

### **AGENDA ITEM #3**

**POSTING LANGUAGE:** Briefing and possible action on the Emergency Housing Assistance Program (EHAP) and Eviction Prevention Update. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services]

#### **DEPARTMENT:**

Neighborhood & Housing Services Department

#### **DEPARTMENT HEAD:**

Verónica R. Soto, FAICP, Neighborhood & Housing Services Department Director

#### **COUNCIL DISTRICTS IMPACTED:**

Citywide

#### **SUMMARY:**

Emergency Housing Assistance Program (EHAP) and Eviction Prevention Update

#### **BACKGROUND INFORMATION:**

On April 23, 2020, City Council approved the creation of the Emergency Housing Assistance Program (EHAP). The program provides eligible applicants rental, mortgage, and utility assistance.

The EHAP is administered by the Neighborhood and Housing Services Department (NHSD). As of November 8, 2021, the City has approved \$155.5 million in assistance to over 51,781 households seeking emergency rental, mortgage, and utility assistance.

The total budget for the EHAP is \$193.8 million. This includes Phases I-IV of the EHAP. The budget is expected to grow by \$4.4 million as the County is proposing to add that much funding for rental assistance for County residents in November from their ERA-1 federal funds. This item will go to City Council on November 18, 2021. Should that item be approved, the total EHAP budget will total \$198.2 million.

#### **Current EHAP Budget by Phase:**

Phase I approved April 23, 2020	\$25,553,016.00
Phase II approved June 4, 2020	\$26,944,551.00
Phase III approved September 17, 2020 amended January 21, 2020	\$34,311,149.00

Phase IV approved February 18, 2021 amended June 17, 2021	\$106,950,163.00
<b>Total</b>	<b>\$189,758,879.00</b>

Proposed EHAP Budget if additional County funds added:

Phase I approved April 23, 2020	\$25,553,016.00
Phase II approved June 4, 2020	\$26,944,551.00
Phase III approved September 17, 2020 amended January 21, 2020	\$34,311,149.00
Phase IV approved February 18, 2021 amended June 17, 2021	\$111,350,163.00
<b>Total</b>	<b>\$198,158,879.00</b>

As of November 8, 2021, the City has approved \$155.5 million in assistance to over 51,781 households seeking emergency rental, mortgage, and utility assistance.

The below chart provides the breakout by City Council District.

Emergency Housing Assistance Program				
CD	Avg AMI %	Approved	Avg HH Size	Approved \$
1	26.9	4,718	2	13,481,645
2	27.3	7,176	3	21,009,100
3	28.0	5,579	3	15,960,410
4	29.8	4,460	3	13,748,696
5	24.2	3,703	3	9,881,922
6	30.8	4,879	3	15,089,726
7	28.4	5,560	3	16,258,434
8	30.0	5,635	2	17,074,598
9	30.6	3,564	2	11,264,661
10	30.5	4,349	2	13,510,215
County	29.7	2,158	3	8,211,249
<b>Totals</b>		<b>51,781</b>		<b>\$155,490,657</b>

## ISSUE:

Applicants seeking rental, mortgage and utility assistance are eligible for up to 9 months of assistance based on the following eligibility criteria for the EHAP applicants, all applicants must:

- ☞ Reside within the San Antonio or Bexar County
- ☞ Provide documentation of hardship due to COVID-19
- ☞ Make less than 80% of the Area Median Income (AMI)

Assistance is tiered based on the applicant's AMI:

- ☞ If an applicant's income is at or below 50% AMI, the applicant is eligible for up to 9 months of rental or mortgage assistance and the current bill amount for utility bill (SAWS, CPS Energy, Internet) assistance.
- ☞ If an applicant's income is between 51% and 80% AMI, the applicant is eligible for up to 6 months of rental or mortgage assistance and the current bill amount for utility bill (SAWS, CPS Energy, Internet) assistance.

### **Eviction Intervention Efforts Update**

On September 21st, the Supreme Court of Texas (SCOTX) issued its 42<sup>nd</sup> Emergency Order regarding the COVID-19 State of Disaster. This order extended the Texas Eviction Diversion Program (TEDP) protections until December 1, 2021. The order allows eviction proceedings to be abated for 60 days and seals court records in cases where for both the landlord and tenant agree to abatement while the tenant applies for rent assistance. If the landlord and tenant participate in either the state or local rental assistance programs, the court records remain sealed permanently. Tenants and landlords can participate in the program and records can be sealed even after there is a judgment and up until a writ of possession is issued. The order also notes Courts must allow legal aid providers to be present in court to help eligible tenants.

Previous versions of this order applied only to rental assistance programs where the plaintiff (or landlord) was the applicant. NHSD submitted a letter to the Texas Office of Court Administration in August 2021 asking that the Texas Supreme Court extend the protections to tenants who have pending applications for rental assistance, like the San Antonio's Emergency Housing Assistance Program, to protect tenant's long term rental records. Since this order, NHSD's Eviction Intervention Team has been providing documentation to tenants with outstanding filings indicating they qualify for the program. Standard language has been added to the EHAP application confirmation email that goes out to all tenants and landlords with pending applications letting them now about this order, regardless of whether they have an eviction filing or not.

On November 4<sup>th</sup>, the Texas Department of Housing & Community Affairs (TDHCA) issued notice that it would be closing the application portal to new applications for the Texas Rent Relief program at 5 pm on Friday, November 5<sup>th</sup> due to the total requests now exceeding the amount of funds available at the state level. Though applying does not guarantee payment, applications that were submitted before 5 pm on November 5<sup>th</sup> will be reviewed by TDHCA. The Eviction Intervention team is no longer referring new applications to this program and is instead referring solely to EHAP.

Each of the four Justices of Peace continue welcome the City's Eviction Intervention Team in their courtrooms. The team has been working closely with the Justices since June 2020 when they first began to re-open after public health emergency orders. The team is present in every hearing and offices out of the courts even when hearings are not in session to be accessible for landlords and tenants. Additionally, the team attends regular intake sessions at Workforce Solutions Alamo and other community events in collaboration with the EHAP team. The team makes referrals to EHAP, the Right to Counsel Program, and other services as needed. They have achieved 1,263 dismissals and 1,764 resets of pending evictions.

The team continues to use weekly eviction filing data provided by the county to conduct outreach. October 2021 had a total of 1,531 filings which was the busiest month since the pandemic began. By comparison, there were 1,366 filings in September and 1,171 in August when the CDC Moratorium was still in effect.

**ALTERNATIVES:**

This item is for briefing purposes only.

**FISCAL IMPACT:**

This item is for briefing purposes only.

**RECOMMENDATION:**

This item is for briefing purposes only.