

RESOLUTION **2023-05-04-0014R**

SUPPORTING THE RIGHTS OF TENANTS TO LIVE IN SAFE, DECENT, AND QUALITY HOUSING; TO LIVE FREE OF RETALIATION AND DISCRIMINATION, AND TO EXERCISE THEIR RIGHTS UNDER LOCAL, STATE, AND FEDERAL LAWS TO ENSURE THE HEALTH AND SAFETY OF TENANTS IN THE CITY OF SAN ANTONIO IN FURTHERANCE OF THE GOALS OF THE CITY'S STRATEGIC HOUSING IMPLEMENTATION PLAN; AND APPROVING REVISIONS TO THE CITY'S NOTICE OF TENANT RIGHTS.

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WHEREAS, the City of San Antonio recognizes that adequate housing is fundamental to an individual or family's ability to live in stability, dignity, and good health; and

WHEREAS, the cornerstone of the City's affordable housing initiatives is the adoption of the Strategic Housing Implementation Plan (SHIP) on December 16, 2021, which, among other aspirations, seeks to ensure accountability to the public and protect & promote neighborhoods by developing a public information campaign on Fair Housing Laws and increasing awareness of tenant rights; and

WHEREAS, the City of San Antonio supports the rights of tenants to be provided clear and accurate information pertaining to tenants' rights under the City's Notice of Tenants Rights ordinance and to pursue action under the federal and Texas Fair Housing Acts, the federal Violence Against Women Act, the Texas Property Code, the City's Non-Discrimination Ordinance, and the City's Property Maintenance Code to ensure their right to quality housing is protected; and

WHEREAS, on March 23, 2023 the City of San Antonio approved a Proactive Apartment Inspection Program to ensure the health and safety of renters at qualifying properties with certain code-related issues; and

WHEREAS, on August 20, 2020 the City of San Antonio approved a resolution that declared racism a public health crisis, which, among other efforts, includes a commitment to advancing racial equity by mitigating housing displacement that may arise from racial segregation; and

WHEREAS, the City of San Antonio acknowledges that San Antonio community members speak many languages besides English; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City of San Antonio supports the rights of tenants to live with dignity and in safe, quality, and affordable housing and will continue its efforts to expand the availability of affordable housing across a broad spectrum of initiatives and programs.

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SECTION 2. The City of San Antonio supports the ability of tenants to exercise their rights under section 92.331 of the Texas Property Code to be free from retaliation from landlords, which includes the right to organize and establish or participate in a tenant organization.

SECTION 3. The City of San Antonio supports the rights of tenants to not be discriminated against based on their race, color, national origin, religion, sex, familial status, disability, marital status, sexual orientation, gender identity, being a survivor of domestic violence, sexual assault, or stalking under the federal and Texas Fair Housing Acts and the federal Violence Against Women Act.

SECTION 4. The City of San Antonio supports a tenant's right to have safe and healthy living conditions as provided in section 92.056 of the Texas Property Code and that property owners are required to comply with the San Antonio Property Maintenance Code which outlines the minimum local standards for premises and structures, lighting, ventilation, space, heating, sanitation, protection from the elements, fire, and other hazard safety, to protect the public health, welfare, and safety of residents. The City also supports the Landlord and Tenant Remedies outlined in this section of the Texas Property Code and supports tenant access to legal aid to understand how to properly pursue these remedies.

SECTION 5. The City of San Antonio supports the protections in section 92.103 of the Texas Property Code that prohibits landlords to wrongfully withhold a tenants' personal property or security deposit.

SECTION 6. The City of San Antonio recognizes the importance of section 92.024 in the Texas Property Code that requires landlords to provide a copy of the lease including leases that are renewed.

SECTION 7. In June of 2020, the City of San Antonio adopted an ordinance requiring all landlords and property owners to provide a Notice of Tenant Rights within one (1) business day of the date a Notice to Vacate for Non-Payment of Rent is delivered to a tenant facing eviction. The city council hereby authorizes revisions to the current Notice of Tenant Rights to clarify terms and provide tenants more information about how to get assistance through the eviction process. A copy of the revised Notice of Tenant Rights is attached to this Resolution as **Exhibit 1**. The City Manager or his designee, are each authorized to make additional revisions to the Notice of Tenant Rights to update or modify the information contained therein as necessary for purposes consistent with the intent of this resolution to comply with applicable law and changes in city policy without further action of the city council.

SECTION 8. The City of San Antonio supports the rights of veterans and others who receive federal housing assistance to have equal access to housing options from housing providers that receive taxpayer funded assistance and incentives, as reflected in the City of San Antonio's Housing Voucher Incentive Policy.

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SECTION 9. The City of San Antonio supports the protections in Title VI of the Civil Rights Act which ensures that people with Limited English Proficiency, who are either living in, or seeking housing in certain federally funded developments, have access to appropriate translations or interpretations of all vital housing documents that ensure meaningful access.

SECTION 10. The City Council resolves that public awareness of the rights identified herein is critical to the effectiveness of the City's Strategic Housing Implementation Plan, as lack of awareness of these rights adds to the barriers to the ability of renters to find and live in housing that is safe, decent, and affordable.

PASSED and APPROVED on the 4th day of May, 2023.

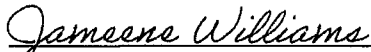


MAYOR
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:

 for
Andrew Segovia, City Attorney

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EXHIBIT 1



City of San Antonio
City Council Meeting
May 4, 2023

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4. Resolution supporting the rights of tenants to live in safe, decent and quality housing; to live free of retaliation and discrimination, and to exercise their rights under local, state, and federal laws to ensure the health and safety of tenants in the City of San Antonio in furtherance of the goals of the City's Strategic Housing Implementation Plan; and approving revisions to the City's Notice of Tenants' Rights. [Lori Houston, Assistant City Manager; Veronica Garcia, Director, Neighborhood & Housing Services Department]

Councilmember Rocha Garcia moved to approve. Councilmember Viagran seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Castro, Pelaez, Courage

Abstain: Perry



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:

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 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 or call 210-207-5910
Texas Rent Relief: www.texasrentrelief.com or call 833-989-7368
San Antonio Community Resource Directory: 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 or call 210-207-5309

City of San Antonio, Right to Counsel Program, administered by Texas RioGrande Legal Aid:

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.

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 _____