



Priority Policy Recommendations
Harris County Housing Stability Task Force
March 05, 2021

Overview: The Policy Response Team was convened by the Harris County COVID-19 Housing Stability Task Force to review a National Scan of initiatives that address eviction prevention and/or mitigation, and housing stabilization. The scan was organized in five major categories: (1) tenant protections, (2) financial supports, (3) legal supports, (4) housing supports and (5) outreach and public education supports. The Response Team met four times and evaluated over 26 policies and programs implemented in Cities, Counties and States across the country, to determine which were more relevant to our context and would best address housing instability issues locally to prevent an increase in evictions, mitigate the effects of housing instability and stabilize households for the benefit of public health.

Based on both the National Scan, shared experiences and the expertise of Team Members, the group settled on nine recommendations to the City of Houston and Harris County governments and five recommendations that would need to be considered at the Texas State Legislature.

Short-term Local Policy & Program Recommendations

- 1. Adopt a set of Standards for the Implementation of the CDC order in Harris County to address documented issues.** These set of standards should include:
 - Uniform standards in the Justice of Peace application of the CDC order.
 - i. Convene all JPs to determine the standards that they should all adhere to.
 - Establishing a clear process and timeline to move through eviction cases and contest CDC declarations.
 - The CDC Declaration should be printed on a different colored paper and stylistic changes should be made to make the text stand out more.
- 2. In emergency settings or in instances (like a pandemic) where defendants are not able to attend court in person safely, all the Justice of Peace Courts should live streaming Eviction Cases.**
 - Establish “access to the courts” standards to support uniformity on all the courts.
- 3. Pilot a local Eviction Prevention Program to explore the provision of integrated services to address housing instability issues.**
 - These services may include: short-term financial assistance to cover rent owed, court fees or late payment fees, access to case managers to support applications for public benefits and searching for housing, and referrals or provision of housing counseling, financial counseling and legal services.
 - The pilot program should evaluate the human and financial resources needed to sustain the services provided in the long term and recommendations on how to expand/scale.

4. **Build on The Way Home Eviction Diversion Programming to initiate a local program to provide Residential Assistance to Families in Transition.** Such a program would address housing instability by providing short-term financial assistance to households at risk of losing their housing due to a one-time crisis.
 - The program should offer flexible financial assistance to meet an array of needs of households experiencing housing instability, including: moving cost assistance, rent and utility arrears, rental stipends, utility bills, security deposit costs, utility start-up costs, first/last month's rent, and furniture.
 - The household will need to show proof that through this assistance they will stabilize their housing situation, meaning that the household will be able to stay in their current housing, or obtain new housing and maintain it.

5. **Enact a Grace Period (to pay rent) Ordinance to be activated during Emergency Declarations.** This Grace Period Ordinance would expand the typical 3 day grace period to pay rent to a minimum of 14 days before late fees are assessed or a notice to vacate is submitted by the landlord.

Long-term Local Policy & Program Recommendations

1. **Prioritize the development of an Outreach and Community Engagement Strategy around all Housing Stability Initiatives and set aside funds to cover/leverage the human resources needed to implement such strategy.**
 - There's a need for a centralized resource –not only web based but place based possibly at housing court- that can link the multiplicity of programs, projects, initiatives and resources that are currently addressing housing instability in our community.
 - Involve community based groups and resident leaders in the design, development and implementation of the community engagement strategy and process can reinforce relationship building activities, transparency and build trust in the community.
 - Leverage community engagement activities on the ground as part of the outreach to share resources, assess needs and adjust.
 - This strategy should be flexible and adaptable to the diverse needs of neighborhoods.
 - Build the capacity of local government staff on community building strategies and how to facilitate community engagement activities.
 - Take into consideration how to present and communicate complex concepts with community members and how to build their knowledge in order to have meaningful discussions with the community.
 - Do not convene the community if there's not a clear goal of why you are engaging and how you will use the information gathered.
 - Appreciate and value the information gathered in community engagement activities, document all the feedback community members provide and share back how the local government agency/department/group is responding to their input with next steps.

2. Establish a Local Affordable Housing Trust Fund or Housing Stabilization Fund. Both the City of Houston and Harris County should prioritize the development of an Affordable Housing fund to support housing stability and the production and preservation of affordable housing units. These funds can be designed and administered at the city or county level to address local priorities and needs.

- A local Affordable Housing Trust Funds could be used for a range of housing needs including:
 - Subsidies for affordable housing development
 - Rent assistance / Security Deposit / First and last month's rent assistance
 - Gap Financing for the production of new affordable housing units
 - Housing repairs and weatherization needs
 - Efforts to preserve Naturally Occurring Affordable Housing
 - Acquisition and operation of low-to-moderate cost rental units
 - Community Land Trusts & Land Banks
 - Subsidized mortgages
- Determine a dedicated revenue source to provide funds annually to the fund (property tax revenue from specific types of projects developed, property sales and other local sources).
- Determine an administrator to the local trust fund from either the local housing department, a nonprofit or if a new entity would be needed.

3. Establish a Right to Counsel Ordinance to provide the defendant with the right to have a lawyer assist in their defense when they have not the means/resources to pay for an attorney.

- Right to Counsel Ordinances allow for an annual budget allocation to ensure low income residents receive legal representation in eviction court.
- Local governments should determine: if the program will be implemented in phases, which organizations will provide the services and how to sustain their engagement, eligibility of who can access these services.
- Incorporate lessons learned and recommendations from local pilot programs, and address any identified unintended effects.

4. Adopt a Tenant's Right or Opportunity to Purchase Ordinance. To provide tenants, cities, and nonprofits with the right to purchase government assisted multifamily rental properties when the owner decides to sell the property, exit the affordable housing program, or convert the rents to market rate.

- Could apply to: government assisted apartments (city funded, 4% LIHTC/tax-exempt bond projects, etc)
- Purchase rights could be structured as Rights to First Refusal, triggered when the owner chooses to sell the property and allows the tenant/city/nonprofit to purchase at the price offered by the third-party purchaser. The latter offers the opportunity of the tenant to assign their rights to a nonprofit organization.

State Policy & Program Recommendations

- 1. Establish a Tenants Right to Redemption Law, to allow tenants in non-payment of rent proceedings to pay all rent due and associated costs into the court registry before a writ of possession is issued and be able to automatically end/dismiss the proceeding.**
 - To exercise this right the tenant should pay all past-due rent and other fees due under the lease agreement.
 - The tenant would not be able to exercise this right more than twice, and after the second time the landlord will be able to refuse the payment and regain possession of the unit.
 - This law would formalize a common positive practice.
- 2. Establish a Sealing of Eviction Records Law, to call Justice of Peace courts to seal eviction filings until an eviction judgment is achieved in order to remove inaccurate information from a tenant's record; and to automatically seal eviction records after 3 years to mitigate the collateral and long-term damage evictions have in tenant's life and prevent housing discriminatory practices.**
- 3. Establish a Warranty of Habitability Law in the Property Code by adding a specific list of requirements to be met in what is considered a habitable unit in addition to hot water supply, locks and working smoke detectors.** This list may include:
 - Drinkable water
 - Working A/C during hot weather
 - Heat during cold weather
 - Working Electricity and Safe wiring
 - Working Bathroom and Toilet
 - Sanitary premises, including the removal of mold or insect/rodent infestation
 - Meet local building codes
- 4. Extend Temperature-Based Moratoriums and Utility Shut-offs protections (<32° F or during heat advisory) from elderly and critical care customers to additional vulnerable populations,** including: families with children and those who receive public benefits as proof of low-income qualification.
- 5. Reduce the standard Late Fee Cap percentage from 10% to 5% during emergency declarations.**

Respectfully submitted,



Judge Jeremy Brown, Co-chair



Ric Campo, Co-chair

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COVID-19 Harris County Housing Stability Task Force Members List

The above recommendations passed with the support of 87% of Task Force Members.

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