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MAY 5, 2020

**BEXAR COUNTY & THE CITY OF SAN ANTONIO AFFIRM TENANT PROTECTIONS AMIDST
COVID-19 PANDEMIC**

The public health and economic realities of the pandemic have caused uncertainty for both renters and housing providers. However, harassment of tenants is never acceptable. Under COVID-19 there are new protections that everyone should be aware of.

1) Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The CARES Act provides additional protections for residents at properties with federal Housing and Urban Development (HUD) financing such as public housing authorities, Low Income Housing Tax Credit (LIHTC)-developed properties, or developments with federally-backed mortgages through Fannie Mae and Freddie Mac. These protections also apply to people who use Section 8 housing vouchers to pay their rent.

Under the CARES Act the federal government has implemented a 120-day moratorium on evictions for any residential property that receives federal housing funds, including both public housing and mixed income housing beginning March 27, 2020 and ending on July 24th, 2020. During the 120-day moratorium a landlord is prohibited from:

- (1) making, or causing to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of a rental unit from the tenant for nonpayment of rent or other fees or charges; or
- (2) charging fees, penalties, or other charges to the tenant related to such nonpayment of rent.

A landlord also:

- (1) may not issue a notice to vacate until after July 24th, 2020 unless the moratorium period has been extended by the federal government; and
- (2) must still provide the federally-required 30-day notice to vacate whenever the landlord begins eviction actions once the CARES Act moratorium expires.

By way of example, if the landlord issues a notice to vacate on July 25, 2020 (assuming the moratorium is not extended by the federal government), the notice to vacate must give residents at least until August 24, 2020 to vacate the property before proceeding with the standard eviction process. In this example, the earliest date a landlord may file for an eviction with the court is August 25, 2020.

Violations of the CARES Act will be reported to the appropriate federal agency for enforcement. Attached is HUD's Frequently Asked Questions regarding eviction procedures during COVID-19.

2) State of Texas' Eviction Moratoriums and Other state law violations.

- The Texas Supreme Court has issued a stay on all court proceedings involving petitions for eviction for non-payment of rent which will be in effect until at least May 18th, 2020.


Writs of Possession requiring tenants to move out of their property may not be issued until at least May 25th.

- The Bexar County Justices of the Peace have issued an order further suspending eviction proceedings in Bexar County until June 1, 2020.
- Under the Texas Property Code, landlords cannot illegally deny access to their tenants' units, i.e. unauthorized lockouts. Property owners are also prohibited from shutting off utilities for nonpayment of rent or performing any other unlawful actions in violation of the protections afforded tenants under the Texas Property Code. Violations of the Texas Property Code regulations governing tenants' rights will subject the violator to penalties of up to one month's rent plus \$1,000, actual damages, court costs, and reasonable attorney's fees. Illegal lockouts which violate local emergency orders may also result in criminal prosecution and will be referred to the appropriate investigating agency.

We strongly encourage all property managers and rental property owners to make sure they are aware of the above-mentioned protections of tenants and abide by them to avoid legal action taken against them.

If you don't know if your property is subject to the CARES Act contact your mortgage company. You can also use the following website: <https://covid19.sanantonio.gov/Assistance/Residents/Housing-Evictions>.

The City and County understand that non-payment of rent impacts the property owner and landlord and we want to help. Please refer any tenants that may need assistance with rent or utility payments to the City's COVID 19 Emergency Housing Assistance Program at sanantonio.gov/emergencyhousingassistance or call 210-207-5910. For properties outside San Antonio but within Bexar County please contact the Housing Authority of Bexar County at habctx.org/TRAM or call 210-940-1180. If the tenant is eligible for assistance, the City or County will make the payment directly to the landlord.



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