

Summary of Proposed Houston Eviction Ordinance

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If a tenant fails to pay rent during the “covered period”, a landlord shall give the tenant a ***COVID notice of possible eviction*** that notifies the tenant of the tenant’s rent delinquency and provides the tenant with the right to respond within 21 days. The “covered period” is defined as beginning on the date of the enactment of the ordinance and ending no later than September 30, 2020.

- Within the 21 day period, the tenant must provide the landlord with documentation or objectively verifiable information (called the “COVID hardship notice”) that the tenant is unable to pay rent due to the COVID-19 financial impact.
 - If the tenant does not provide a COVID hardship notice to the landlord, the landlord may pursue any enforcement action in accordance with state and local laws.
 - A COVID impacted tenant who responds to a COVID notice of possible eviction within the 21 day period has 60 days from the date of the original notice to enter into a payment plan, apply for rental assistance or make other plans for curing the delinquent rent.
- A notice to vacate that is given before the expiration of the 21 day or 60 day period, as applicable, has no legal effect.
 - Nothing in the ordinance should be construed as relieving a tenant from the requirement to pay rent or fees under a lease.
 - The requirement to send a COVID notice of possible termination does not apply to a case where a landlord initiates eviction proceedings against a tenant, members of the tenant’s household, or guests who (i) breach the terms of the lease other than due to nonpayment of rent or fees; (ii) pose an imminent threat of physical harm to any person; or (iii) engage in any criminal activity.
 - A landlord commits an offense punishable by a fine not to exceed \$500 if the landlord or landlord’s agent knows of facts that provide a tenant with an affirmative defense to eviction under the ordinance, and who nonetheless in bad faith endeavors to evict a tenant.
 - The ordinance expires on September 30, 2020. However, if *both* the Governor’s and Mayor’s declared state of disaster end prior to September 30, 2020, the ordinance would expire at the latest expiration of the two disaster orders.