

Texas Eviction Diversion Program

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Office of Court Administration**

February 11, 2021



Housekeeping & Logistics

- Participants are all muted except panelists.
- Questions will be fielded through the Zoom Q&A box. We encourage you to submit questions through the Zoom Q&A box. This can be done throughout the webinar. During the Q&A portion, panelists will respond to questions and comments.
- The webinar is being recorded. The recording and materials will be made available to participants following the webinar.



Why the Eviction Diversion Program?

- 75,000+ evictions likely coming
- 28% of renting Texans (1.3M households) behind*
- 1.7 million renting Texans report slight/no confidence in paying next month's rent*
- Eviction has been recognized by the CDC as a public health risk
- Courts will struggle to handle the significant number of evictions

• *Source: U.S. Census Bureau (data for 1/6-1/18)



Texas Eviction Diversion Program (TEDP)

- Available statewide beginning **Monday, February 15, 2021**
- **\$117 million** allocated for households whose landlords have already sued for eviction
 - 10% set-aside of \$1.3B Texas Rent Relief Program (also launches Monday), which provides rent and utility assistance to households financially impacted by COVID-19
- TDHCA estimates statewide TEDP funds may be able to divert evictions for **up to 8,000 households** statewide
- All funds must be obligated by 9/30/21, though TDHCA will monitor funds to ensure Office of Court Administration is notified if nearing depletion before then



Who is Eligible?

LANDLORD / UNIT

Eligibility Requirements:

- ★ Assistance for rent no older than March 13, 2020
- ★ Rent for the household assisted may not exceed the TDHCA maximum limits (see website for your area)
- ★ Should have a bank account and accept direct deposit
- ★ Units that are already receiving project-based assistance or are public housing units are INELIGIBLE
- ★ Units that are owned by a unit of government may be ineligible

TENANT / HOUSEHOLD

Eligibility Requirements:

- Household has been sued for residential eviction in Texas and has eviction court docket number
- Household income at or below 80% of Area Median Income (limits available by county at <http://texasrentrelief.com>)
- AND one or more of the household members:
 - Qualified for unemployment benefits on or after March 13, 2020; OR
 - Attest in writing that due to or during the pandemic they have:
 - Experienced a reduction in household income,
 - Incurred significant costs, or
 - Experienced financial hardship
- AND households must demonstrate that they:
 - Are at risk of homelessness or housing instability by providing an eviction notice or past-due utility or rent notice; OR
 - Live in unsafe or unhealthy housing conditions
- Tenants are INELIGIBLE if they are receiving tenant-based voucher assistance, are in a unit receiving project-based assistance, or are in public housing



What the Application will Need

Landlord	Tenant
<p>Documents Needed:</p> <ul style="list-style-type: none"> ★ Copy of the executed lease with the tenant or if no written lease, required certification proving tenancy ★ Documentation of Missed Payments (ledger, etc.) ★ IRS W-9 ★ Landlord TEDP form completed ★ Landlord TEDP certification completed 	<p>Documents Needed:</p> <ul style="list-style-type: none"> ★ Personal ID ★ If no written lease, evidence of unit tenancy ★ Income: annual income documentation for 2020 OR income evidence for past 60 days ★ Household TRR Application and certification completed ★ Notices of late rent payment or notice to evict, if applicable ★ Copies of past due utility bills, if utility assistance requested ★ Unemployment documentation
<p>Landlord Will Be Required to Certify that Landlord:</p> <ul style="list-style-type: none"> ★ Will waive late fees, penalties, and not pass court fees to tenant ★ Has not received assistance from another program for the same months of rent for this client and will not apply in the future for the covered months ★ Will release the tenant from payment liability for this time period, waive all prior claims raised in the eviction case, and not evict the tenant for the period covered by the TEDP ★ Will reimburse the TEDP within 10 business days if you receive rent payment for this same time period ★ If no written lease, will certify the lease term, rent amount, and be able to provide proof of tenancy 	<p>Tenant Will Be Required to Certify that:</p> <ul style="list-style-type: none"> ★ Tenant has not received rental assistance for the same months of rent and will not seek such assistance in the future for the covered months ★ Will reimburse TEDP within 10 business days if you receive rent (or utility) payment for this same time period ★ If no written lease, must certify lease term, rent amount, and ability to provide proof of tenancy



What is Required of the Justice Courts?

- [Thirty-Fifth Emergency Order](#) (Issued February 11, 2021)
- Petitions must include statement from Landlords
- Citations in eviction proceedings must have attached brochure and contain the language:

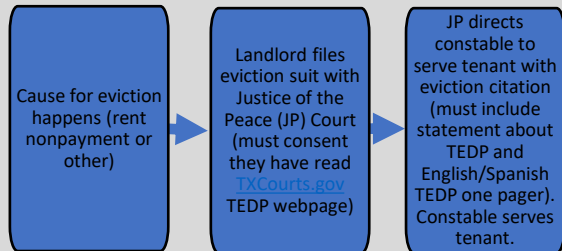
“If you and your landlord agree to participate in the Texas Eviction Diversion Program, you may be able to have up to 6 months of the rent you owe paid and stop your eviction. At your trial, the court will notify you about the Program and ask if you are interested in participating. Find out more about the Program in the attached brochure, titled State of Texas Eviction Diversion Program, and at www.txcourts.gov/eviction-diversion/; and at <https://texaslawhelp.org/article/texas-eviction-diversion-program>. You may also call Texas Legal Services Center for assistance at 855-270-7655.”

Si usted y el propietario están de acuerdo en participar en el Programa de Desvío de Desalojo del Estado de Texas, podrá ser elegible para recibir asistencia de hasta seis meses de pagos vencidos de su alquiler y detener su desalojo. En su audiencia de desalojo, el juez le dará información sobre este programa y le preguntará si desea participar en él. Encontrará más información sobre el programa en el folleto adjunto titulado Programa de Desvío de Desalojo del Estado de Texas. Puede visitar los siguientes enlaces para más información www.txcourts.gov/eviction-diversion o <https://texaslawhelp.org/article/texas-eviction-diversion-program>, o llamar al Centro de Servicios Legales de Texas (*en inglés, Texas Legal Services Center*) por teléfono al 855-270-7655.”
- On trial date, discuss TEDP and inquire about interest
- If yes, abate for 60 days, make confidential, inform about reinstatement process
- If no motion to reinstate, dismiss with prejudice after 60 days, keeping confidential.
- If reinstatement motion filed, enter order reinstating, making non-confidential, informing of next steps. Trial within 21 days.

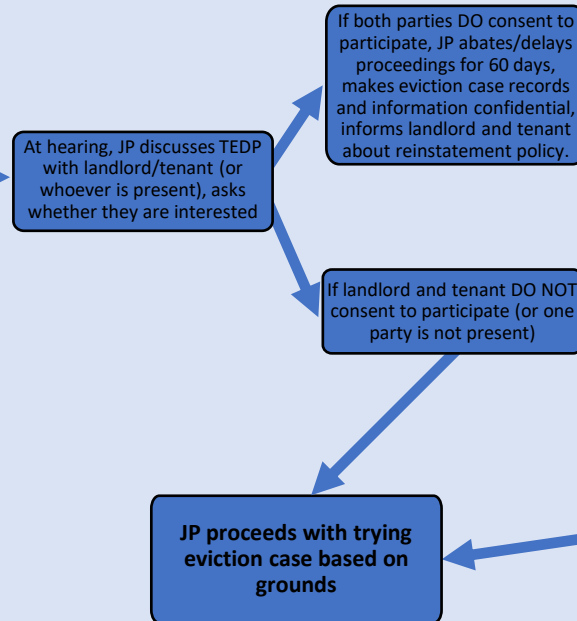


Texas Eviction Diversion Program Process

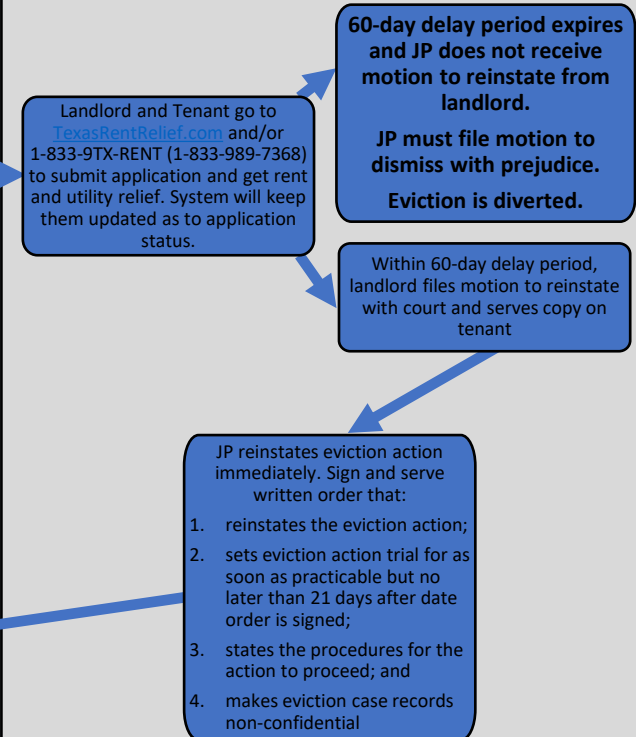
Pre-Hearing



Hearing



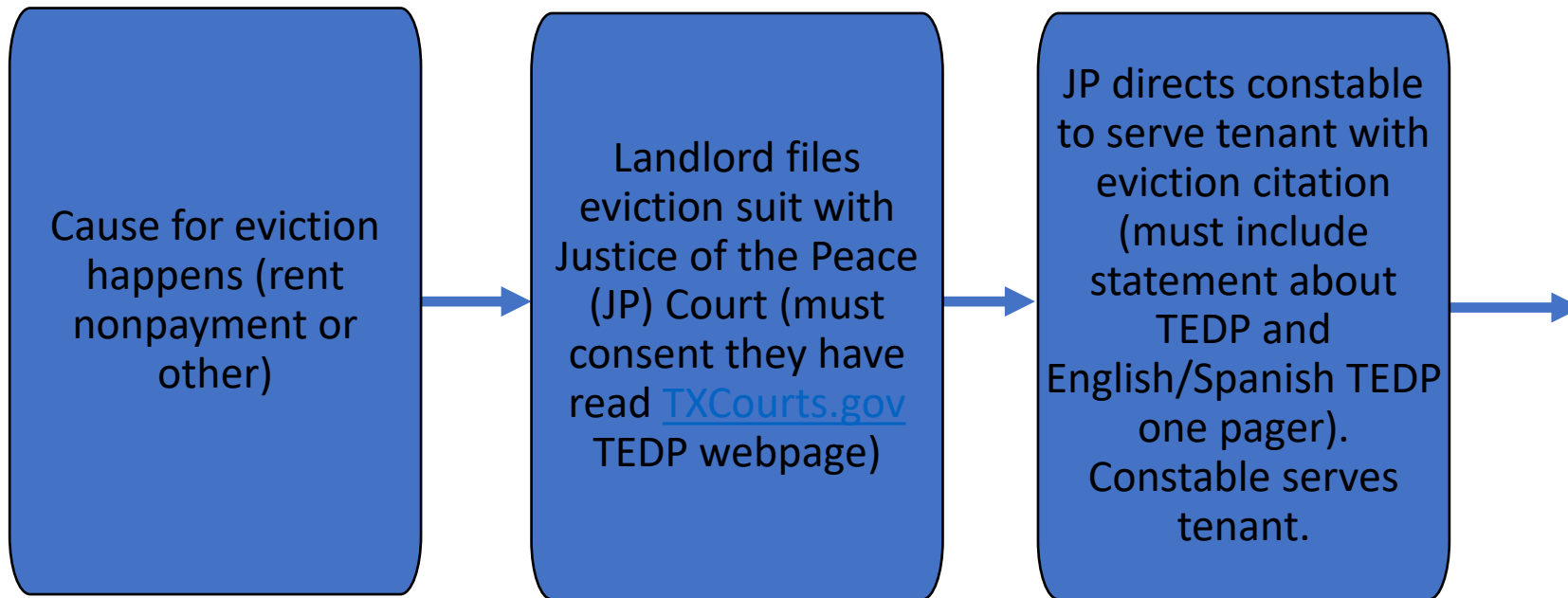
Post-Hearing



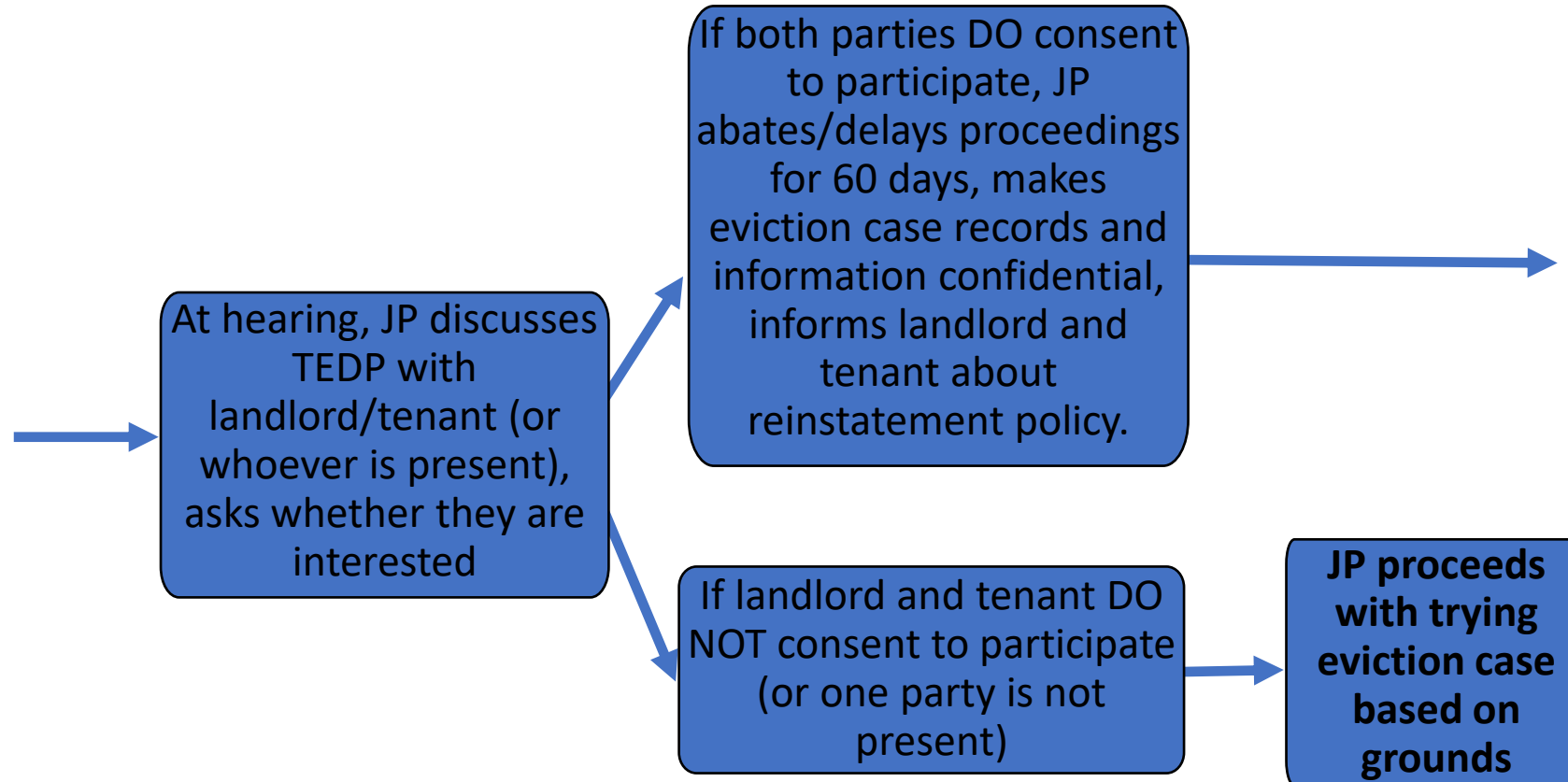
Updated: 02/11/2021



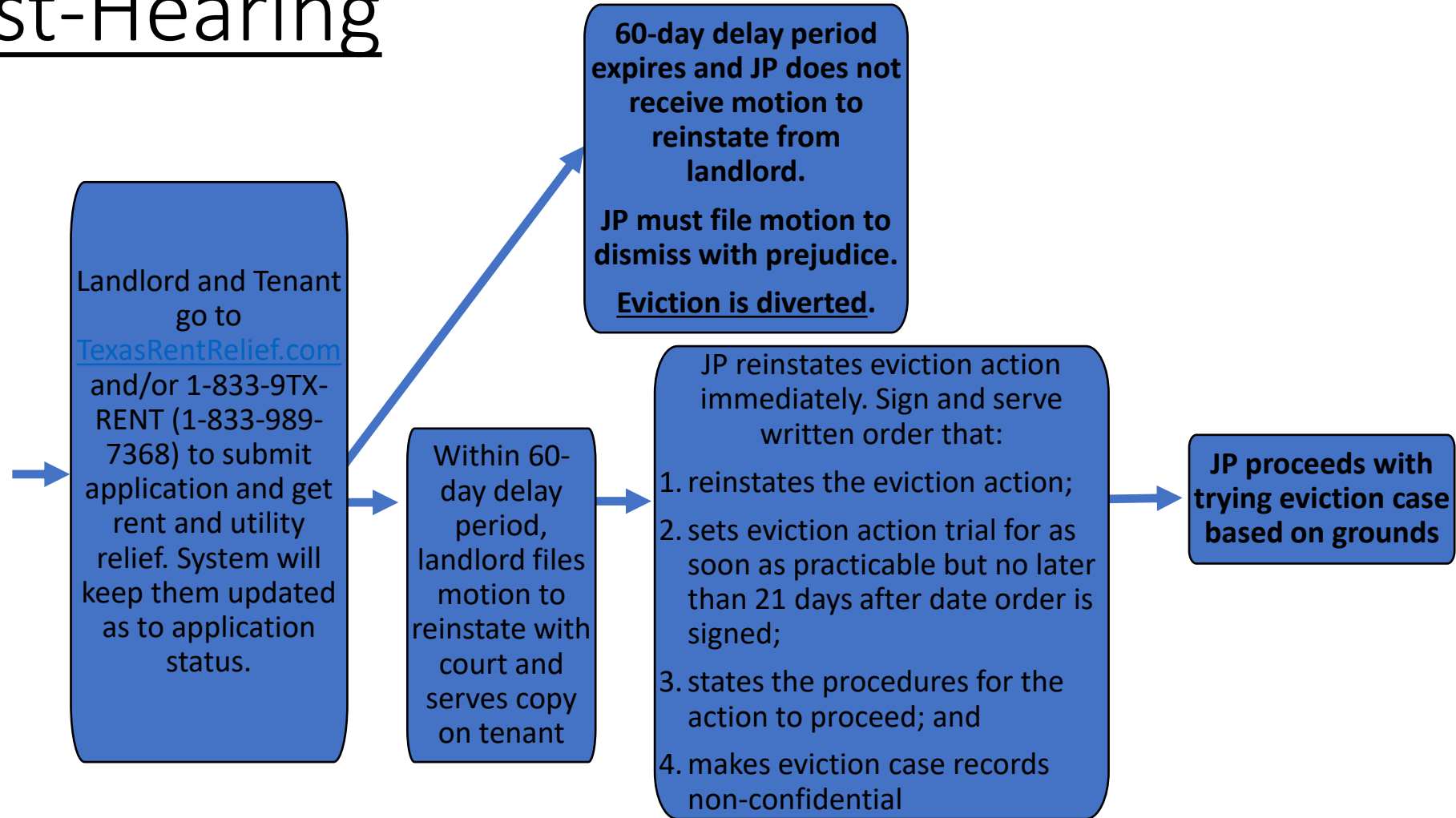
Pre-Hearing



Hearing



Post-Hearing



What JPs Can Expect Post-Hearing

- If 60-day delay period post-hearing passes with no motion to reinstate, JPs dismiss case with prejudice (no matter whether they know what happened with rent relief application or not)
- If landlords and tenants contact Justice of the Peace Court with questions about their application, please refer them to [TexasRentRelief.com](https://www.texasrentrelief.com) and/or 1-833-9TX-RENT (1-833-989-7368) to know whether their application is missing documentation or for status update
 - Landlords and tenants should provide their Docket #, Precinct # and JP Name on Texas Rent Relief application
 - Assistance available in multiple languages
 - Monday-Saturday 8 a.m. to 6 p.m.
- TDHCA will provide ongoing data to Office of Court Administration related to number of applications received and approved statewide



Legal Aid

- Legal aid providers in your community may have funding to assist
- Referral for legal services may be appropriate
- Consider meeting with your legal aid providers to coordinate process



Questions?

