

ORDINANCE NO.

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.

27 (4) **PERSON** means an individual, corporation, organization, government or
28 governmental subdivision or agency, business trust, estate, trust, partnership,
29 association, and any other legal entity.

30 (5) **TENANT** means an individual who is authorized by the landlord to occupy a
31 dwelling unit.

32 (6) **WEB PORTAL** means an online account the landlord provides to a tenant so
33 that the tenant can submit maintenance requests, receive notices, and pay rent.

34 **PART 3. REQUIREMENTS.**

35 (A) A landlord shall provide a disclosure in the manner described in Subsection (B) and
36 within five days of receiving a written request from a tenant.

37 (B) If a landlord receives a written request for a disclosure, a landlord shall:

38 (1) post the disclosure on the front door of the tenant's dwelling unit; or

39 (2) deliver the disclosure using an email address or web portal the landlord uses
40 to communicate with the tenant in the regular course of business activity.

41 (C) It is an affirmative defense to a violation of this ordinance if the landlord provides
42 documents, including a photograph, acknowledgement of receipt, or video, that
43 show:

44 (1) the date the disclosure was posted or delivered; and

45 (2) the posting or delivery of the disclosure.

46 **PART 4. OFFENSE AND PENALTY.**

47 (A) A landlord commits an offense if the landlord fails to comply with Part 3 of
48 this ordinance.

49 (B) A landlord who violates this ordinance commits a separate offense for each
50 day the violation continues.

51 (C) A culpable mental state is not required for the commission of an offense under
52 this ordinance and need not be proved.

53 (D) Each offense is punishable by a fine not to exceed \$500.

