

# Evictions & Housing Stability

Julia Orduña, Texas Housers

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**TEXAS  
HOUSERS**  
TEXAS LOW INCOME HOUSING  
INFORMATION SERVICE



L O N E S T A R  
L E G A L A I D

JanuaryAdvisors



**L O N E S T A R  
L E G A L A I D**

**We protect and advance the civil legal rights of low-income Texans by providing advocacy, legal representation, and community education that ensures equal access to justice.**

**Dana Karni**

**Litigation Director**

**Eviction Right to Counsel**



# JanuaryAdvisors



We're a data science consulting company that uses data to help nonprofits and local governments deliver solutions that better people's lives.

**David McClendon** is a principal consultant leading data science research projects and data visualization product development. (I crunch numbers and make maps.)

# Texas Low-Income Housing Information Service

Our mission is to support low-income Texans' efforts to achieve the American dream of a decent, affordable home in a quality neighborhood. We carry out our mission by:

- **Researching and evaluating** low-income housing and community development programs, needs and issues to discover solutions
- **Providing information** about low-income housing and community programs, needs and issues to promote public understanding and support
- **Organizing and empowering** low-income people and communities to take the initiative to solve their housing and community development problems.



**Julia Orduña, southeast Texas regional director**

As regional director, Julia focuses on housing affordability, lack of access to safe and dignified housing, and climate change in Houston and surrounding areas. Her work in the organization concentrates on issues pertaining to disaster recovery, eviction prevention, and tenants' rights. Julia's hometown is Laredo, Texas.

# The Eviction Process in Texas

## STEP 1: LL delivers Notice To Vacate to Tenant

Must give minimum 3-day notice before LL can file suit

Properties who receive federally backed mortgages must give a 30-day notice

## STEP 2: LL files eviction case with JP court in Tenant's Precinct

Constable serves Eviction Notice to Tenant

Hearing must be minimum 10-days from filing date

LL & Tenant submit documents to court

## STEP 3: JP hears the case and reaches a judgment

 YOU ARE HERE

LL & Tenant appear before the JP to testify

If Tenant does not appear, default judgement goes to LL

## STEP 4: If ruling is for Plaintiff, LL may get Writ of Possession in 7 days

Tenant may appeal this judgment within 5-days

24-hour vacancy notice is put on door

Constable arrives following day to secure that the Tenant has vacated

# More renters, shrinking affordability

Since 2000, Houston's renter population has grown significantly.

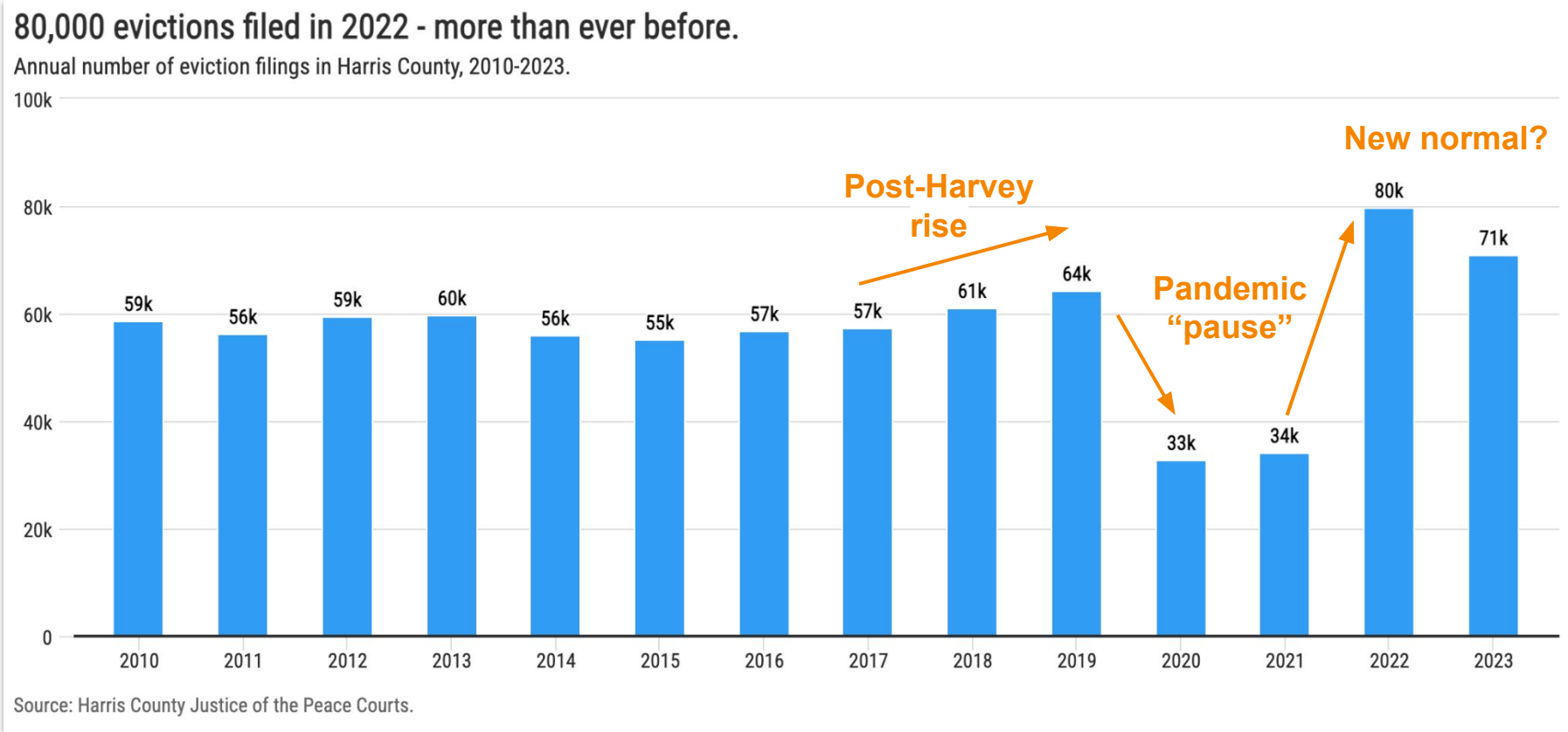
At the same time, rents have increased faster than renters' income.

	2000	2010	2020	% Change 2000-2020
Population	1.9 million	2.1 million	2.3 million	+18%
Renter households	54%	53%	58%	+6%*
Owner households	46%	47%	42%	-8%*
Median gross rent	\$575	\$793	\$1,041	+81%
Median household income of renter households	\$28,484	\$31,403	\$39,827	+40%

Table 1: Population and household demographics for the City of Houston, 2000-2020. Source: US Census.

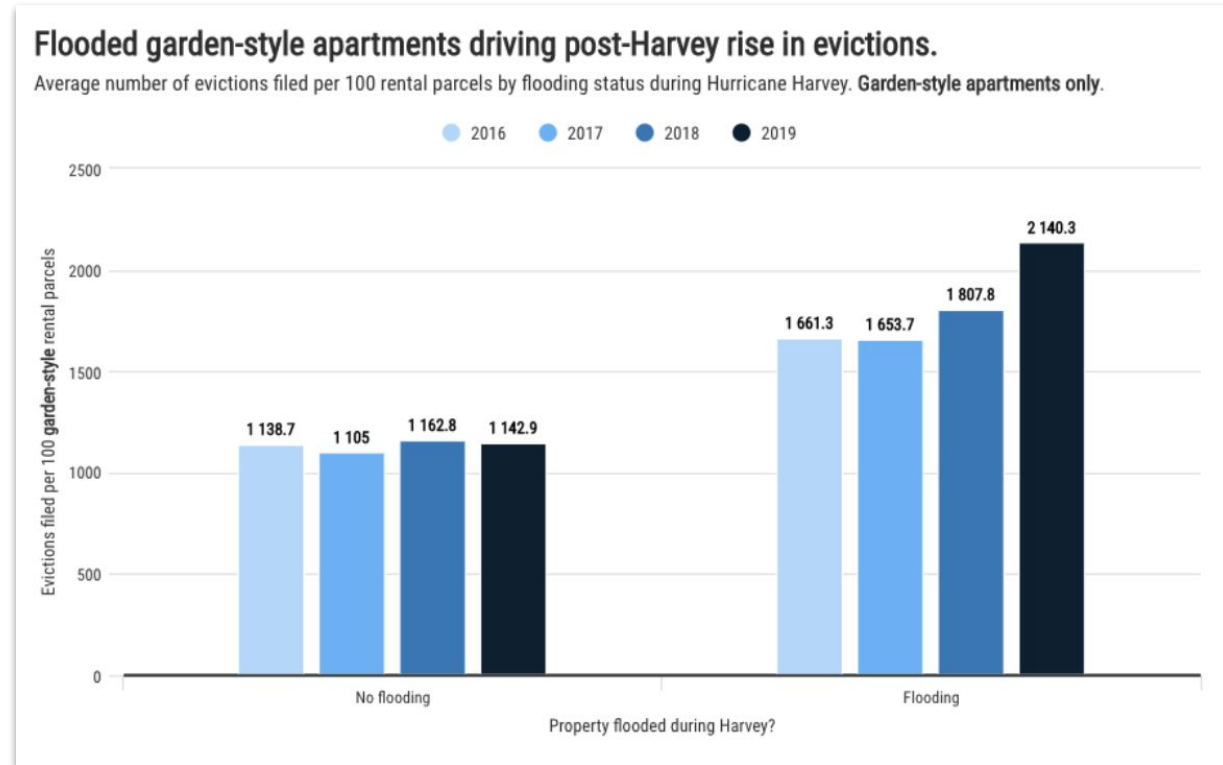
\* Note these numbers refer to the percent change in the value (difference between 2020 and 2000 divided by 2000 value) not the percentage point change (2020 value minus 2000 value).

# Eviction trends since 2010



# Hurricane Harvey's impact on evictions

- Short-term boomerang
- Long-term rise in evictions
- Concentrated among renters in **garden-style apartments** that flooded during Harvey



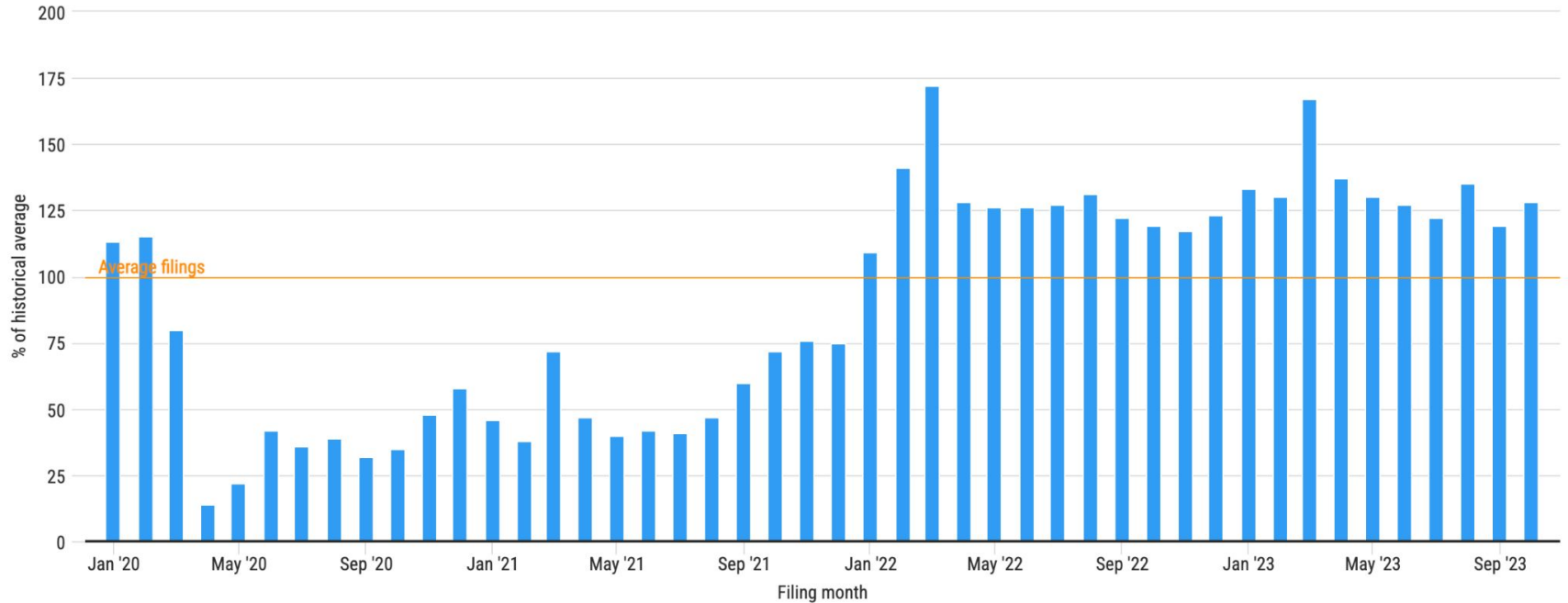
Source: January Advisors' analysis: <https://www.januaryadvisors.com/evictions-houston-after-harvey/>



# Pandemic “pause” and 2022 return

Every month of 2022/2023 saw above-average eviction filings.

Monthly eviction filings in Harris County 2020-2022 as a percentage of historical average (2018-2019).



Source: Harris County Justice of the Peace Courts.

# Back rent owed by tenants increased during pandemic

Most evictions in Harris County are for non-payment of rent.

Typically, median amount owed in eviction cases is ~\$1,000.

This increased dramatically during pandemic, as back rent piled up.

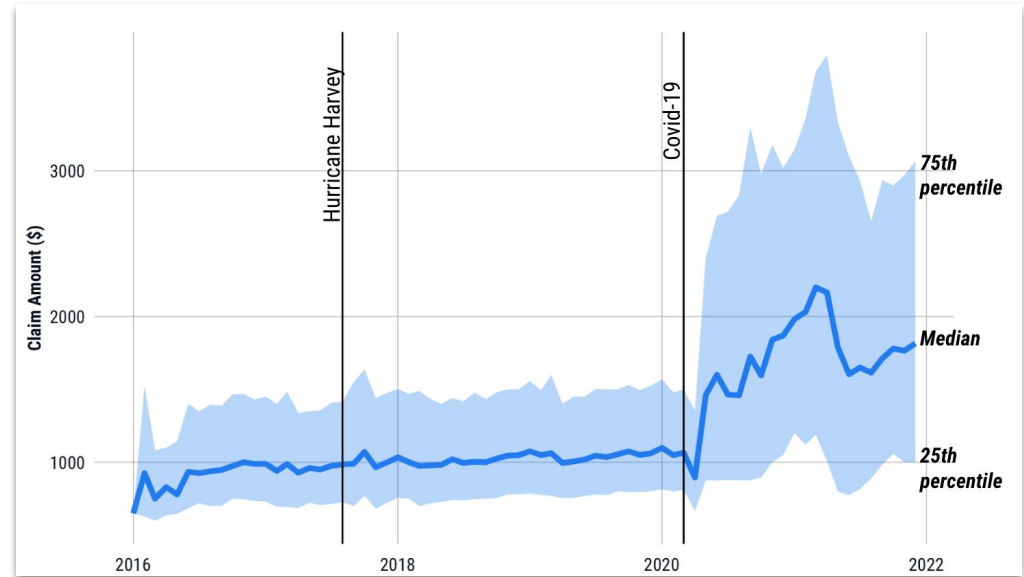
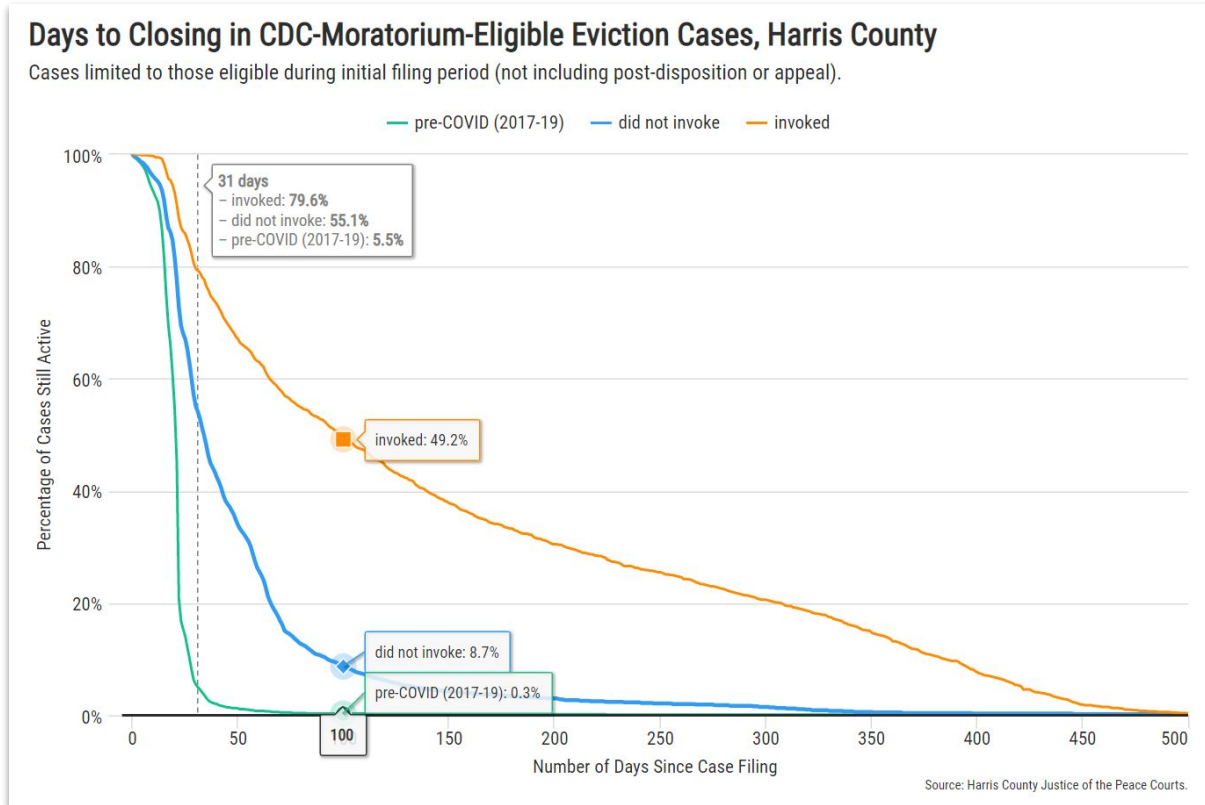


Figure 12: Median claim amounts increased significantly when the COVID-19 pandemic began.

# The CDC moratorium worked (when renters invoked it)

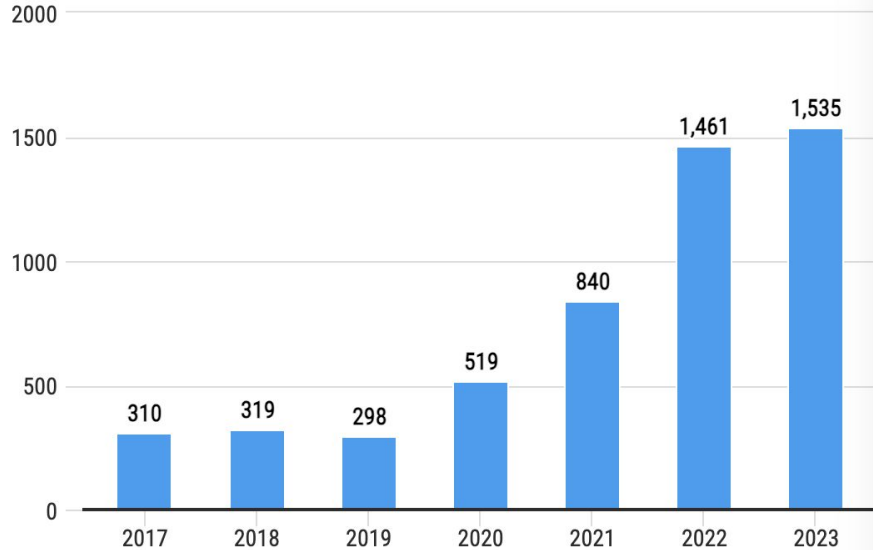
- Renters who invoked the CDC moratorium got more time.
- After 31 days from filing, 80% of cases were still open for CDC invokers, giving them more time to get financial assistance.
- Unfortunately, only 13% of defendants invoked the moratorium.



# More tenants have a lawyer but most still do not.

## More tenants are represented by a lawyer than ever before.

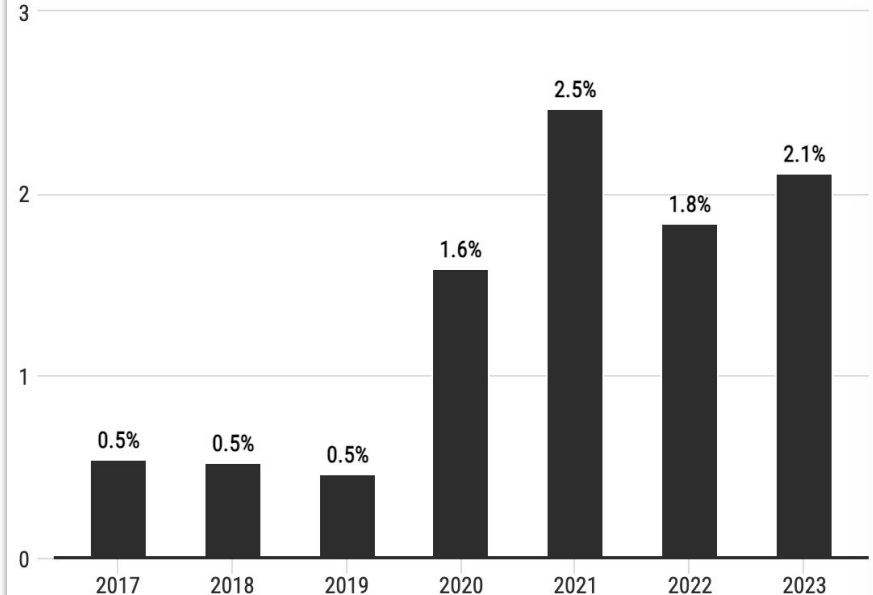
Annual number of eviction cases with defendant attorneys in Harris County, 2017-2023.



Source: Harris County Justice of the Peace Courts.

## Yet, the rising tide of evictions means that current resources are struggling to keep up with demand.

Annual percentage of eviction cases with defendant attorneys in Harris County, 2017-2023.



Source: Harris County Justice of the Peace Courts.

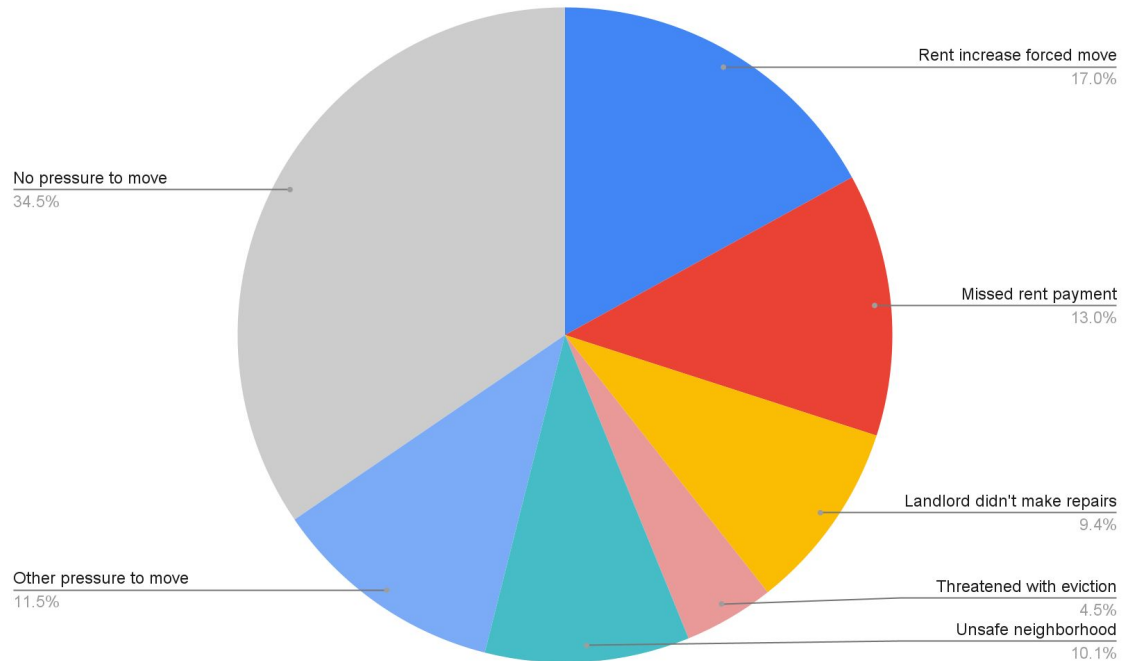
# Other key facts about eviction process in Houston

- Eviction disproportionately impacts **Black/African American renters** and **low-income** neighborhoods.
- Eviction also disproportionately impact **children** nationally.
- Eviction records only capture one aspect of displacement -- and we often can't know how many defendants lose their home.

# 65% of Houston renters report feeling pressure to move in the past 6 months

- Rent increase is the top reason why renters report feeling pressure to move.
- Missed rent payment (13%) and threatened with eviction (4.5%) together make up another sizeable block.
- But other issues such as neighborhood safety and landlord repairs are also important.

Reasons why renters report feeling pressure to move.



Source: Census Pulse Survey, October 2023.

# Evictions cause Poverty & Loss for Tenants

- Loss of home & belongings
- Loss of shelter & safety
- Stained credit record
- Increased threat of job loss
- Decreased educational attainment
- Decreased housing choice
- No permanent address

## 2023 Annual Point-In-Time Count

7% of interviewed persons experiencing homelessness cited evictions as a direct cause



# Evictions are harmful to Health and Wellness

- Increased Mental Health issues
- Disrupted access to healthcare
- Increase in domestic violence
- Increased premature birth & low birth weights
- Increased exposure to unsanitary & unsafe housing conditions
- Increased spread of & death from COVID-19



Source: Vecteezy.com



# Evictions also waste Time and Resources for Landlords

- Evicting someone can be a length process
- Attorney and Legal fees
- Court fees
- Moving personnel
- Lost Rent from current tenant
- Lost Rent from vacant unit
- Expenses to re-lease unit



Source: Vecteezy.com

# Pandemic Patches of Relief

1. Brief Texas Moratorium on Eviction Hearings (not filings)
2. Federal CDC Declaration paused eviction filings
3. Zoom hearings made court safe and accessible
4. Emergency Rental Assistance funds kept tenants housed
  - a. State of Texas - \$2.4 Billion
  - b. Harris County & City of Houston - \$331 Million, now less than \$3M in CoH
5. SCOTX Emergency Orders: made cases confidential and sealed records
6. ***SCOTX Emergency Orders: REQUIRED legal aid where available***
7. CARES Act: 30 day Notice to Vacate for tenants at federally-backed properties

# City of Houston & Harris County Housing Stability Task Force

From houston.tx.gov

## MAYOR'S OFFICE PRESS RELEASE

**City, County Announce Task Force to Tackle Looming Threat of Evictions, Improve Housing Stability**

*Recovery Czars Marvin Odum and Rep. Armando Walle Launch Effort to Reduce Evictions, Align Resources for Tenants and Landlords, and Help Households Maintain Stable, Safe and Affordable Housing*

**June 12, 2020** -- City of Houston and Harris County recovery leaders on Thursday announced the formation of a task force to prevent evictions while bridging gaps in housing stability that have been exposed during the COVID-19 pandemic.

From chron.com

**POLITICS // HOUSTON POLITICS**

## Turner pulls out of housing task force that recommended eviction grace period ordinance

**Dylan McGuinness, Sarah Smith, Jasper Scherer, Staff writers**

Sep. 11, 2020 | Updated: Sep. 11, 2020 2:32 p.m.

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**Priority Policy Recommendations  
Harris County Housing Stability Task Force  
March 05, 2021**

**Overview:** The Policy Response Team was convened by the Harris County COVID-19 Housing Stability Task Force to review a National Scan of initiatives that address eviction prevention and/or mitigation, and housing stabilization. The scan was organized in five major categories: (1) tenant protections, (2) financial supports, (3) legal supports, (4) housing supports and (5) outreach and public education supports. The Response Team met four times and evaluated over 26 policies and programs implemented in Cities, Counties and States across the country, to determine which were more relevant to our context and would best address housing instability issues locally to prevent an increase in evictions, mitigate the effects of housing instability and stabilize households for the benefit of public health.

**3. Establish a Right to Counsel Ordinance to provide the defendant with the right to have a lawyer assist in their defense when they have not the means/resources to pay for an attorney.**

- Right to Counsel Ordinances allow for an annual budget allocation to ensure low income residents receive legal representation in eviction court.
- Local governments should determine: if the program will be implemented in phases, which organizations will provide the services and how to sustain their engagement, eligibility of who can access these services.
- Incorporate lessons learned and recommendations from local pilot programs, and address any identified unintended effects.

# Keep Harris Housed Coalition

2020-2021

- Drive Thru Legal Aid Clinics
- Rent Relief Assistance Events

2022-2023

- Eviction Right to Counsel
- Tenant Education

**KEEPING HARRIS  
COUNTY  
HOUSED**

**TOGETHER, WE HAVE HELPED  
OVER 7,000 AREA RESIDENTS  
AT RISK OF EVICTION AT 21  
EVENTS**



# Right to Counsel

Lone Star Legal Aid Staff Attorney & Client

- 1) Allowed to go at the front of the docket
- 2) Judge is attentive to defense(s)
- 3) Landlord is cautioned
- 4) Landlord either voluntarily dismisses -or-
- 5) Court dismisses remaining cases

One tenant's litigated case saved all of the other tenants from illegal eviction.



# Rising Rates of Legal Representation

Filing Date:

2022-01-01 to 2022-12-31

1,457 tenants represented

Here are the stats for your selections:

79,626

Cases Filed

\$199,816,649

Total Claim Amount

1.83%

Defendants Assisted by Attorneys

Filing Date:

2023-01-01 to 2023-11-17

1,531 tenants represented

Here are the stats for your selections:

72,583

Cases Filed

\$164,294,097

Total Claim Amount

2.11%

Defendants Assisted by Attorneys

# Cumulative Effect of Tenant Representation

## **Harris County Justice of the Peace dismisses over 100 eviction cases at Cabo San Lucas Apartments**





# Tenant Stabilization Efforts Around the Country

**Philadelphia:** Launched a free Eviction Diversion Program through City Ordinance which *requires* landlords have “good faith” participation in the program *before* they are able to file an eviction case. Landlords are required to send tenants a Notice of Diversion Rights. Diversion offerings that tenants and landlords can participate in include Targeted Financial Assistance, Mediation and Direct Negotiation in the form of a payment plan.

**San Antonio:** Requires landlords send out a Notice of Tenants Rights alongside the Notice to Vacate - explaining tenants rights, the function of a Notice to Vacate and information about legal aid and rent relief.

**New York City:** Offers the New York Tenant Resource Portal: an interactive, accessible online platform that walks tenants through the legal processes of evictions and lockouts in a step by step fashion, making the eviction process and connecting with resources, such as Right to Counsel streamlined

**Milwaukee:** Milwaukee County passed a resolution in favor of a right to counsel for residents facing eviction or foreclosure and allocated a mix of public and private funding - \$3M in ARPA and \$1.5M over 5 years from United Way). Tenant representation rates rose from 2-3% to 13.7-16.2% in the first year.

# Eviction Stability Recommendations

- City & County partnerships to increase outreach and funding
  - Diversify funding sources to maintain stability of programs
  - Increased funding for legal representation
  - Permanent Rent Relief
- Community Navigators & pro-active connection to Legal Aid
- Enacting a Right to Counsel
- Standardizing Court Procedures
  - Affirmative resource sharing in citations and courthouse
  - Justice of the Peace discovery
  - Improved language access
- Pre-filing Eviction Diversion programs

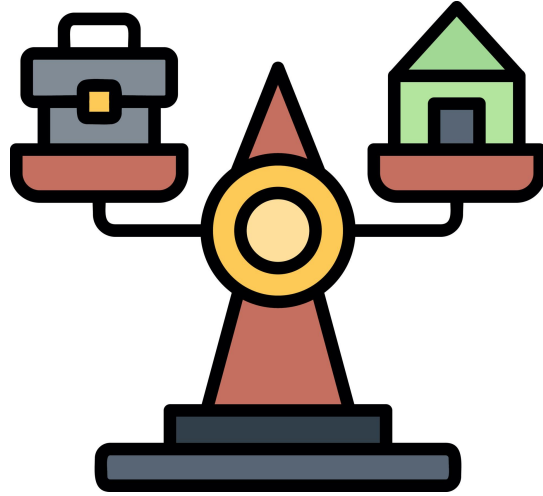


# Tenant Stability Recommendations

- Encourage more landlord-tenant communication
- Improve habitability and code enforcement practices
- Stronger tenant protections
  - No Source of Income discrimination
  - Opportunity to cure
  - Eviction record sealing for agreed and dismissed judgments
- Increase in affordable housing options to improve choice



Make evictions fair and rare.



Thank you

Questions?