



Austin 60-day Proposed Notice of Eviction Ordinance: A Quick Understanding of the Ordinance

Ordinance Overview

- On March 26, 2020 Austin passed an Ordinance Requiring a 60-day Notice of Proposed Eviction before any Notice to Vacate can be given.
- Passed in recognition of the economic hardship faced by many renters due to the city and county issued Stay Home - Stay Safe Orders.
- The ordinance provides at least 60-days to those impacted by wage or job loss due to the COVID-19 pandemic to cure unpaid rent, fees, or other charges associated with the lease.
- The ordinance only applies to properties in the Austin city limits.
- Includes a \$500 per day criminal penalty for violation of the ordinance.
- Failure to give 60-day notice renders any subsequent delivered 3-day Notice to Vacate ineffective.
- Does not apply to previously filed evictions occurring before March 26.

When is it Required?

- The 60-day Notice of Proposed Eviction requirement is only for delinquent payments arising between March 27, 2020 and May 8, 2020.
 - Effectively only applies to April and May 2020 rent and related fees
- Only applies to “impacted tenants”.
 - Defined as tenants that loses wages, revenue, or income during the disaster; or
 - Incurs delinquent payments as a result of the local disaster.
- Only applies to properties in Austin city limits.

How is the Notice Given?

- Must have the following statement in 16-point font that is bold and underlined:
 - **A NOTICE OF PROPOSED EVICTION AND OPPORTUNITY TO PAY TO AVOID EVICTION – THIS NOTICE DOES NOT EXCUSE YOUR OBLIGATION TO PAY AND YOU CAN BE EVICTED IF YOU FAIL TO PAY BY THE PAYMENT DEADLINE BELOW**
- Must be delivered in the same manner as a Notice to Vacate as outlined in the Texas Property Code:
 - Notice may be made by personal delivery to the tenant or anyone residing at the premises who is age 16 or older; or
 - Personal delivery to the premises and affixing the notice to the inside of the main entry door; or
 - By regular mail, by registered mail, or by certified mail, return receipt requested; or
 - Posting to the exterior of the main entry door in an envelope addressed to all residents and the words IMPORTANT DOCUMENT on the envelope AND

mailing by first class mail in the county where the property is located if you reasonably believe harm would come to by entering.

Frequently Asked Questions:

- *Can a 3-day Notice to Vacate be given on May 9?*
 - No. The 60-day Notice of Proposed Eviction is required for delinquent payments occurring between March 26 and May 8. Provided that the ordinance will not be extended, the notice will not be required for any delinquent payments occurring after June 1.
 - On July 9th the ordinance requirements expire and properties can pursue eviction for any delinquent April and May rent where no deferred payment plan or other agreements had been established by the resident.

- *How can I verify that a tenant is an "Impacted Tenant"?*
 - The ordinance is silent on this issue. Many properties request verification through paycheck stubs, termination letters from employers or confirmation that unemployment benefits have been applied for and/or awarded by the Texas Workforce Commission. Some properties simply accept the tenant's statement to them that they are economically impacted and have lost wages or lost their job.

- *Is the rent still owed?*
 - Yes. As the required language on the notice states, the rent is still owed. The 60-day period is intended to allow those impacted by wage or job lost due to the COVUD-19 pandemic time to establish a deferred rent payment plan or establish other arrangements to maintain their residency. Many properties have been creative when working with impacted tenants such as renegotiating the lease and granting immediate concessions or extending the lease term.