

ORDINANCE NO. 20200521-093

AN ORDINANCE RELATING TO THE APPLICABILITY OF PUBLIC LAW 116-136 *CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT* (CARES ACT) TO RENTAL PROPERTY, LATE FEES, AND EVICTIONS; CREATING AN OFFENSE AND PENALTY; AND DECLARING AN EMERGENCY.

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

PART 1. FINDINGS. The City Council finds:

- (1) On March 6, 2020, the City of Austin issued a Declaration of Local Disaster that allows the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Austin residents; and
- (2) On March 13, 2020, Governor Abbott issued a Declaration of State of Disaster to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and
- (3) On March 27, 2020, President Trump signed the *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) (Public Law 116-136) that limits eviction filings and charges for nonpayment of rent at a property that participates in certain federal programs or that has a federally backed mortgage loan or federally backed multi-family mortgage loan.

PART 2. DEFINITIONS.

- (A) A term defined by Section 4024 (*Temporary Moratorium on Eviction Filings*), Public Law 116-136, has the same meaning in this ordinance.
- (B) In this ordinance, the following definitions apply:
 - (1) **CARES ACT** means Section 4024 (*Temporary Moratorium on Eviction Filings*), Public Law 116-136.
 - (2) **DISCLOSURE** means a document that discloses whether the CARES Act applies to the property, late fees, and evictions.
 - (3) **LANDLORD** means a person who leases residential property.

- (4) **PERSON** means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (5) **TENANT** means an individual who is authorized by the landlord to occupy a dwelling unit.
- (6) **WEB PORTAL** means an online account the landlord provides to a tenant so that the tenant can submit maintenance requests, receive notices, and pay rent.

PART 3. REQUIREMENTS.

- (A) A landlord shall provide a disclosure in the manner described in Subsection (B) and within five days of receiving a written request from a tenant.
- (B) If a landlord receives a written request for a disclosure, a landlord shall:
 - (1) post the disclosure on the front door of the tenant's dwelling unit; or
 - (2) deliver the disclosure using an email address or web portal the landlord uses to communicate with the tenant in the regular course of business activity.
- (C) It is an affirmative defense to a violation of this ordinance if the landlord provides documents, including a photograph, acknowledgement of receipt, or video, that show:
 - (1) the date the disclosure was posted or delivered; and
 - (2) the posting or delivery of the disclosure.

PART 4. OFFENSE AND PENALTY.

- (A) A landlord commits an offense if the landlord fails to comply with Part 3 of this ordinance.
- (B) A landlord who violates this ordinance commits a separate offense for each day the violation continues.
- (C) A culpable mental state is not required for the commission of an offense under this ordinance and need not be proved.
- (D) Each offense is punishable by a fine not to exceed \$500.

PART 5. 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 6. 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 7. This ordinance expires on September 30, 2020.


PASSED AND APPROVED

_____, 2020
May 21


§
§
§



Steve Adler
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

by: 

ATTEST: 
Jannette S. Goodall
City Clerk