

Garcia: COPS/Metro proposes sweeping late-fee protections for renters

Gilbert Garcia April 15, 2020

COPS/Metro representatives will be making the rounds with City Council staffers this week, pushing for a rent-control measure to reduce the stress weighing down working families during the COVID-19 outbreak.

With stay-at-home policies shutting down much of our business activity, the biggest victims have been hourly workers, many of whom have been employed in sectors (namely the service industry) where working from home is not an option, and where the money to meet payroll has dried up.

The problem is most acute for undocumented immigrants, whose jobs have been among the first to go, and who don't have access to the kind of safety-net programs that are temporarily keeping others afloat.

Geoffrey Canada, a social activist who serves as the president of the Harlem Children's Zone, talked about this problem Tuesday morning on MSNBC.

Canada said undocumented immigrants face economic desperation and are "suffering from the fear of going in to get help because they might be turned in to the folks at immigration."

When COPS/Metro holds meetings with members of the community these days, the alliance's reps consistently hear from low-income tenants who are worried about rent.

"Low wage workers, people who work hourly jobs, their jobs are gone," said Walker Moore, organizer for COPS/Metro. "There's a lady at Sacred Heart Catholic Church who's undocumented, was putting her son through college, lost her job and now she's trying to figure out where the food will come from."

These conversations convinced COPS/Metro organizers that something needed to be done about late fees for tenants.

Thankfully, our local institutions have taken some strong steps on the housing front in recent weeks. Bexar County suspended all evictions for a 30-day period ending April 23. In addition, the city has teamed with the San Antonio Apartment Association to cover April rents for tenants who qualify for the city's risk mitigation fund.



Bexar County Deputy Constable Edward Prado of Precinct 4 stands by as cohabitants of Patricia A White leave White's apartment after she is served a writ of possession at Brooks Townhomes on Wednesday, Nov. 6, 2019. Photo: Bob Owen, Staff / San Antonio Express-News

Under the plan, qualifying tenants would get 75 percent of their April rent paid by the city and landlords would forgive the remaining 25 percent.

These efforts are crucial in a community chronically plagued by major income inequality; a county where landlords filed more than 21,000 eviction lawsuits last year under relatively good, pre-coronavirus economic conditions.

Nonetheless, these policies leave a hole when it comes to the issue of late fees. (The San Antonio Apartment Association encourages its members to temporarily waive late fees, but such actions are voluntary.)

The CARES Act, a \$2 trillion federal stimulus plan enacted three weeks ago, addressed late fees to some degree. The program established a moratorium on late fees or penalties for tenants through July 24, but this provision only applies to properties participating in a covered housing program or having a federally backed mortgage loan.

Moore said that excludes roughly half of all apartment tenants.

With that in mind, COPS/Metro is proposing an ordinance that would prohibit residential property owners from charging late fees for nonpayment of rent for the duration of the emergency disaster period declared by Gov. Greg Abbott. (The alliance's draft ordinance would make this policy retroactive to March 13, the date that Abbott issued his initial disaster declaration.)

Moore conceded that the proposed rent-control ordinance isn't a "cure-all," but said it could offer needed protections to some of the most vulnerable members of our community.

SB 1414 limits most monthly apartment late fees in Texas to 10 percent of the rent. For out-of-work tenants currently faced with the cruel choice of purchasing food for their family or paying the rent, the threat of a late fee is too much to bear.

Among other things, the proposed ordinance would be something of an equalizer for undocumented immigrants, whose legal status prevents them from getting the kind of emergency assistance available to others in their economic predicament. This measure would mean that, as renters, they could at least share in basic protections to get them through this crisis.

Of course, this concept will outrage those who don't want to see any governmental action that even remotely hints at according legal protections to individuals who did not enter the country legally.

Anyone with that opinion, however, should ask themselves if they felt the same degree of opposition to those undocumented immigrants working hard, low-paying jobs that keep this city functioning.

This time of crisis should make us think about what truly constitutes a community and how members of a community need to look out for each other. An emergency ordinance to address late fees would be a good move in that direction.