



To the Mayor and Members of the City Council

April 2, 2024

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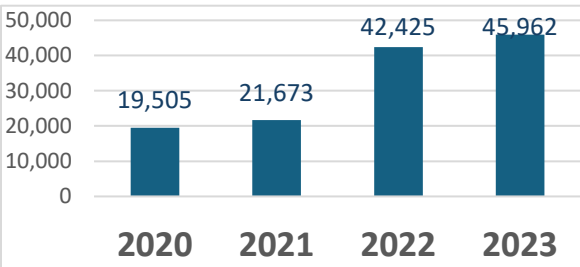
SUBJECT: PROGRAMS AND POLICIES TO REDUCE EVICTIONS

The purpose of this Informal Report is to analyze eviction trends affecting Fort Worth and other large Texas cities, and to discuss programs and policies that other cities have used effectively to reduce evictions.

EVICTION TRENDS

The City of Fort Worth has a total of 442,278 renter households in both Tarrant County and Denton County. As Figure 1 indicates, the number of evictions in Fort Worth nearly doubled between 2021 and 2022 as the federal eviction moratorium ended and the availability of emergency rental assistance funds declined. In 2023, Fort Worth renter households experienced almost 46,000 eviction filings, for a rate of 10.4 percent.

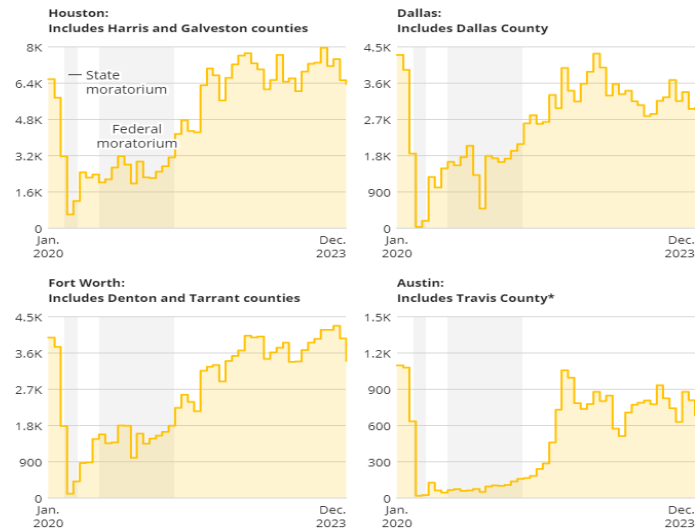
Figure 1: Fort Worth Eviction Filings, 2020-2023



Source: Eviction Lab at Princeton University.

As shown in Figure 2, Fort Worth currently has a higher number of eviction filings than do Austin and Dallas, both of which have greater populations than does Fort Worth. Houston’s eviction numbers are the highest in the state, but Houston’s eviction filing rate of 10 percent is similar to Fort Worth’s rate.

Figure 2: Texas Major Cities Eviction Filings by Month, 2020-2023



Source: Eviction Lab at Princeton University.

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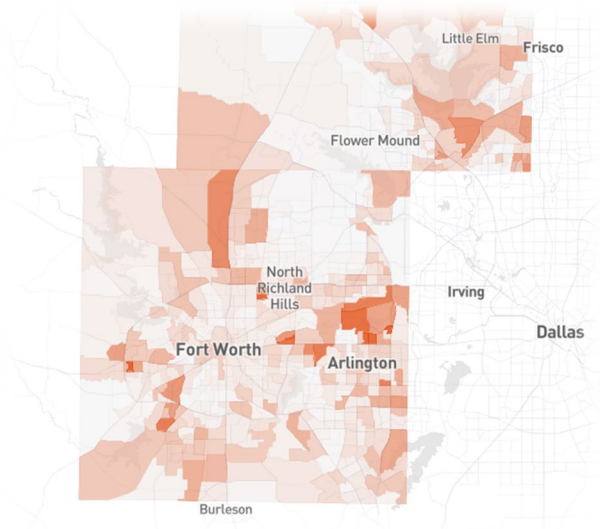


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The geography of evictions is spread across the City of Fort Worth, with the highest eviction numbers experienced in census tracts where there are also the highest concentrations of multifamily housing.

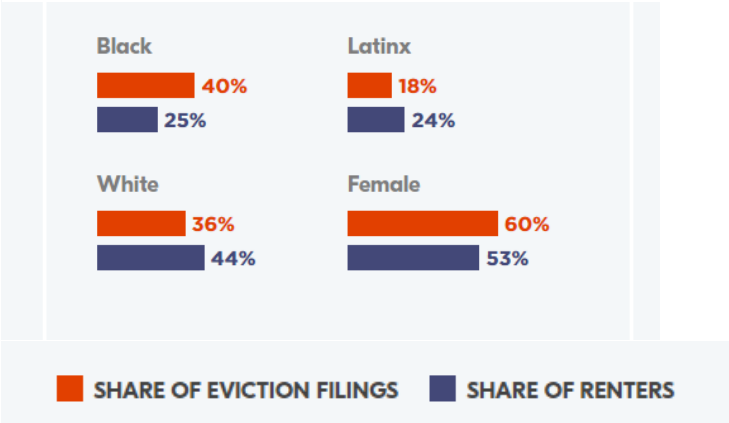
Figure 3: Fort Worth Eviction Filings by Census Tract



Sources: Eviction Lab at Princeton University; MapBox.

According to Eviction Lab, Fort Worth also experiences racial/ethnic and gender disparities in eviction risk. Eviction Lab estimates the demographic characteristics of those against whom eviction was filed between February 2023 and February 2024 and compared these data to U.S. Census American Community Survey data for the share of renters in the same categories. These data show that Black renters in Fort Worth are evicted at rates far exceeding the share of Black renters in Fort Worth. Female householders also face a disproportionate share of eviction filings.

Figure 4: Fort Worth Filings by Defendant Race/Ethnicity and Gender



Source: Eviction Lab at Princeton University.

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Cities across the United States have effectively used various programs and policies to reduce evictions.

PROGRAMS FOR REDUCING EVICTIONS**Legal Aid for Tenants**

Unlike criminal cases, individuals do not have a right to an attorney in eviction court. Assisting residents with legal representation during court proceedings relating to eviction can significantly increase the likelihood that the matter will be resolved in favor of the tenant. Legal Aid of Northwest Texas (LANWT) provides free legal representation for civil matters only to residents who meet low-income eligibility criteria, usually 125 percent of federal poverty guidelines. Assistance with evictions and notices to vacate are some of the areas where LANWT can assist.

Fair Housing Centers

Residents who face evictions may also be experiencing housing discrimination based upon protected classes, such as race, color, religion, national origin, gender, familial status, and disability. There are non-profit organizations, such as the North Texas Fair Housing Center, that can provide support to renters who are facing both eviction and discrimination.

Rental Assistance Programs

During the pandemic, when federal emergency rental assistance programs were in place, the City of Fort Worth was able to offset a significant number of evictions caused by failure to afford or pay rent. City staff and our emergency rental assistance partners, such as Fort Worth Housing Solutions and Cornerstone, were able to attend eviction proceedings at the county courthouse and intervene with rental assistance funds. However, those emergency rental assistance funds are spent and just a few federally funded City programs, such as Community Action Partners (CAP), Housing Opportunities for Persons with AIDS (HOPWA), and the HOME Investment Partnerships Program, currently provide a small amount of tenant-based rental assistance. The data from the Fort Worth emergency rental assistance programs during the pandemic are proof that rental assistance programs prevent evictions.

Eviction Diversion Programs

Tarrant County Justice of the Peace courts participated in the Texas Eviction Diversion Program (TEDP) during the pandemic to provide up to six months of rental assistance to tenants who were behind on their rent. The program used emergency rental assistance funds to provide relief. This was a partnership program involving the Supreme Court of Texas, the Texas Office of Court Administration, and the Texas Department of Housing and Community Affairs. A special court process was put in place to put evictions on hold and divert them to TEDP with the added benefit of diverted cases being able to be dismissed and made confidential from public disclosure. According to TDHCA, over \$2.2 billion in rental and utility assistance was provided to more than 32,000 Texas households. Today, several of the JP Courts at Tarrant County continue to have their own eviction diversion programs and refer cases to various community programs with rental assistance funding.

POLICIES FOR REDUCING EVICTIONS**Just-Cause Eviction Laws**

To prevent landlords from evicting tenants without reason (“no fault” evictions), several states and larger cities have enacted “just cause” eviction laws that require landlords to provide a specific reason – a just cause – as part of the



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eviction claims. The state or municipality may predetermine what constitutes a just cause, which is typically failure to pay rent, property damage, disorderly conduct, criminal activity, and lease violations. It would prevent a landlord from citing less reasonable causes (or no cause) for eviction, such as evicting to increase rent or empty a building for the purposes of selling. Three states (California, Oregon, and Washington) and 20 cities (none in Texas) have adopted just-cause policies (source: *Governing* magazine, July 6, 2023). The enactment of HB2127 by the 2023 Texas Legislature with its super-preemption in the Property Code may present a potential hurdle to adoption of such a regulation.

Right-to-Cure Period

The cities of Austin and Dallas have enacted municipal laws that provide renters extra time to pay rent before a landlord can evict them. The measures provide an extra grace period, or, in legal terms, a longer “right to cure” before the landlord can proceed with an eviction. Currently, Texas law provides that a landlord does not have to accept a rental payment that is one day overdue and can immediately move to eviction. The City of Austin has implemented a seven-day window and Dallas has implemented a ten-day window to pay any overdue rent before a landlord can move to eviction. State Senator Nicole Collier proposed state legislation to provide a statewide seven-day “opportunity to cure.” However, the State legislature ultimately passed HB 2127, which specifically pre-empts cities from enacting any policies or ordinances that relate to “regulating evictions or otherwise prohibiting, restricting, or delaying” the eviction process.

Right to Counsel in Evictions

In 2017, the City of New York enacted a law that guarantees legal representation to any low-income resident facing eviction. Any New York City resident whose household income is 200 percent of the federal poverty level or less is provided free legal representation related to evictions. New York found that, between 2014 and 2017, when funding was increased for legal representation for tenants, evictions declined by 24 percent and the percentage of tenants with legal representation climbed from about 10 percent to 27 percent (source: Bloomberg CityLab Justice). The Dallas Eviction Advocacy Center found that when tenants facing eviction have representation, they win their cases 90 percent of the time. Without a lawyer, that figure is less than 20 percent (source: *Texas Tribune*, March 3, 2023).

Increasing Eviction Fees

A study in the journal *Housing Policy Debate*, “The Racially Disparate Influence of Filing Fees on Evictions,” found that higher eviction filing fees appear to significantly reduce eviction filing rates and eviction judgements, while lower fees are associated with higher rates of serial eviction filings by landlords. The study determined that a \$76 increase in eviction filing fees was associated with a 1.7 percentage point decrease in eviction filing rates, a 0.5 percentage point decline in eviction judgements, and a 3.1 percentage point decline in serial eviction filings. Further, higher eviction filing fees were found to have greater impact on eviction filing rates, eviction judgement rates, and serial eviction filings in majority-Black neighborhoods compared to majority white neighborhoods. The study was funded by several well-known philanthropies such as the Bill and Melinda Gates Foundation, the Chan Zuckerberg Initiative, the Ford Foundation, and the Eunice Kennedy Shriver National Institute of Child Health and Human Development of the National Institutes of Health. Tarrant County has a \$54 eviction filing fee and a \$75 constable fee for each person being served; Dallas County has a \$134 eviction filing fee and a \$80 constable fee.

Source-of-Income Discrimination Laws

The federal housing voucher program (also called Housing Choice vouchers) has existed since 1974 and the vouchers pay up to 70 percent of rent due to a landlord, ensuring that low-income tenants pay only 30 percent of their rental costs. However, landlords often refuse to accept vouchers or other forms of rental assistance because of the required

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extra processing to be paid and the minimum rental conditions required. Refusing housing vouchers can become a way for landlords to create a seemingly race-neutral policy that has the effect of severely impacting minority residents. Refusing vouchers is a racial discrimination issue because marginalized or minority populations are the largest number of voucher recipients in Fort Worth and throughout the United States. Several cities and states have enacted source-of-income discrimination laws to ensure that landlords cannot refuse housing vouchers as a source of income. Texas enacted a bill in 2015 to block municipalities from enacting source-of-income discrimination laws and overturned Austin and Dallas ordinances designed to protect voucher holders. At its March 19 meeting, the City Council enacted an ordinance that prohibits discrimination in housing against veterans based on their source of income – a local restriction explicitly allowed under state law – and providing that a housing development that receives any incentive from the City or from the Housing Finance Corporation may not discriminate against any tenant based on their sources of income. While this ordinance is limited in scope, it does represent pro-tenant regulation by the City within the confines of state law.

Increase the Supply of Affordable Housing

While the solution of simply providing more affordable housing seems like a simple answer to a complex problem, increasing the supply of affordable housing is probably the most durable and most effective policy intervention to reduce evictions. Evictions are a symptom of a housing market in which the supply side represented by landlords has great power on account of high demand by renters. Where there is ample affordable housing available, tenants can have greater market choices and are more likely to find rental housing that meets their income limitations.

If you have questions about this information, please contact Victor Turner, Neighborhood Services Director, at ext. 8178.

David Cooke
City Manager