



Legislation Text

File #: ID#23-300, **Version:** 1

AGENDA CAPTION:

Hold discussion on the Disaster Declaration, including but not limited to the eviction delay ordinance and provide direction to the City Manager.

Meeting date: May 2, 2023

Department: Requested by Mayor Hughson

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: City Council last discussed this ordinance in April, 2022 and decided to leave the disaster declaration and the eviction delay ordinance in place. At that time, Council did commit to reviewing these policies in the future.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Quality of Life & Sense of Place

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☒ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

- ☐ Core Services
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Mayor Hughson issued an emergency disaster declaration on March 15, 2019 related to the COVID-19 pandemic. This declaration was approved and extended by the City Council via resolution on March 17, 2019 and will remain in place until action is taken by Council to rescind it.

On April 7, 2020 the City Council adopted an ordinance requiring that landlords provide tenants a 90-day notice to cure before filing for eviction if the tenant's inability to pay rent is related to the impacts of COVID-19. This ordinance remains in effect until such time as the local disaster declaration is rescinded by future action of the Council.

On April 15, 2023, Texas Governor Greg Abbott signed a proclamation renewing the state disaster declaration related to the COVID-19 pandemic citing as justifications the need to continue prohibiting local governments from imposing restrictions like mask mandates and vaccine mandates. A copy of that proclamation is attached to this item.

On April 10, 2023, President Biden signed a bill ending the national emergency related to COVID-19.

The purpose of this discussion is to reevaluate the need for continuing the local disaster declaration and to discuss the impact of rescinding it on the eviction delay ordinance.

The information copied below was provided to Council prior to the April 2022 discussion. The information in red font is updated data.

Information provided by Judge Prado:

How many evictions you have recorded in the last 3 months? **We have had 100 evictions filed from July 1, 2022 - September 29, 2022 (33 average per month). Between October 1, 2022 - April 1, 2023 164 were filed (average 27 monthly.)**

1. Have you seen a significant increase in evictions this year compared to say pre-pandemic levels.
We had 139 evictions filed from July 1, 2019 - September 29, 2019 (Average 46 monthly)
2. Do you anticipate a large surge in eviction proceedings if/when the ordinance is rescinded?
Somewhat but not by much perhaps 50 more.
3. Any other thoughts you have on the 90-day eviction moratorium would be appreciated. **We have seen a significant number of landlords not ask for back rent in order to have a hearing sooner than later.**

Information provided by Judge Moreno: As of end of day on Thursday, April 27, 2023, we had not received updated numbers from Judge Moreno's office.

How many evictions you have recorded in the last 3 months? **34 evictions between July 1st and September 30th (This includes evictions that are NOT in the COSM and evictions that are not filed due to non-payment of rent).**

1. Have you seen a significant increase in evictions this year compared to say pre-pandemic levels.
No, 33 evictions were filed between the same dates in 2019
2. Do you anticipate a large surge in eviction proceedings if/when the ordinance is rescinded? **No, there is not an increase in evictions filed not with the city limits of San Marcos where the ordinance does not apply.**

Any other thoughts you have on the 90-day eviction moratorium would be appreciated. **I would need more time to be able to go into greater detail about evictions and if the 90 day ordinance has decreased the number of evictions. The funding for the ERA program ended several months back, previously that was what was keeping the majority of people who fell behind on their rent in their homes.**

Council Committee, Board/Commission Action:

N/A

Alternatives:

Council may elect to rescind the local disaster declaration or leave it in place.

Recommendation:

N/A