



Mayor Sylvester Turner



LINA HIDALGO

April 27, 2020

Hon. Nathan L. Hecht

Hon. Paul W. Green

Hon. Eva Guzman

Hon. Debra Lehrmann

Hon. Jeffrey S. Boyd

Hon. John Phillip Devine

Hon. Jimmy Blacklock

Hon. Brett Busby

Hon. Jane Bland

Supreme Court of Texas
Supreme Court Building
201 W. 14th Street, Room 104
Austin, Texas 78701

Dear Chief Justice Hecht and Justices Green, Guzman, Lehrmann, Boyd, Devine, Blacklock, Busby and Bland:

Our communities are confronting staggering levels of unemployment and we are headed toward an economic crisis unlike any we have seen since the Great Depression. We have heard from far too many renters who are struggling to feed their families, keep a roof over their head, and cover essential bills, and healthcare costs.

We applaud your swift action on March 19, 2020 and again in April to halt eviction proceedings in order to protect Texans from eviction and, in turn, help to curb the spread of the COVID-19 pandemic by keeping people housed during this unprecedented crisis. We write today to ask you to extend the stay on eviction proceedings for all Texans who rent their homes in order to align with the deadlines established in the federal Coronavirus Aid, Relief, and Economic Security ("CARES") Act.

The federal legislation provides eviction protections to beneficiaries of federal housing assistance, including Housing Choice Vouchers, Project-Based Section 8, and Low-Income Housing Tax Credits, as well as renters who live in properties with federally-backed mortgages. The CARES Act also makes it illegal for owners of any of these federally-assisted properties to file for eviction for nonpayment of rent, charging late fees, or issuing notices to vacate until July 25. On July 26, owners can file for eviction but must provide a 30-day notice to vacate to tenants, with the effect of staving off displacement and homelessness for individuals and families through August 24.

This bipartisan measure is robust. However, it is incomplete and it is unclear exactly how many people benefit from these protections. In Texas, 277,000 households receive federal rental assistance, while 260,000 more live in Low Income Housing Tax Credit properties. In a national database with only a partial list of properties with federally-backed mortgages, there are 659,000 units covered in the state, however, advocates and experts acknowledge that this is not a comprehensive list. It does not include properties with four or fewer units, which is a significant portion of Texas' housing stock.

There are 3.7 million renter households in Texas. While the CARES Act moratorium could cover about a million or more families, it leaves far too many out. In addition, the law does not account for how tenants will know they are covered by the CARES Act if they live in a rental property with a federally-backed mortgage. Landlords are not required to inform tenants and there is no easy way for the public to access the information other than through an incomplete database that housing advocates created, or by calling the Government-Sponsored Enterprises Fannie Mae and Freddie Mac directly. For renters who live in properties with four or fewer units, the information is entirely inaccessible because it requires that they know the last four digits of the owner's social security number.

While we, as local officials, can pass protections for our communities, the federal law and diffuse and varying county orders and city ordinances create a patchwork solution to a widespread problem. Just as this pandemic is not confined to city limits or county borders, neither is homelessness. We look to state leadership to protect all Texas renters, many of whom have been struck with unemployment and illness. Losing a roof over their head at this time should not be an added pressure.

In addition to the personal destruction of evictions on individuals, mass displacement will put local courts into chaos. Dockets will be overloaded, and in some cases, for no good reason, as proceedings could have been avoided altogether if landlords and tenants knew the extent of the protections of federal law.

We are looking forward to our region bouncing back and contributing to a strong, resilient, healthy Texas. That is unlikely to happen if millions of families end up sick or homeless, and what would seem like a local problem then becomes another state crisis. The choice you make can set a path toward a recovery that works for all Texans.

Sincerely,



Lina Hidalgo
Harris County Judge



Sylvester Turner
Mayor, City of Houston

