

# **Local Ordinances Related to Rental Housing**

July 30, 2024



# Welcome

**Thank you for being here today!** Please put your name and email in the chat if you would like to register your attendance.

**This lunch and learn virtual session is open to anyone.** You do not need to be affiliated with a professional association to attend the meeting.

**If you have any questions during the presentation:** please put your questions in the Q&A feature of the Webex.



CITY OF SAN ANTONIO  
**NEIGHBORHOOD & HOUSING  
SERVICES DEPARTMENT**



# Agenda



- Welcome
- Overview of City's Renter Resources Webpage
- Presentation
  - Local Non-Discrimination Ordinance
  - Notice of Tenants' Rights
  - Housing Voucher Incentive Policy
- Questions
- Input on webpage content

# **Overview of RentWise SA: Know Your Rights and Responsibilities**

James McKenzie - NHSD





# RentWise SA: Know Your Rights and Responsibilities

[www.sa.gov/tenantsrights](http://www.sa.gov/tenantsrights)

## RIGHTS, RESPONSIBILITIES, & RESOURCES

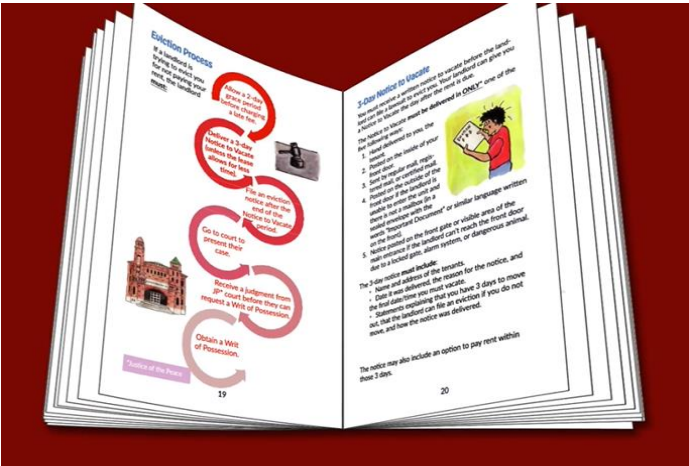
**AS A RENTER** Local, state, and federal protections exist for renters. Learn more at [SA.gov/TenantsRights](http://SA.gov/TenantsRights) or scan the QR code below.

Tenant Rights	Explanation	Legal Protections	Contact
NOTICE TO VACATE  What do I do if I receive a Notice to Vacate for Non-Payment of Rent?	You do not need to immediately leave your home when your rental housing provider gives a Notice to Vacate. You will not need to leave unless you are evicted.  You should: 1) Talk to your rental housing provider about starting a repayment agreement plan. 2) Look for rental assistance programs. 3) Make plans to attend your eviction hearing to make your case. If you do not attend, you will automatically lose your case.  Your rental housing provider is required to provide you with a copy of the Notice of Tenants' Rights within 1 day of the date they issue a Notice to Vacate or nonpayment of rent.	Notice of Tenants' Rights City Ordinance.	Code Enforcement - Development Services Department of the City of San Antonio; call 311.
LEASE  If I ask for a copy of my lease agreement, is the rental housing provider required to give it to me?	Yes, if you request it, your rental housing provider is required to give you a copy of the lease, including leases that are renewed. Your lease should have the terms and conditions for your housing. Therefore, it is important that you keep a copy for your records.	Texas Property Code Section 92.024.	Speak to your rental housing provider or the property manager first for help.  For legal assistance with the eviction process, you may contact Texas RioGrande Legal Aid. Contact Info: Call 210-212-3703 or Email: RightToCounsel@trila.org.
REPAIRS  I need essential repairs made to my unit, what should I do?	Under Texas law, you have the right to safe and healthy living conditions. Property owners must comply with the City's Property Maintenance Code and follow-up on requests for repairs. Do not withhold your rent if your rental housing provider is not making repairs, as this can lead to an eviction. Make sure you make requests for repairs as outlined in your lease. Document your written repair requests with certified mail delivery. If your rental housing provider is not responsive, call 311.	Texas Property Code Section 92.056/San Antonio Property Maintenance Code.	Code Enforcement - Development Services Department of the City of San Antonio; call 311. For legal assistance you may contact Texas RioGrande Legal Aid. Contact Info: Call 210-212-3703 or Email: RightToCounsel@trila.org.
DISCRIMINATION  What if I feel like my rental housing provider is discriminating against me?	You have the right to not be discriminated against based on your race, color, national origin, religion, sex, familial status, disability, marital status, sexual orientation, or gender identity. Your access to your housing or your housing application cannot be denied for any of the reasons listed above.	Federal and Texas Fair Housing Acts/ City of San Antonio Non-Discrimination Ordinance.	City of San Antonio's Fair Housing Program: Call 210-207-5309.



[SA.gov/NHSD](http://SA.gov/NHSD)

This flyer is for educational purposes and should not be used for legal advice.



Disability and Language Access



City of San Antonio  
5.96K subscribers

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## What can I find here?

- Video Series
- Know Before You Evict
- Resolution on Tenants' Rights
  - "Resolution Explainer"
- Notice of Tenants' Rights
  - **\*\*Other languages available\*\***
  - FAQ document
- 'Renterzine'

# **Local Ordinances Related to Housing**

Jameene Williams – City Attorney's Office



# **Non-discrimination Ordinance**



Adopted in 2013

Found in Chapter 2, Article X of the City's Code of Ordinances

**“IT SHALL BE THE GENERAL POLICY OF THE CITY TO PROHIBIT DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, VETERAN STATUS, AGE OR DISABILITY” (PROTECTED CLASSES)**

# Age & Veteran Status



In addition to federal and state fair housing laws, COSA prohibits discrimination on the basis of age and veteran status.

## DISCRIMINATORY HOUSING PRACTICES

### General policy:

“COSA believes in the right of every person to have access to adequate housing of the person's own choice, and that the denial of this right because of race, color, religion, sex, sexual orientation, gender identity, veteran status, disability, familial status, national origin or age is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”



# What Is A Discriminatory Housing Practice?



- Refusing to sell or rent a dwelling to a person who has made a bona fide offer; negotiate for the sale or rental of a dwelling; or otherwise make unavailable or deny a dwelling to any person in a protected class.
- Includes the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental of a dwelling.
- A person may not represent to any person of a protected class that a dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.
- A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a protected class.

# **Discriminatory Housing Practices (Continued)**



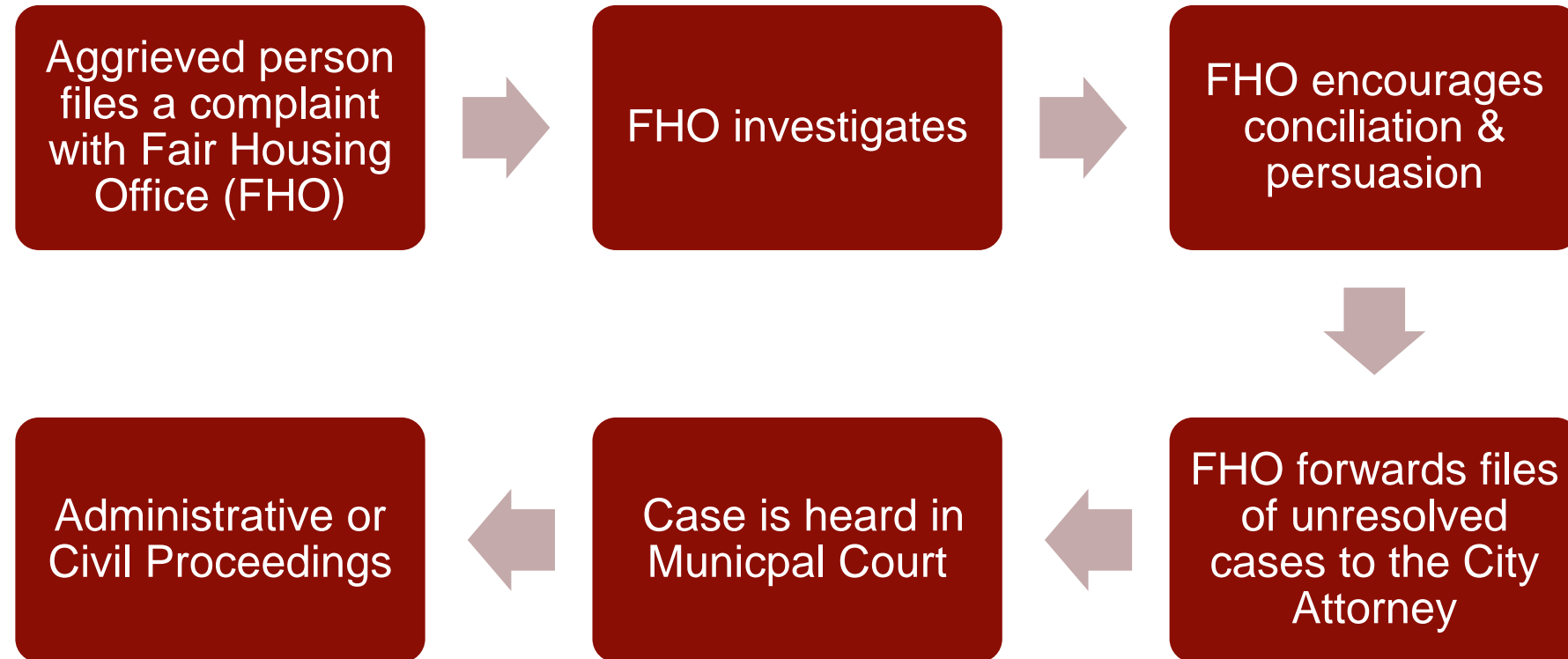
**These apply to:**

- **Residential real estate related transactions**
- **Brokerage services**
- **No interference with exercise of rights**

**Does not apply to:**

- Consideration of A person's conviction under federal law or the law of any state for the illegal manufacture or distribution of A controlled substance, or
- A person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than protected status

# Complaint Process



# Notice Of Tenants' Rights (NTR)




- Requires Property Owners and Operators to deliver a NTR within 1 business day of the date the Notice to Vacate (NTV) is delivered.
- Applies only to NTV's for Non-Payment of Rent.
- Does **not** excuse tenants from paying rent.
- Delivered by personal in-hand delivery, affixing to inside or outside the main entry door, text message, email, overnight courier or USPS mail.

# Notice of Tenants' Rights Form

## Notice of Tenants' Rights

- *encourages dialogue* between the tenant and housing provider
- directs the tenant to resources
- clarifies that a Notice to Vacate is not an eviction but is the first step in the eviction process
- Does not delay the eviction process

**NOTICE OF TENANTS' RIGHTS**

Your rental housing provider is required by the City of San Antonio to provide you a copy of this notice when you are issued a Notice to Vacate for Non-Payment of Rent. If you have a question or need to report a possible violation, contact the City's Code Enforcement Division by calling 210-207-6000 or 311.


**You should know:**

**A Notice to Vacate is not an eviction.**

It is only the first step in the eviction process and does not mean you must move out immediately. You still have time to resolve the issue. You do not need to leave your dwelling right now and should not move without talking to your rental housing provider first.

**There are resources to help.**

Scan the QR code with a smart phone or visit [www.sa.gov/nhsd](http://www.sa.gov/nhsd) to access the City's website for more tenants' rights and resources information.



**Steps you can take now:**

**Contact your rental housing provider right away to try to work out a payment arrangement.**

Payment arrangements should be in writing and signed by both you and your rental housing provider.

**Seek out financial assistance to help cover your rent.**

If you are having trouble paying rent, there may be assistance available through nonprofits or government programs. A few options are below:

**City of San Antonio:** [www.sa.gov/nhsd](http://www.sa.gov/nhsd) or call 210-207-5910  
**Texas Rent Relief:** [www.texasrentrelief.com](http://www.texasrentrelief.com) or call 833-989-7368  
**San Antonio Community Resource Directory:** [www.sacrd.org/directory](http://www.sacrd.org/directory)

**If you have questions about your rights or need legal assistance, seek out help.**

City of San Antonio, Fair Housing Team: [www.sa.gov/nhsd](http://www.sa.gov/nhsd) or call 210-207-5309  
City of San Antonio, Right to Counsel Program, administered by Texas RioGrande Legal Aid:  
[RightToCounsel@trla.org](mailto:RightToCounsel@trla.org) or call 210-212-3703

**What can happen after you receive a Notice to Vacate?**

After the Notice to Vacate has been delivered, the rental housing provider may file a suit in a Justice Court. The Justice Court will set a date for the hearing which is usually within 21 days of the filing in a court. The Court will notify you in writing of the date you must appear. You are encouraged to appear at the hearing and defend your rights. If you work out an agreement with your rental housing provider before the eviction hearing begins, show the court the agreement. The rental housing provider will usually dismiss the case if you pay everything due before the hearing. If not, the court will hear the case and issue a decision. If you do not appear, a judge may conclude that you do not oppose the eviction and issue judgment for the rental housing provider. You have the right to appeal. If you do not move or file an appeal within five days after the hearing, the rental housing provider can request a Writ of Possession from the Court. A 24-hour notice will be posted on your door before the Writ of Possession is carried out by removing you and your personal belongings from your residence.



# New Look – Housing Providers must use new form

## Your Rights & Resources After Receiving a Notice to Vacate For Non Payment of Rent

The City of San Antonio requires that we deliver this information to you.

### You should know:

- The Notice to Vacate is not an eviction. It is only the first step in the eviction process and does not mean you must move out immediately. You still have time to resolve the issue. You do not need to leave your dwelling right now and should not move without talking to your landlord first.
- Learn more about your rights & next steps. Refer to this self-help legal information provided by Bexar County:  
<https://www.bexar.org/DocumentCenter/View/22506/Self-Help-Legal-Information-Packet-When-an-Eviction-Case-Has-Been-Filed-Against-You-PDF>

### Steps you can take now:

- Contact your landlord right away to try to work out a payment arrangement. Payment arrangements should be in writing and signed by both you and your landlord.
- There is help. If you need help, there are resources available to you:
  - Questions about your rights and resources: Please call 210-207-5910 (City of San Antonio)
  - Help with paying rent, utilities, fees and, if needed, moving costs:
    - i. City of San Antonio: Call 210-207-5910 or visit: [www.sanantonio.gov/emergencyhousingassistance](http://www.sanantonio.gov/emergencyhousingassistance)
    - ii. Guadalupe Community Center: Call 210-226-8178

Funding for rental and utility assistance is limited.

### What can happen after you receive a Notice to Vacate?

After the Notice to Vacate has been delivered, the landlord may file a suit in a Justice Court. The Justice Court will set a date for the hearing which is usually within 21 days of the filing. The Court will notify you in writing of the date you must appear.

You may appear at the hearing and defend your rights. The court will hear the case and issue a decision. If you do not appear, a judge may conclude that you do not oppose the eviction and issue judgment for the landlord. You have the right to appeal.

If you can work out an agreement with your landlord before the eviction hearing begins, show the court the agreement. The landlord will usually dismiss the case if you pay everything due before the hearing.

If you do not move or file an appeal within five days the hearing, the landlord can request a Writ of Possession from the Court. A 24-hour notice will be posted on your door before the Writ of Possession is carried out by removing you and your personal belongings from your residence.

Remember that you have options and there are people who can help you.

It is a good idea to communicate with your landlord during the entire process to work out an agreement. There are City, County, or community services designed to help.

Name of Resident: \_\_\_\_\_

Address/Unit: \_\_\_\_\_

Date of Delivery: \_\_\_\_\_

Manner of Delivery: \_\_\_\_\_



## NOTICE OF TENANTS' RIGHTS

Your rental housing provider is required by the City of San Antonio to provide you a copy of this notice when you are issued a Notice to Vacate for Non-Payment of Rent. If you have a question or need to report a possible violation, contact the City's Code Enforcement Division by calling 311.

### You should know:

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#### There are resources to help.

Scan the QR code with a smart phone or visit [www.sa.gov/nhsd](http://www.sa.gov/nhsd) to access the City's website for more tenants' rights and resources information.



### Steps you can take now:

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**San Antonio Community Resource Directory:** [www.sacrd.org/directory/](http://www.sacrd.org/directory/)

### If you have questions about your rights or need legal assistance, seek out help.

City of San Antonio, Fair Housing Team: [www.sa.gov/nhsd](http://www.sa.gov/nhsd) or call 210-207-5309  
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[RightToCounsel@trila.org](mailto:RightToCounsel@trila.org) or call 210-212-3703

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Remember that you have options and there are people who can help you.

It is a good idea to communicate with your rental housing provider during the entire process to work out an agreement.

Name of Resident \_\_\_\_\_  
Address/Unit \_\_\_\_\_

Date of Delivery \_\_\_\_\_  
Delivered By \_\_\_\_\_  
Contact \_\_\_\_\_

Last revised: May 4th, 2023

# Enforcement



- Mediation recommended, not required
- Intentionally, knowingly, recklessly or negligently fails to provide notice:
  - **First offense:** Warning
  - **Second offense:** Administrative Adjudication Hearing and possible fine up to \$500
  - **Complaint must be filed within 90 days of violation**
- Defense:
  - Eviction proceedings were instituted for reasons other than non-payment of rent;
  - Provider delivered a prior version of the NTR, unless Provider has already been issued a warning.
- Notation on copy of NTR prima facie evidence of delivery method

# Housing Voucher Incentive Policy



- Adopted in 2021
- Requires developers, owners, lessees, sublessees, assignees, managing agents, or other persons having the right to lease, sublease or rent a housing accommodation to another person or group of people that:
  - Receives a ***contract, award or agreement*** that provides for the development or management of affordable housing,
  - In exchange for the provision of incentives including City and SAWS fee waivers, Tax Increment Reinvestment Funds, Tax Abatement, Grants Loans or any other publicly funded incentives for their properties,
  - **To accept, during the incentive period, the renter's provable and lawful source of income to pay rent including Federal Housing Assistance.**

# What Is Federal Housing Assistance?



Federal housing assistance programs or a housing voucher directly or indirectly funded by the federal government, including a federal housing choice voucher (HCV program).

# Complaint Process

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Resident can file complaint with:



NHSD Fair Housing Division



Calling 3-1-1



Office of Equity



# Enforcement



If violation is found, City will notify owner and management agent and initiate enforcement.

- **First violation:** written warning; Housing Provider required to undergo mandatory compliance training
- **Second violation:** Additional mandatory compliance training plus assessment of \$500 administrative fee
- **Third violation:** Written notification of default of incentive agreement and opportunity to cure default
- **Fourth violation:** Termination of incentive agreement; Housing Provider must refund or reimburse incentives; precluded or debarred from future city awards or incentive agreements; all other remedies permitted by incentive agreement or law

## **Q&A Portion**

Facilitated by Sara Wamsley-Estrada, NHSD





# **Thank you**

Thank you for joining us today!

