



Harris County Housing Stability Task Force
Statement on the Upcoming Lifting of the CDC Ban on Eviction
December 10, 2020

On September 1, 2020, the Centers for Disease Control (CDC) signed a declaration determining that the evictions of tenants could be detrimental to public health control measures to slow the spread of the COVID-19 virus and issued a temporary halt on certain residential evictions for nonpayment of rent¹. The ban, unless extended, is set to expire on December 31, 2020.

Over the course of the last few months, members of the Harris County Housing Stability Task Force have, both through their own organizations and collectively, observed the impact of the CDC ban locally. The Task Force has also reviewed data and heard presentations by local and national experts about the impact and effects of the ban. There has been a great deal of confusion about various aspects of the ban, including the lack of awareness by the general public on this protection, concerns about the degree to which it has resulted in the accumulation of unpaid rents and what will happen upon the expiration or extension of the ban.

While there are encouraging signals that Congress may enact legislation to provide additional relief in the near future which may address this problem, given the uncertainty and timing of any such measure, the Task Force believes that it is nevertheless important to address this urgent situation, particularly in light of the significant public health concerns about the surging number of COVID cases locally and statewide and the new research demonstrating the linkage between eviction and increased spread of the virus and number of deaths from the virus.²

As a diverse group of stakeholders representing both tenants and landlord interests and with representation from service providers, local government and philanthropy, the Task Force strongly encourages our Harris County officials to take aggressive actions to address public health concerns, while also developing mechanisms to ensure that rents owed are paid.

In light of the goals of the Task Force to reduce the overall number of evictions, mitigate the effects of the COVID-19 health and economic crisis on both tenants and landlords, and stabilize households for the benefit of public health, the Task Force recommends that Harris County leadership immediately take the following three actions:

- 1. Call upon state leaders to provide full funding and make urgent modifications to the Texas Eviction Diversion Program (TEDP)**
 - TEDP is currently insufficiently funded to meet the level of need and the source of the funding used is CARES Act dollars, which currently need to be spent by December 31, 2020. Given that the need for the program will likely increase substantially if Congress fails to provide further relief, state leaders should extend and fully fund the program by appropriating funding either from other federal sources that are not time limited and/or flexible state funds.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-moratoria-order-faqs.pdf>

² https://papers.ssm.com/sol3/papers.cfm?abstract_id=3739576

- In order to improve operation of the program, the Task Force strongly recommends that an eviction filing should not be a prerequisite for eligibility for rental or financial assistance. The filing of a legal action damages both the landlord-tenant relationship and the tenant's screening report. Filing a legal action comes with financial and emotional toll on all parties involved. If the program were available without requiring an eviction filing, we expect greater participation and better outcomes. In essence, the program should be an "Eviction Prevention Program," not an "Eviction Diversion Program."
- We understand that under the current TEDP, the parties have been reluctant to participate. We would request that any future program be simplified to allow a low-barrier application, and an expedited evaluation and payment process.

2. Allocate available Harris County CARES Act funding and/or other available sources immediately to provide rental assistance to tenants utilizing the CDC order who have already gone through the legal eviction process and who constables will otherwise need to enforce the writ of possession order on January 1st. These renters are currently at imminent risk of eviction upon the expiration of the CDC order.

3. In the event that the CDC order is not extended and/or no additional financial relief or protections against evictions are available, we urge local jurisdictions to enact emergency temporary measures that allow tenants to remain housed and to couple such measures with support to landlords to assist them in stabilizing and operating their rental units.

- Such measures should be re-evaluated upon policy and relief changes, and could include: developing/strengthening tenant-landlord mediation and assistance options in finding agreements to prevent an eviction filing, expanding tenant representation in court through the Eviction Defense Coalition, delaying city or county mandated property upgrades that aren't critical to health and safety standards, and/or property tax deferral or abatement to landlords.

The Task Force commends the County and City leadership for the substantial commitments of CARES Act funding to rental and individual assistance programs over the last few months, which has provided significant relief to both tenants and landlords who have been adversely impacted by the economic conditions caused by COVID. The Task Force also wishes to express special appreciation to the many organizations that have assisted tenants and landlords experiencing financial hardship and particularly commends the three organizations that have facilitated the distribution of CARES Act funding: BakerRipley, Catholic Charities, and Connective. We also appreciate the efforts of the State of Texas leadership to create the Texas Eviction Diversion Program (TEDP).

The Task Force acknowledges there are important public health and economic concerns that are not addressed with our above recommendations.

Respectfully submitted,



Judge Jeremy Brown
Co-Chair



Ric Campo
Co-Chair