

Keeping Texans housed during and after the COVID-19 crisis

Local officials must take action to preserve communities and protect people from homelessness and displacement



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

Recommendations in Brief

More than 1 million Texans have lost work or income due to the coronavirus outbreak and may be unable to pay bills and rent. To stop the impending eviction crisis and protect public health, local governments must act now to keep people safely housed.

1. **Keep Texans safe in their homes and prevent mass evictions**
 - a. **Cities should require landlords to give delinquent tenants a “notice of proposed eviction” before issuing a notice to vacate.** Since the start of the pandemic some cities, including Austin, Dallas and San Marcos, have passed ordinances requiring landlords to give tenants a “notice of proposed eviction” and time to pay overdue rent before they can issue a notice to vacate and file for eviction.
 - b. **Justice of the Peace Courts should postpone eviction hearings until July 25 to match protections with those provided by the CARES Act.** The CARES Act prohibits initiating eviction proceedings against those living in federally subsidized or supported properties until July 25, 2020. Justice of the Peace Courts should extend the protections to all.
 - c. **County Judges should advise the Justice of the Peace Courts to postpone evictions for nonpayment of rent until July 25 if Justice Courts do not do so on their own.**

2. **Devote federal aid to keeping low-income tenants and homeowners in their homes.**
 - a. **Cities and counties should create substantial rent assistance funds to provide short-term and long-term rent relief for tenants.** While many Texans are receiving unemployment benefits, too many Texans are falling through the cracks. Cities and counties should use federal relief funds to pay for sizable rental and basic needs assistance programs.
 - b. **Cities should ban late fees for payment of rent during the emergency.** Some argue that banning late fees during the disaster would be rent control. Under Section 214.902 of the Local Government Code, a municipality may establish rent control if: (1) the governing body finds that a housing emergency exists due to a disaster; and (2) the governor approves the ordinance. COVID-19 has caused a housing emergency. Tenants who have lost income due to COVID-19 should not be forced to pay late fees.
 - c. **County Judges should advise landlords to charge no or limited late fees during the emergency.** The Dallas County Judge’s order advised landlords to charge no more than \$15 a month in late fees.

3. **Hold landlords accountable for honoring federal protections.** Justice of the Peace Courts should require landlords in eviction cases to file an affidavit under penalty of perjury that they are not seeking to evict tenants from a “covered dwelling” under the CARES Act.

Keeping Texans housed during and after the COVID-19 crisis

Local officials must take action to preserve communities and protect people from homelessness and displacement

As the coronavirus pandemic developed in pockets across the country, federal officials delayed formulating a national crisis response¹ and provided minimal and sometimes conflicting guidance. Instead, they emphasized state and local control, devolving much of the responsibility of managing the crisis to states, counties, and cities. Some mayors, city councilmembers, county judges, and county commissioners across Texas took action to protect public health and welfare of community members.

As the virus rages on and the economy has fallen to lows not seen since the Great Depression,² Texas' local governments have a responsibility to keep Texans housed and safe. Even before the virus outbreak, more than 840,000 families' wages could not comfortably cover the cost of housing,³ and the majority of these households earned very modest incomes. According to the Eviction Lab, there were more than 200 evictions a day in the state in 2016, which the research group believes is a significant underestimation.⁴ The enormously long lines at food banks, the reported fall in on-time rent payments and high unemployment rates in the state show the cracks in our Texas economy that have existed for years and have left far too many behind. This should be a clarion call for city and state officials to use today's crisis as an opportunity to reject business as usual and embed justice in our local housing policies.

¹ The Washington Post, "The U.S. was beset by denial and dysfunction as the coronavirus raged," April 4, 2020. Retrieved from: <https://www.washingtonpost.com/national-security/2020/04/04/coronavirus-government-dysfunction/?arc404=true>

² Harvard Business Review, "Understanding the Economic Shock of Coronavirus," March 2020. Retrieved from: <https://hbr.org/2020/03/understanding-the-economic-shock-of-coronavirus>

³ Center on Budget and Policy Priorities, "Federal Rental Assistance Fact Sheets," December 2019. Retrieved from: <https://www.cbpp.org/research/housing/federal-rental-assistance-fact-sheets#TX>

⁴ Eviction Lab, Eviction Map, Texas, 2018. Retrieved from: <https://evictionlab.org/map/#/2016?geography=states&bounds=-190.672,27.973,-44.648,70.364&type=er&locations=48,-99.369,31.505>

Recommendations

I. Keep Texans safe in their homes and prevent mass evictions

Without strong local intervention, landlords will evict thousands of renters across our state and cities will contend with mass displacement and homelessness. More than 30 million Americans⁵ and 1.5 million Texans have lost their jobs or income since the start of the economic downturn.⁶ Economists estimate our country may see an unprecedented unemployment rate of more than 30%.⁷ As more Texans file for unemployment, The Texas Workforce Commission is struggling to meet the demand.⁸ Applicants face long delays getting through the system and receiving payment. This instability has already prevented many Americans from paying their April rent. The National Multifamily Housing Council found in its April survey of 11 million properties that nearly one in three renters did not pay their rent by the first week of April. This same time last year, fewer than one in five renters did not send in a rent payment.

Local officials must immediately enact policies to keep renters in their homes. A good place for local officials to start would be to provide all residents with the protections similar to those provided by the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).⁹ The CARES Act, signed into law on March 27, 2020 by President Trump, protects tenants who participate in a federal subsidy program, including Housing Choice Vouchers, Project-Based Section 8, and Low-Income Housing Tax Credits, as well as renters who live in properties with federally-backed mortgages.¹⁰ Until July 25, 2020, owners of covered properties cannot file evictions for non-payment of rent, charge late fees, or issue a notice to vacate. The law also

⁵ AP News, “30 million have sought US unemployment aid since virus hit,” April 30, 2020. Retrieved from: <https://apnews.com/7f38d7fa2982dc53572232c9d2049dca>

⁶ The Texas Tribune, “As economic data lags, Texas reports 4.7% jobless rate for March,” April 17, 2020. Retrieved from: <https://www.texastribune.org/2020/04/17/texas-unemployment-rate-coronavirus/>

⁷ Federal Reserve Bank of St. Louis, “Back-of-the-Envelope Estimates of Next Quarter’s Unemployment Rate,” March 24, 2020. Retrieved from: <https://www.stlouisfed.org/on-the-economy/2020/march/back-envelope-estimates-next-quarters-unemployment-rate>

⁸ The Texas Tribune, “More than 1 million people in Texas filed for unemployment relief in the last month,” April 16, 2020. Retrieved from: <https://www.texastribune.org/2020/04/16/texas-unemployment-claims-coronavirus/>

⁹ Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), H.R. 748, 116th Cong. (2020), Retrieved from: <https://www.congress.gov/116/bills/hr748/BILLS-116hr748eas.pdf>; For a list of federally-supported properties, see: National Housing Law Project, “Summary and Analysis of Federal CARES Act Eviction Moratorium,” March 28, 2020. Retrieved from: <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>.

¹⁰ For a partial list of covered properties in Texas, see: National Low Income Housing Coalition, “Multifamily Properties Subject to Federal Eviction Moratoriums,” April 17, 2020. Retrieved from: https://nlihc.org/federal-moratoriums?ct=t%28update_041720%29. This list includes 659,000 covered units, but the addresses of some covered units, such as single family rented dwellings with a federally backed mortgage, have not yet been identified.

requires landlords to provide 30 days’ notice before residents must vacate the property, effectively extending eviction protection until August 23.

Municipalities’ efforts to provide protections have been disparate. Austin, Dallas and San Marcos have already taken actions like those found in the CARES Act to protect Texas tenants. All municipalities should adopt the same measures. In the table below, we compare the interventions passed by Texas’s four largest cities. Then we provide a summary of state and local action related to these needs.

Comparing Local Action Protecting Tenants and Preventing Eviction

City	Limits on filing for eviction	Limit on notices to vacate	Protections extend past emergency	Payment grace period	Ban on late fees	Housing stability measures
Austin	✓	✓	✗	✓	✗	✓
Dallas	✓	✓	✗	✓	✗	✓
Houston	✗	✗	✗	✗	✗	✓
San Antonio	✗	✗	✗	✗	✗	✓

Note: The information in this graphic is subject to change..

*** The Texas Supreme Court’s moratorium on eviction proceedings extends through May 18, 2020 for the entire state. Under this order, eviction enforcement cannot resume until after May 25, 2020.

Action Steps

- **Place limits on filing for eviction**

Landlords can still file for eviction under the state’s current moratorium; court proceedings are simply delayed. Temporary ordinances in Austin and Dallas address this problem. On March 26, the Austin City Council passed an ordinance requiring that, until May 8th, landlords provide tenants with a 60-day “notice of proposed eviction” and opportunity to pay back late rent

before the landlord can issue a notice to vacate and file for an eviction.¹¹ Tenant organizations report that some landlords in Austin are still issuing notices to vacate in violation of the law.

On April 22, the Dallas City Council passed a similar ordinance requiring that, during the state or local declared disaster period, landlords give tenants 21 days to respond to a “Covid Notice of Possible Eviction” and 60 days to pay back-rent before a notice to vacate can be issued.¹² The ordinance was passed as part of a broader COVID-19 relief package including rental, mortgage, and utility assistance for those impacted by COVID-19. The end date of this program in Dallas is fast approaching and should be extended, as Austin has done already.

- **Postpone notices to vacate**

The first step in an eviction is a “notice to vacate,” which landlords must issue to tenants three days before they can file for eviction. While a notice to vacate does not have the legal authority to make a tenant move out, to tenants these notices often look like a demand to move out immediately. Texas Housers has heard from community partners that landlords throughout the state are still issuing notices to vacate to tenants despite the Supreme Court’s Order to halt eviction hearings until May 18. Tenants, unaware of their rights, feel pressure to move out. Cities must take quick action to ban the issuance of notices to vacate during the disaster declaration to eliminate this confusion.

Before Austin passed the ordinance described above, Austin’s mayor, Steve Adler, issued an order prohibiting the issuance of a notice to vacate until May 8.¹³ We call on all municipalities to do the same and extend the time period through the summer, in line with the federal CARES Act timeframe.

- **Halt eviction enforcement**

In Texas, a tenant does not have to surrender their home to the landlord until after a judge issues a “writ of possession.”¹⁴ The justice court cannot issue a writ of possession before the sixth day after it issues judgment for possession to the landlord, unless the tenant files an appeal. Once a writ of possession is issued, sheriff’s departments carry out the physical

¹¹ City of Austin, “Ordinance ___,” March 26, 2020. Retrieved from: <https://www.austintexas.gov/edims/document.cfm?id=337858>

¹² City of Dallas, “Ordinance ___,” April 22, 2020. Retrieved from: <https://cityofdallas.legistar.com/View.ashx?M=F&ID=8256244&GUID=78BB16B8-2A10-4417-BB4B-57672B5D470E>.

¹³ The City of Austin, “ORDER 20200326-008,” March 24, 2020. Retrieved from: <https://austintexas.gov/edims/document.cfm?id=337860>.

¹⁴ Texas Property Code § 24.0061. Retrieved from: <https://statutes.capitol.texas.gov/Docs/PR/htm/PR.24.htm>

removal of evicted tenants. Under the Texas Supreme Court's order suspending eviction hearings, writs of possession may not be executed until after May 25. Thus, enforcement is not underway, but will resume immediately after the emergency order is lifted without further state or local intervention. By instituting actions similar to those taken by Austin and Dallas, cities could postpone eviction enforcement for longer — ideally, again, in line with the timeline set forth in the federal CARES Act.

- **Implement payment grace period**

When eviction proceedings resume, tenants will be forced to pay back-rent immediately or face eviction. A grace period would provide a buffer so people can arrange a payment plan and get back to work and earn enough to catch up. The Dallas and Austin ordinances require a landlord to provide the tenant with a 60 day period to pay back-rent while the San Marcos ordinance provides a 90-day grace period.

- **Ban late fees during the emergency**

Under Texas law, landlords can charge a late fee equal to 12% of monthly rent to tenants living in four-unit properties or 10% on properties over four units.¹⁵ Landlords may and often do charge late fees higher than these safe-harbors as long as they are “not more than uncertain damages related to the late payment of rent,” according to the Texas Property Code. No local jurisdiction has banned late fees during this emergency. Some argue that banning late fees during the disaster would be rent control. Under Section 214.902 of the Local Government Code, a municipality may establish rent control if: (1) the governing body finds that a housing emergency exists due to a disaster; and (2) the governor approves the ordinance.¹⁶ It is clear that COVID-19 has caused a housing emergency and clearer still that tenants who have lost work or income by COVID-19 should not be forced to pay late fees. Local government should ban late fees during the emergency and seek the governor's approval, if necessary.

- **Add a CARES Act verification requirement in all residential eviction cases**

Local Justice of the Peace Courts should require landlords to verify that they are not evicting a renter in violation of the CARES Act. As described above, the CARES Act provides eviction protections to tenants in multifamily properties with a federally-backed mortgage and renter-occupied, 1- to-4 unit federally-backed properties in which the owner requests mortgage forbearance.¹⁷ However, tenants have no easy way to tell if the properties where they live are

¹⁵ Texas Property Code Section 92.019. Retrieved from: <https://statutes.capitol.texas.gov/Docs/PR/htm/PR.92.htm>

¹⁶ Local Government Code Section 214.902. Retrieved from: <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.214.htm>

¹⁷ CARES Act, Sec.4024(a)(4)

subject to a federally-backed mortgage, and harder still for a tenant to know if her landlord has requested mortgage forbearance. It has been reported that protected tenants have been harassed and even unlawfully evicted.¹⁸ The burden of proof should not be on the tenant to understand how the property owner finances the property. Justice of the Peace Courts should require landlords in eviction cases to file an affidavit or unsworn declaration under penalty of perjury that they are not seeking to recover possession of a property that is a “covered dwelling” under the CARES Act. The Travis County Justices of the Peace took this step on April 22;¹⁹ Justices of the Peace in Bexar County are working to expand these protections there. The Michigan Supreme Court ordered similar protections for all state courts.²⁰

- **Implement housing stability measures**

These are measures such as emergency rental funds, legal counsel for tenants who experience eviction, or rent freezes. These are not funded from philanthropic or charity dollars but public funds from reserves or newly-created pools of funding through federal coronavirus relief dollars. The federal government is providing hundreds of millions of dollars to cities with a population over 500,000 as part of the CARES Act. It’s essential that most of this money be used to support low-income residents facing housing instability and job loss rather than support other measures that will likely see future federal funding. A complete discussion of federal funds available for housing stability measures follows.

II. Devote the majority of federal aid to keeping low-income tenants and homeowners in their homes.

The federal government has already begun to send billions of dollars to local jurisdictions across the country and more is on the way. Local governments must prioritize keeping the most vulnerable people housed and healthy. Many who are most impacted by the pandemic were already struggling with poverty or under financial strain before it began. Local officials should use federal and local emergency funds to make the communities more resilient to future crises and the constant pressures of poverty.

Survey of Funding Sources

¹⁸ The American Prospect, “Landlords Illegally Evicting Tenants, Despite Federal Restrictions,” April 23, 2020. Retrieved from: <https://prospect.org/coronavirus/landlords-illegal-evictions-tenants-cares-act/>

¹⁹ Travis County Justices of the Peace, “Third Modification of Standing Order Regarding Coronavirus Disease (Order No. 05),” April 22, 2020. Retrieved from https://www.traviscountytx.gov/images/justices_of_peace/Doc/standing-order-regarding-covid-19-justice-peace-effective-04222020.pdf

²⁰ Michigan Supreme Court, “Administrative Order No. 2020-8,” April 16, 2020. Retrieved from: https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Administrative%20Orders/2020-08_2020-04-16_FormattedOrder_AO2020-8.pdf

Texas cities and counties will receive millions of dollars in federal relief, and in some cases, hundreds of millions, under the CARES Act. Aid will be disbursed through several federal programs, including Community Development Block Grants, HOME Funds, and a newly-formed emergency assistance fund called the Coronavirus Relief Fund.

The Coronavirus Relief Fund

The Coronavirus Relief Fund (“CRF”) provides \$139 billion in direct assistance to state governments based on their populations.²¹ Local governments with populations exceeding 500,000 people could receive a portion of the funds directly from the US Department of Treasury. A local Texas jurisdiction’s allocation is equal to the product of:

- Texas’s total allocation amount;
- The percentage of Texas’s population attributed to the local jurisdiction; and
- 45% (The State of Texas gets 55% of the local allocation because its statewide spending will theoretically impact these local jurisdictions).

Assuming all eligible local governments applied to receive distributions, we estimate that eligible cities and counties will received the following amounts:

Coronavirus Relief Fund allocations to jurisdictions of more than 500,000	
Jurisdiction	Allocation
Total Texas Allocation	\$11,243,461,411
State’s Share	\$8,038,321,445
Bexar County/San Antonio	\$349,604,723
Collin County	\$180,552,406
Dallas County/Dallas	\$459,877,218
Denton County	\$154,810,780
El Paso County/El Paso	\$146,440,559
Fort Bend County	\$141,633,297
Harris County/Houston	\$822,438,866
Hidalgo County	\$151,582,673
Montgomery County	\$105,985,046
Tarrant County/Fort Worth	\$366,872,654
Travis County/Austin	\$222,295,149
Williamson County	\$103,046,596

²¹ Congressional Research Service, “The Coronavirus Relief Fund (CARES Act, Title V): Background and State and Local Allocations,” April 14, 2020. Retrieved from: <https://crsreports.congress.gov/product/pdf/R/R46298>

Jurisdictions with populations less than 500,000 may apply to the state for their own allocations but it is not clear at the time of publication how this will work. Governor Abbott announced on April 23 that Texas AgriLife Extension will hold training sessions for local officials on how to “understand, acquire, and administer federal assistance” from the CARES Act, but did not say whether CRF funds would be made available to smaller jurisdictions.²²

Coronavirus Relief Fund monies have few restrictions. Laid out in Section 501(d) of the CARES Act, governments can use funds for the programs that:

- “are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
- were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
- were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.”²³

In guidance published on April 22, 2020, the U.S. Department of Treasury indicated that the fund could be used to “respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.”²⁴ Cities’ use of the federal funds for rental and mortgage assistance is in line with this provision as directing funds to help people pay their rent can help mitigate homelessness and displacement caused by COVID-19.

Community Development Block Grants and Emergency Solutions Grants

The CARES Acts also distributes funds to states and local jurisdictions through existing federal funding mechanisms including Community Development Block Grants (CDBG) and Emergency Solutions Grants (ESG). The primary purpose of CDBG is to benefit low- and moderate-income communities by providing for decent housing, a suitable living environment, and expanded economic opportunities.²⁵ ESG Funds are primarily for assisting homeless persons and those

²² Office of the Texas Governor, “Governor Abbott, Chancellor Sharp, Chief Kidd Announce COVID-19 Federal Assistance Training For Local Leaders,” April 23, 2020. Retrieved from: <https://gov.texas.gov/news/post/governor-abbott-chancellor-sharp-chief-kidd-announce-covid-19-federal-assistance-training-for-local-leaders>

²³ Section 501(d) of the CARES Act.

²⁴ U.S. Department of Treasury, “Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments,” Retrieved from: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

²⁵ HUD Exchange, “Basically CDBG,” May 2014. Retrieved from: <https://files.hudexchange.info/resources/documents/Basically-CDBG-Chapter-1-Overview.pdf>

experiencing a housing crisis obtain stability and permanent housing.²⁶ While the funding provided by these programs can be used for emergency rental assistance and other housing stabilization measures, these funds are not nearly as sizable as the allocation provided by the CARES Act. The following table shows CDBG and ESG award amounts under the CARES Act for select Texas cities. A full spreadsheet is available on HUD’s website.²⁷

CARES Act CDBG and ESG Funding to Selected Texas Cities		
JURISDICTION	CDBG	ESG
Amarillo	\$997,449	\$0
Austin	\$4,620,659	\$2,354,866
Dallas	\$8,899,802	\$4,453,269
Fort Worth	\$4,360,291	\$2,202,959
Houston	\$14,523,741	\$7,252,552
Lubbock	\$1,242,859	\$632,362
San Antonio	\$7,707,015	\$3,902,645
Bexar County	\$1,407,897	\$696,845
Dallas County	\$1,353,221	\$667,003
Fort Bend County	\$1,948,558	\$936,303
Harris County	\$8,294,559	\$4,077,193
Hidalgo County	\$4,559,466	\$2,229,055
Montgomery County	\$1,640,976	\$775,483
Tarrant County	\$2,490,600	\$844,131
Travis County	\$700,683	\$0
Williamson County	\$939,026	\$0

Action Steps

- Use Coronavirus Relief Fund monies to provide rental, mortgage, utility and direct cash assistance, and avoid draining funds previously earmarked for affordable housing and community development

The need for rental and mortgage assistance will be greater than provided for by CDBG and ESG dollars. More than a month into the crisis, the need for comprehensive rental, mortgage, and utility assistance is higher than ever. In San Antonio, calls for rental and other assistance

²⁶ HUD Exchange, “Emergency Solutions Grant Program,” 2020. Retrieved from: <https://www.hudexchange.info/programs/esg/>

²⁷ U.S. Department of Housing and Urban Development, “CPD Program Formula Allocations and CARES Act Supplemental Funding for FY 2020,” April 17, 2020. Retrieved from: https://www.hud.gov/program_offices/comm_planning/budget/fy20/

have risen from about 57 per week to over 5,300 per week.²⁸ The demand for assistance will outpace the meager allocations of CDBG and ESG funding pools, and leave nothing left for meeting the other needs of low-income communities at this time. Communities also must provide direct cash assistance to people in need of food, medicine, fuel and other essentials. Before committing to other items, local communities must allocate the majority of funds from the Coronavirus Relief Fund to pay for housing, utility, and direct cash assistance.

Although budgets are stretched thin, cities and counties should avoid shifting money previously earmarked for affordable housing and community development to meet immediate needs. The affordable housing crisis will worsen exponentially after the pandemic subsides and communities must have the funds to mitigate it.

- **Use federal funds to make communities more resilient**

To ensure that we all fully recover from this crisis, spending should not just fulfill the desperate needs of today. Cities should use the funds to create a plan for addressing the long-term economic fallout of the crisis.

For many communities, a housing affordability crisis was already in full swing with rent outpacing wages and 1.7 million Texans feeling squeezed by rental costs across the state. The economic downturn experts are forecasting will further destabilize the situation. While a portion of funds should aim to meet immediate needs of people struggling, expenditures should fit into a larger plan to provide for the housing needs of our communities in the future. This could mean providing long-term tenant-based rental assistance, or tying property tax or small business loan assistance to landlords with a commitment to upholding decent living standards and affordable rents.

It is important to understand that this disaster brings an opportunity as the windfall of public funds could be the largest single federal investment some localities will see for many years. Cities must learn from this crisis and use federal funds to innovate for a more resilient future for communities.

- **Reserve a portion of crisis funds for all tax-paying residents, including residents without documentation**

²⁸ KSAT.com, “City Council approves \$25M emergency program that gives cash, rent, mortgage assistance,” April 23, 2020. Retrieved from: <https://www.ksat.com/news/local/2020/04/23/mayor-city-council-to-hear-briefing-on-covid-19-to-vote-on-158m-emergency-housing-assistance-program-at-9-am-meeting/>

It is important to take care of all community members, as each neighbor contributes to the vitality and essence of what makes our communities our own. Using public-private partnerships, local governments should reserve a portion of crisis funds for Texans without documentation who have no other means of receiving critical emergency assistance for rent, utilities, and food.

Most immigrant workers without documentation pay sales taxes as well as taxes on their earnings.²⁹ Despite their contributions, most federal benefits do not extend to undocumented people, including the \$2.2 trillion CARES Act stimulus package. While every low- and moderate-income American will receive a \$1,200 check to aid them, undocumented workers will not. Thus, if the federal government and state government fail to provide any recourse for struggling families in communities, it falls on the local government to fill the gap. Two cities that made such an effort are Chicago³⁰ and Minneapolis.³¹ Local officials cannot rely on a patchwork of philanthropy and nonprofit social service providers to meet existing needs. It is essential that local officials commit monetary support and set the public tone to ensure that no one falls through the cracks.

- **Extend rental and other assistance to those residing in hotels and motels**

It is difficult to know exactly how many Texans call hotels or motels home. While these families are not counted as homeless in the U.S. Department of Housing and Urban Development-mandated annual homelessness census, research has shown that a sizable number of families use hotels and motels as transitional housing or crisis housing after a personal disaster such as an eviction or family violence. Many of these households have young children.³² The Texas Supreme Court order delaying eviction hearings and other eviction protections do not necessarily cover families living in hotels and motels if a tenancy has not been created. Regardless, local jurisdictions should extend rental and other assistance to these Texans to ensure they are not displaced.

²⁹ Bipartisan Policy Center, “How do Undocumented Immigrants Pay Federal Taxes? An Explainer,” March 28, 2018. Retrieved from: <https://bipartisanpolicy.org/blog/how-do-undocumented-immigrants-pay-federal-taxes-an-explainer/>

³⁰ City of Chicago, Office of the Mayor, “Mayor Lightfoot Signs Executive Order to Protect Immigrant and Refugee Communities During Covid-19,” April 7, 2020. Retrieved from: https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/april/EOImmigrantRefugeeProtection.html

³¹ City of Minneapolis, “Minneapolis Gap Funding,” April 2020. Retrieved from: <http://minneapolismn.gov/coronavirus/gap-funding>

³² Institute for Children, Poverty and Homelessness, “Are All Children Experiencing Homelessness Being Counted?” January 2020. Retrieved from: https://www.icphusa.org/maps_infographics/are-all-children-experiencing-homelessness-being-counted/

III. Ensure that community members have a say in decisions, including the distribution of federal funds

Although public officials must make decisions quickly, it is especially important during times of an emergency that local officials are accountable to their constituents and the community members have a say. To ensure that local officials are staying true to democratic principles, governments should promote transparency, accessibility, and opportunities for input for all decision making, especially related to the expenditure of federal relief dollars.

Action Steps

- **Expand opportunities for remote comments for government meetings**

Since public gatherings must be limited to lessen the spread of the virus, city councils and county commissioners and boards should accept comments via email and telephone at all public meetings. Officials should have a dedicated conference line open throughout the meeting to take comment with the number broadcasted on the screen. Additionally, local governments should stream meetings on social media, allowing constituents to comment on those platforms and reading out and responding to comments during citizen communication.

- **Advertise public meetings on social media**

To increase virtual attendance, local governments should use paid ads on social media platforms such as Facebook, making sure to target low-income areas that will be hardest hit by the crisis. Create a Facebook event with an agenda and description of the meeting's content.

- **Take care to include historically underrepresented groups**

The decisions governments make now, especially how federal funds are spent, will impact the lives of constituents for months and years to come. Local officials should ensure that the vision of community members, especially people of color, people with modest resources, or people with disabilities is at the heart of major public decisions. Staff should proactively reach out to local chapters of the NAACP and LULAC or neighborhood and grassroots groups to solicit input and learn about engaging communities often left out of decision-making processes.

- **Make these changes permanent**

After we move past the pandemic, local governments should make many of these reforms to bolster accessibility permanent. The health of our democracy is strengthened by as many community members participating as possible. Making permanent reforms to allow for more remote public participation will lead to more inclusive and equitable decisions.