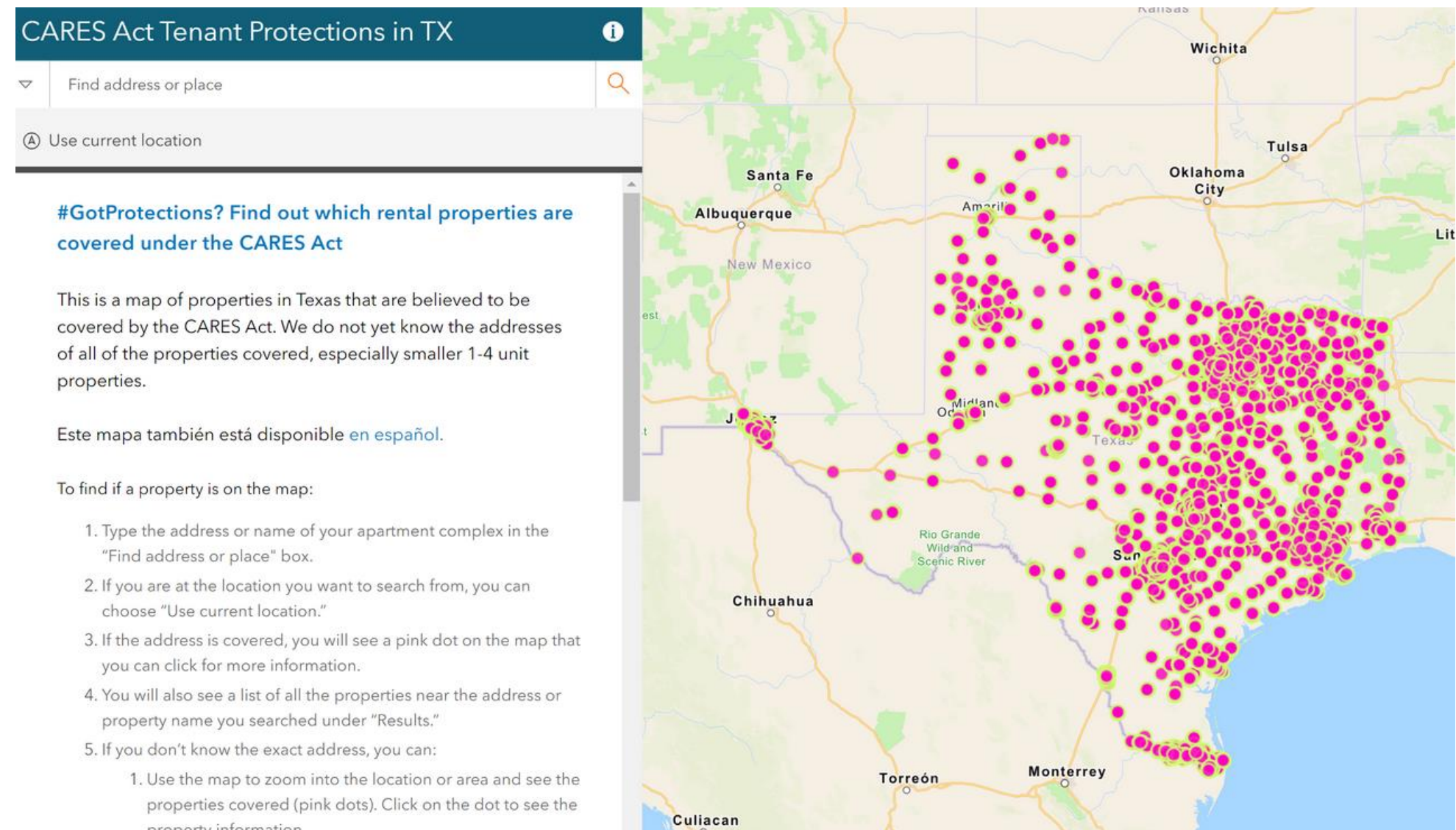


No eviction filings



No late fees

**After July 25th, landlords must give an
additional 30-day notice to vacate.**



City Action

Mayoral Order

- No notices to Vacate until July 25th
- No lockouts or landlords liens until July 25th

Opportunity to Cure

- Tenants have 60 days to cure default of rent from March 26th-August 24th
- A "Notice of Proposed Eviction" giving 60 days notice must be issued before a notice to vacate can issue

CARES Act Disclosure

- Landlords must respond to tenant letter asking if CARES Act applies



Current Eviction Timeline as of May 28, 2020

Eviction hearings begin:

- Cases filed in March and earlier
- Cases filed where NTV issued against Mayor or City ordinance - testing order/ordinance

Non-CARES Act
nonpayment evictions
from April & May
begin.

CARES Act nonpayment
evictions from April-
August rent begin, &
non-CARES Act
continues

No more
Opportunity
to Cure

June
1st

July
25th

August
24th

October
24th

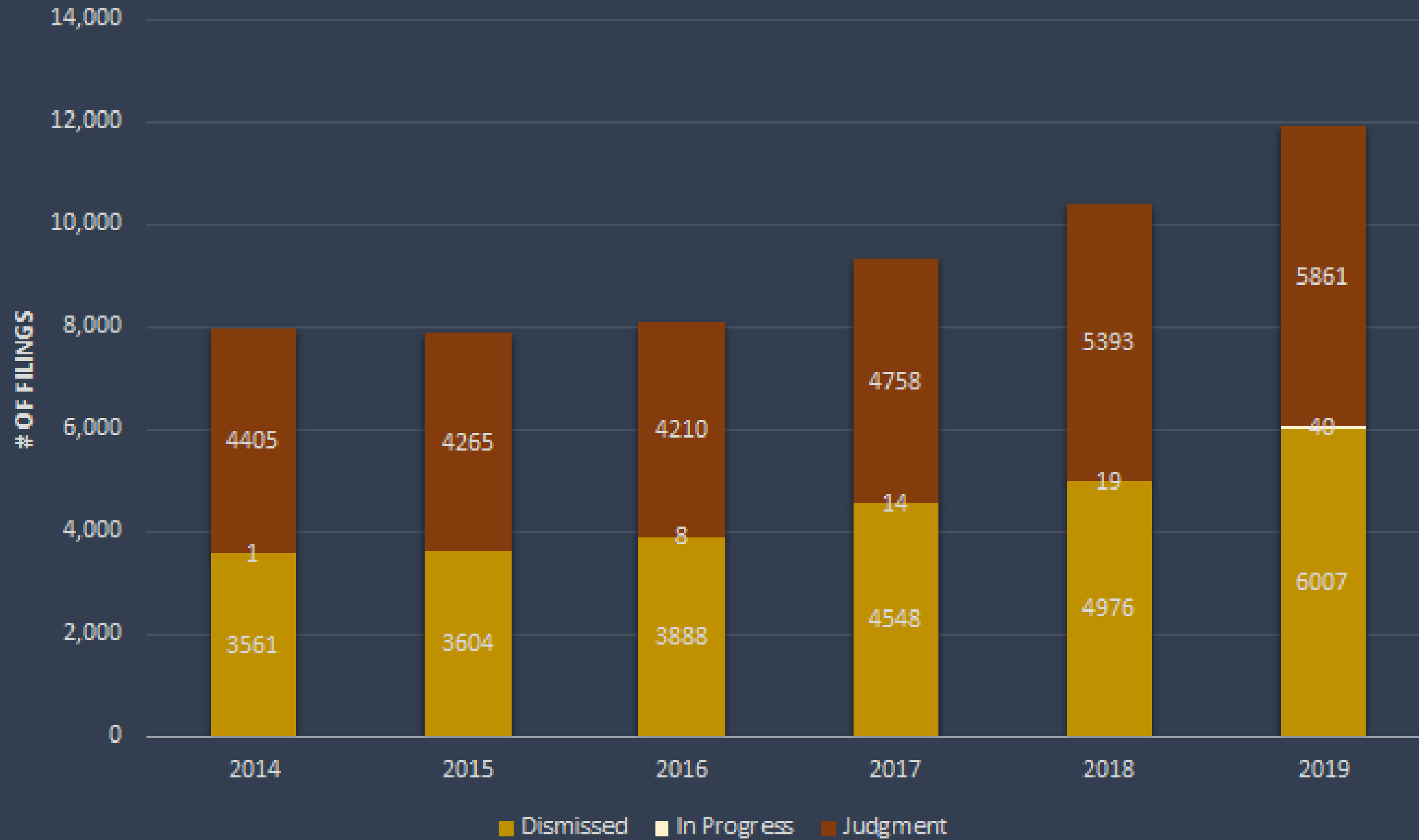
Initial backlogged evictions -
few defenses

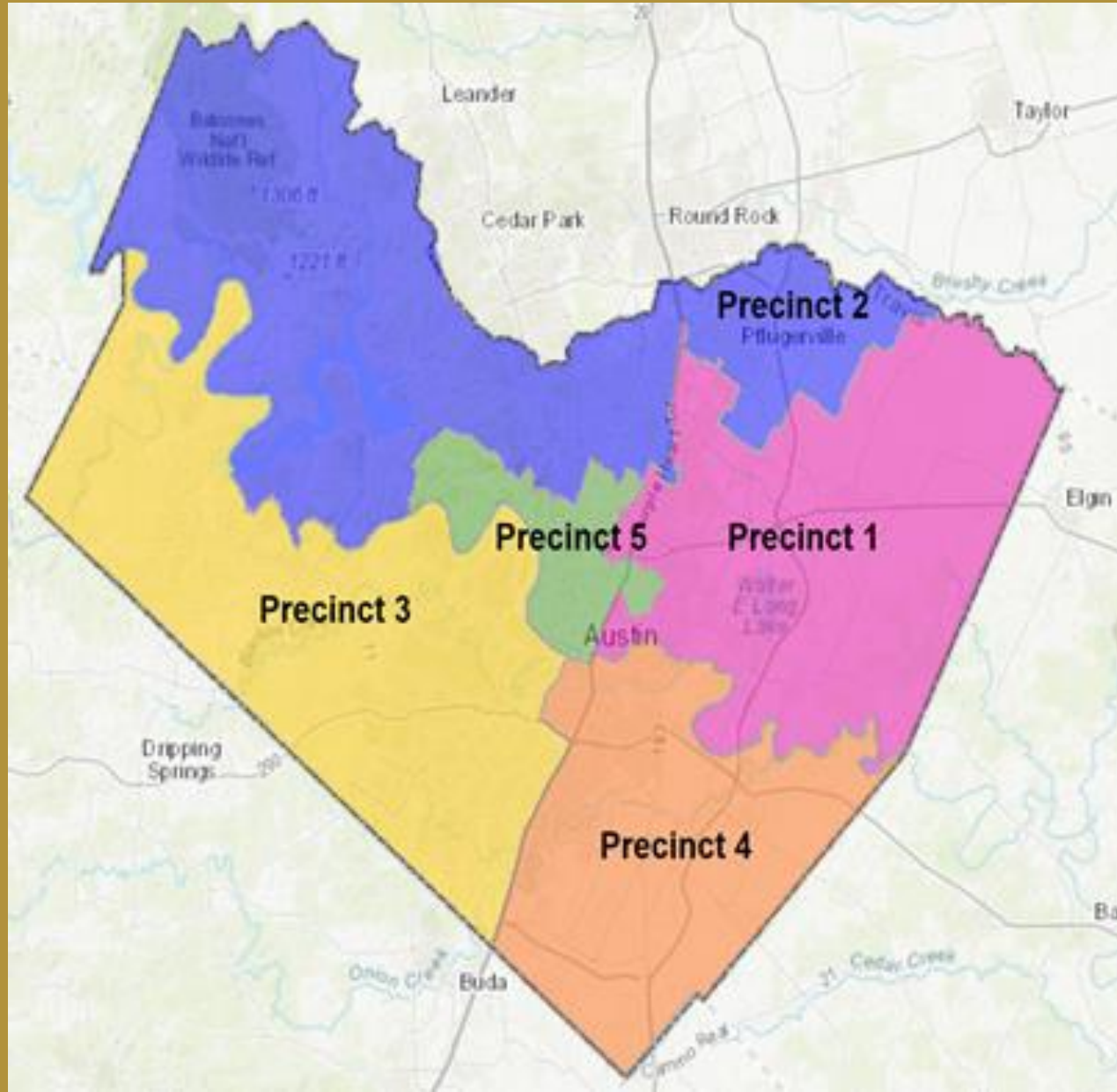
First flood of evictions

Second wave of evictions

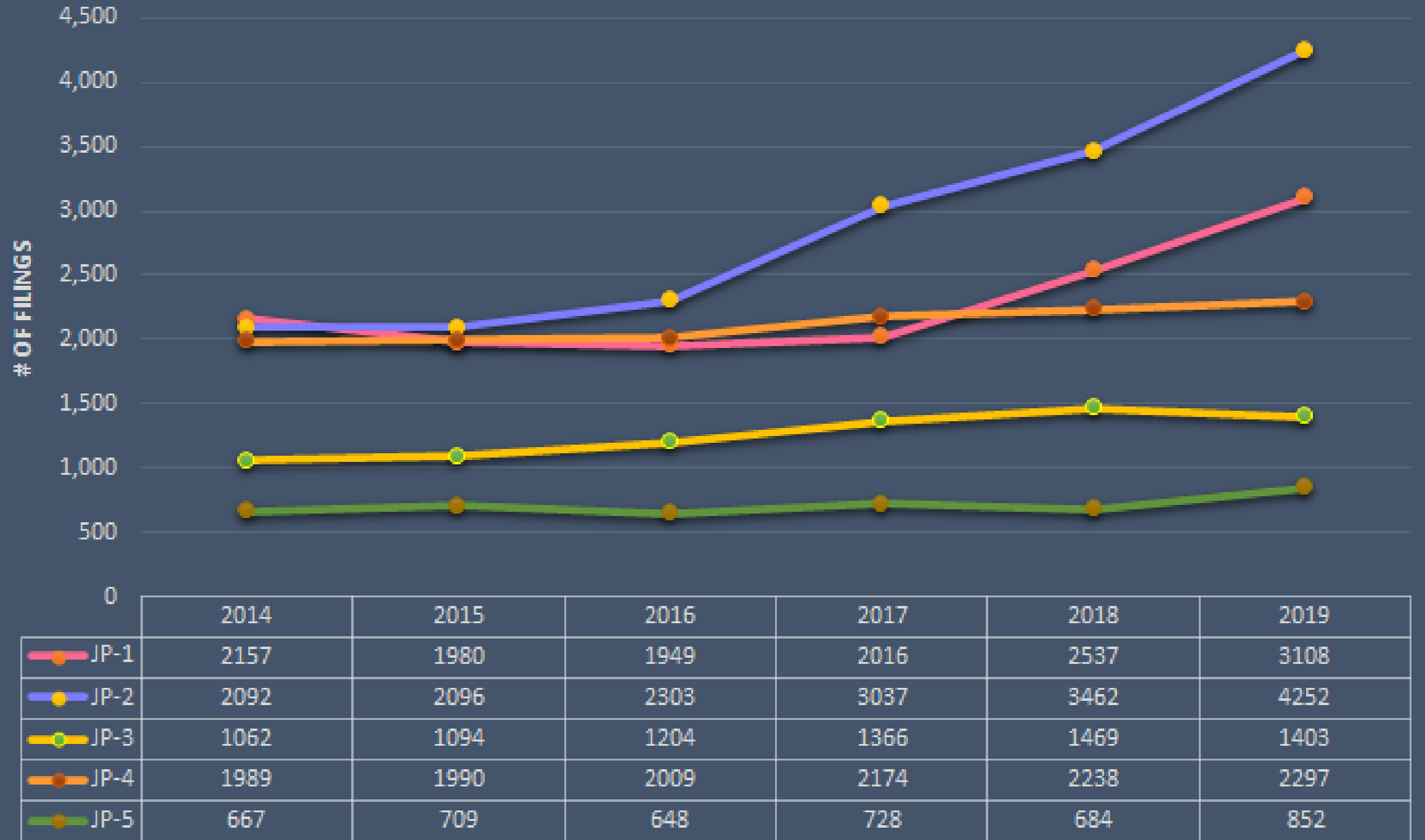
What the Data Tells Us

Travis County Eviction Filings, 2014-2019

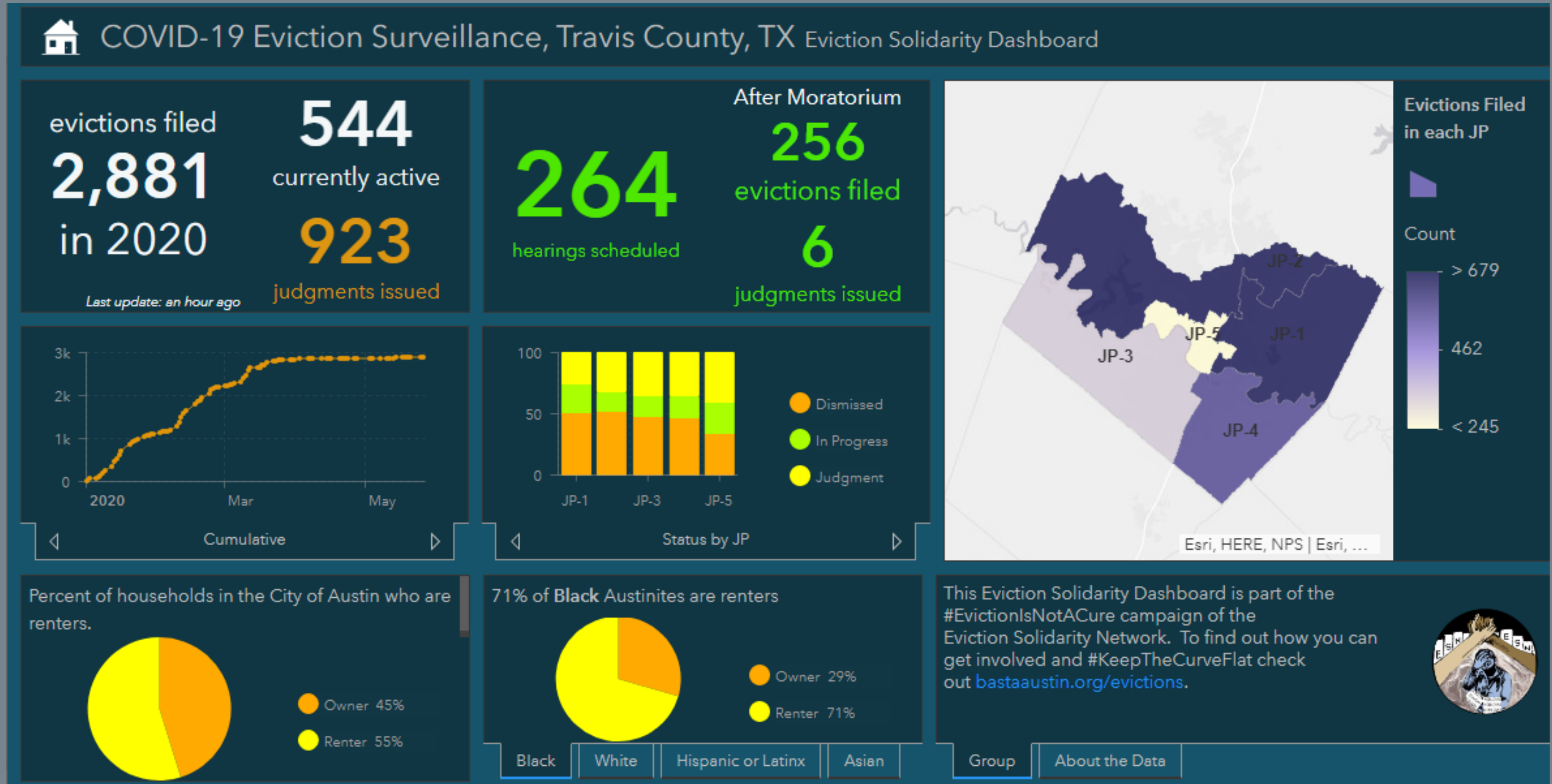




Travis County Eviction Filings, 2014-2019



Eviction Dashboard



<https://bit.ly/2Xnydyl>

264

hearings scheduled

After Moratorium

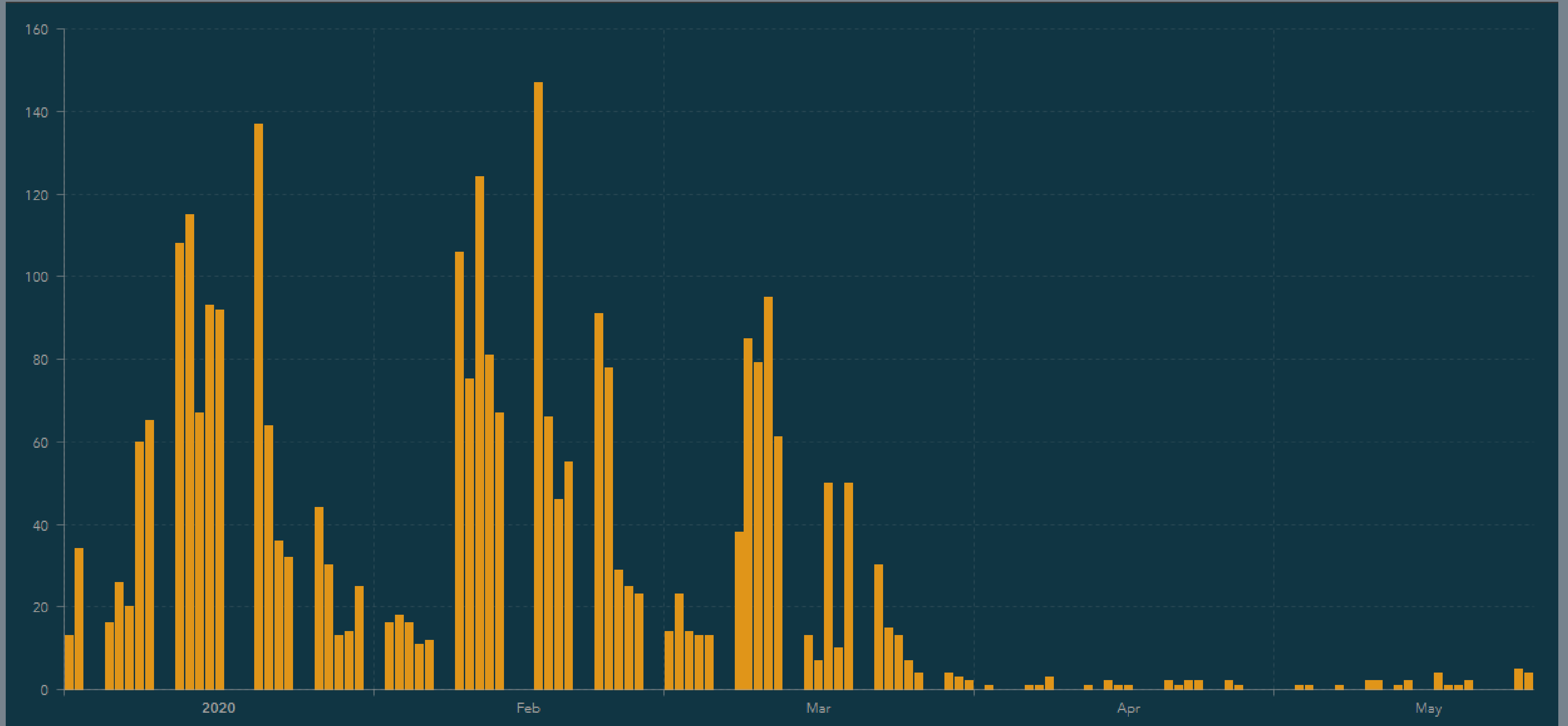
256

evictions filed

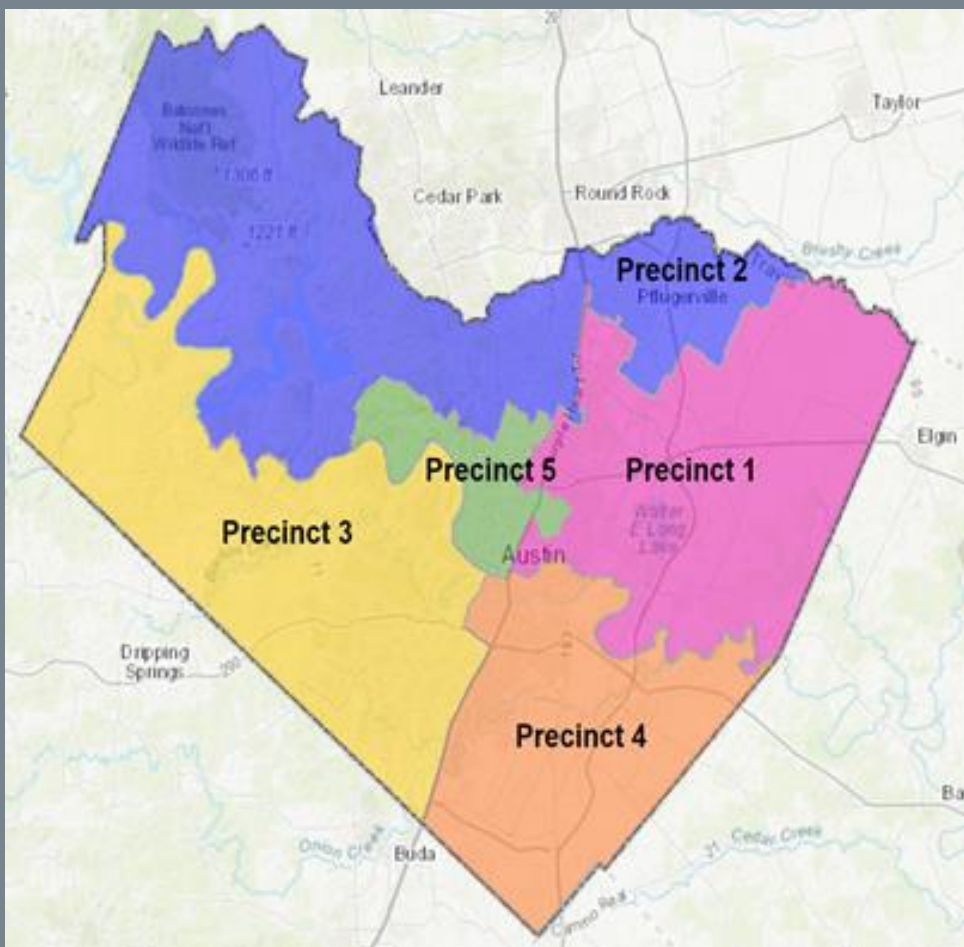
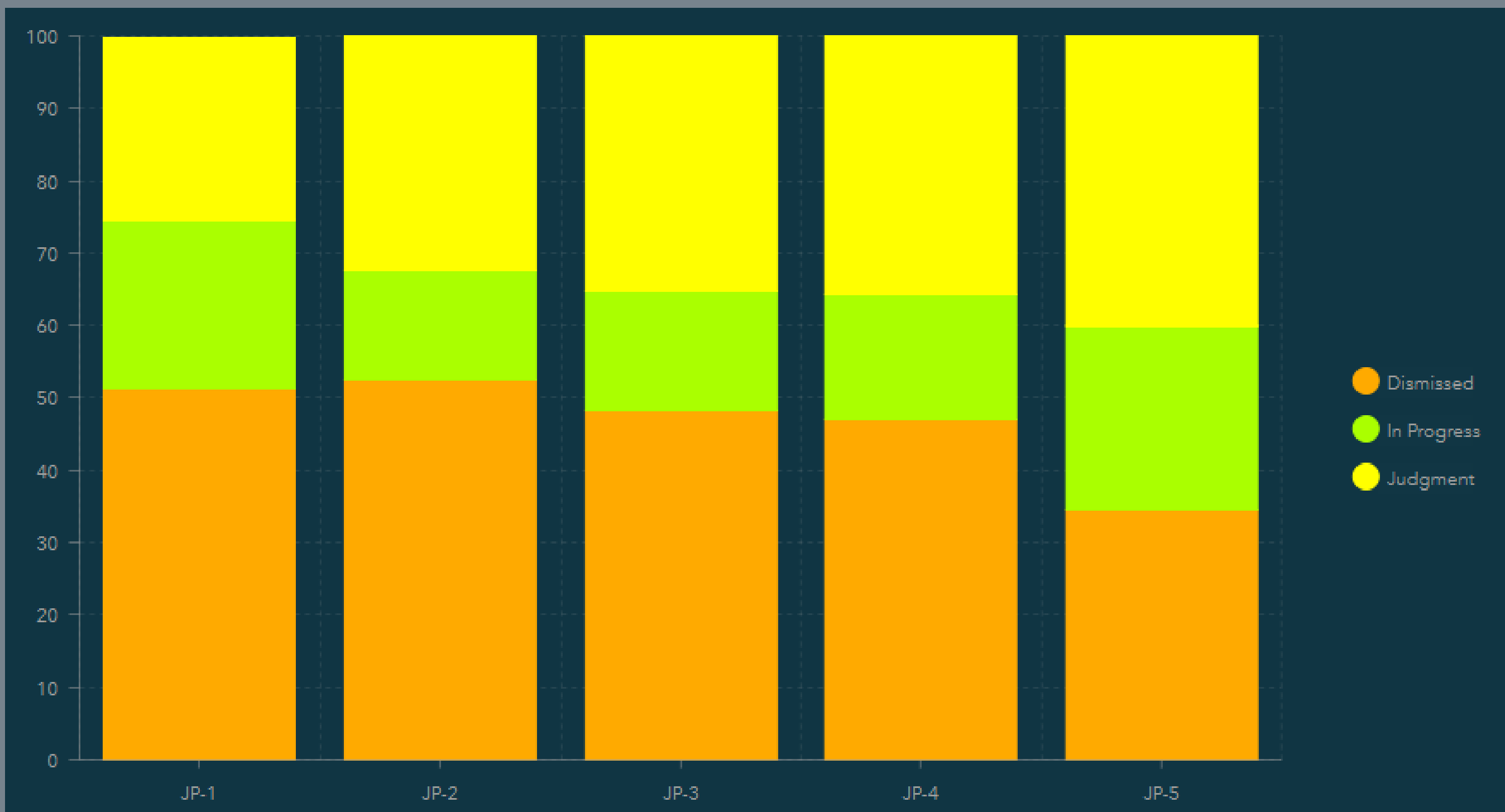
6

judgments issued

Eviction Filings By Day



Travis County Eviction Filings By Status (as of 5/31)



This is the calm before the storm.

Questions?