

**ORDER****BY****THE COUNTY JUDGE OF TRAVIS COUNTY****County Judge Order No. 2020-15 Relating to Notices to Vacate, Eviction Proceedings
in response to COVID-19**

Whereas, on March 6, 2020, a Declaration of Local Disaster was issued by Travis County Judge Sarah Eckhardt to allow the County of Travis (“County” or “Travis County”), Texas to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Travis County residents; and

Whereas, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, on March 15, 2020, the Centers for Disease Control and Prevention (“CDC”) recommended that organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States; and

Whereas, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people’s interactions, including that Americans should avoid groups of more than 10 people; and

Whereas, on March 19, 2020, Governor Abbott issued Executive Order GA-08 Relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and

Whereas, on March 20, 2020 and on March 21, 2020, due to the substantial risks to the public, County Judge issued orders deeming it in the public interest to prohibit anywhere in the City of Austin, Social Gatherings of more than 10 people; to prohibit gatherings of more than 10 people for other than social purposes, unless social distancing could be maintained and controlled and to identify critical infrastructure;

Whereas, on March 24, 2020, based in part on credible modeling by University of Texas at Austin that further restriction of movement of persons is necessary to reduce the substantial risk of harm to the public, the County Judge issued Order 2020-5, more commonly known as the “Stay Home - Work Safe Order,” requiring all individuals in Travis County to stay home or in their place of residence except to perform certain essential activities, or to perform work in or obtain service from an Essential Business, Essential Government Functions or service, or in Critical Infrastructure.

Whereas, on April 17, 2020, Governor Abbott issued Executive Order GA-17 (“Governor’s Order GA-17”) creating the “Governor’s Strike Force to Open Texas” to study and make recommendations on restarting and revitalizing all aspects of the State; and

Whereas, on May 8, 2020, the County issued an additional “Stay Home – Work Safe” Order 2020-08 to reduce the substantial risk of harm to the public by requiring individuals to continue to stay at home or their place of residence in order to minimize in-person contact or social gatherings, except to the extent allowed by the Governor’s Orders to perform or obtain specified services and activities, and issuing recommendations related to social distancing and face coverings to help reduce and eventually eliminate COVID-19 infection in our community; and

Whereas, on July 2, 2020 Governor Abbott amended Executive Order GA-28 and issued Executive Order GA-29 (“Governor’s Orders”), setting forth limitations on gatherings and occupancy limits and requiring certain health protocols, such as face coverings and social distancing measures to attempt to mitigate creased transfer of COVID-19; and

Whereas, based on additional modeling data from the University of Texas regarding various reopening scenarios related to COVID-19, it may take three to six weeks of data to provide sufficient information to monitor and analyze the success of any reopening policies; and

Whereas, Dr. Mark Escott, the interim health authority for Austin/Travis County, finds that the area still needs to increase testing and contact tracing capabilities, to maintain social distancing and hygiene, and to wear face coverings to provide for the safety of the public while businesses are reopening; and

Whereas, providing a notice to vacate, as the first step to an eviction proceeding, during the disaster period will destabilize the economy and will contribute to additional person-to-person contact; and

Whereas, removing a tenant’s property or excluding a tenant during the disaster period will contribute to additional person-to-person contact; and

Whereas, the Texas Supreme Court issued further orders in Eighteenth Emergency Order regarding the COVID-19 State of Disaster, and provided that subject to constitutional limitations and stated exceptions in the order, all courts in Texas may in any case, civil or criminal, modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than September 30, 2020.

NOW THEREFORE, I, COUNTY JUDGE OF TRAVIS COUNTY, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER THAT:

SECTION 1. That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

SECTION 2. Effective immediately and continuing until September 30, 2020, unless terminated or modified by a subsequent Order, the County Judge deems it in the public interest to **PROHIBIT** the issuance of Notices to Vacate (as defined in Section 5, below) except where the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (a) physical harm to the property owner, the property owner's employees, or other tenants, including other tenants within the household; or (b) criminal activity.

SECTION 3. Effective immediately and continuing until September 30, 2020, unless terminated or modified by a subsequent Order, the County Judge deems it in the public interest to **PROHIBIT** the removal of property or exclusion of a tenant by a property owner in the manners described in the applicable sections of the Texas Property Code.

SECTION 4. Effective immediately and continuing until September 30, 2020, unless terminated or modified by a subsequent Order, the County Judge deems it in the public interest to **PROHIBIT** the seizure of a tenant's nonexempt property subject to a lien created under Texas Property Code Section 54.041.

SECTION 5.

- a. **"Issuance"** means any method of providing notice authorized by Texas Property Code Section 24.005.
- b. **"Notices to Vacate"** means the notice to vacate required by Section 24.005 that must be provided prior to filing eviction suit.

SECTION 6. That the Travis County Sheriff's Office, the Travis County Fire Marshal's Office, and other peace officers, are hereby authorized to enforce this Order. A violation of this order may be punishable through criminal or civil enforcement. A criminal violation of this order is a misdemeanor punishable by a fine not to exceed \$1,000. A criminal violation of this order may be enforced by issuing a citation to the person violating, that contains the name and address of the person charged, and the offense charged.

SECTION 7. The Travis County Clerk will post this Order on their website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order and its application.

SECTION 8. Savings Clause. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

SECTION 9. This Order incorporates by reference the following:

Exhibit A: List of Cities and Municipalities Within Travis County Jurisdiction Covered by this Order

Exhibit B: Frequently Asked Questions ("FAQ's") regarding County's Notice to Vacate Order

ORDERED this the 22 day of July, 2020, in the County of Travis, Texas.



County Judge
County of Travis, Texas

Filed with the Clerk of Travis County, this 22 day of July, 2020.



Dana, DeBeauvoir, County Clerk

Exhibit A
List of Cities and Municipalities
Within
Travis County Jurisdiction
Covered by the Order

- City of Austin
- City of Bee Cave
- City of Cedar Park
- City of Creedmoor
- City of Elgin
- City of Jonestown
- City of Lago Vista
- City of Lakeway
- City of Leander
- City of Manor
- City of Mustang Ridge
- City of Pflugerville
- City of Rollingwood
- City of Round Rock
- City of Sunset Valley
- City of West Lake Hills
- Village of Briarcliff
- Village of Point Venture
- Village of San Leanna
- Village of The Hills
- Village of Volente
- Village of Webberville

FREQUENTLY ASKED QUESTIONS (FAQ's)

1. What is a notice to vacate?

A notice to vacate is the first step in the eviction process. It is a document that a landlord gives a tenant when the tenant violates a provision of their rental agreement/lease (like failure to pay rent on time) or when a tenant does not have permission to stay beyond the term of the lease (also called a holdover). The notice tells the tenant to vacate the property within at least three days, unless the lease allows for a different time period—apartments often allow for a one-day notice to vacate. If a tenant does not leave within that time period, and continues to occupy the property, a landlord can file an eviction case with the Justice of the Peace in the precinct where the property is located. A judge will then have to decide whether the landlord has proven to the court if the tenant violated the lease and whether the notice to vacate was given to the tenant in accordance with Texas law. This order prevents the issuance of a notice to vacate unless the reason for the notice to vacate meets certain exemptions as specified in the order.

2. Does this order prevent a landlord from filing an eviction case in court?

No, this order does not prevent a landlord from filing an eviction case. Nor does it prevent a court from hearing a case that is filed. The Federal CARES Act provides that certain properties (such as ones with federally backed mortgages or that participate in a government housing programs) may be subject to a federal moratorium (prohibition) on filing an eviction until July 25, 2020. Also, a landlord is not supposed to file an eviction case until the period in the notice to vacate has passed. However, if a landlord does file an eviction case, a court does not have the legal authority to reject a filing at that stage. Only during a hearing or a trial does a court have the legal authority to rule in favor of a tenant because the landlord was prohibited from issuing a notice to vacate or because the landlord filed the case before the notice to vacate period had passed. Also, Texas law and the Code of Judicial Conduct require a judge to hear cases that are filed in a timely fashion. Thus, a landlord should not file an eviction lawsuit until the landlord can give the tenant a notice to vacate in accordance with the order of the county judge.

3. My landlord filed an eviction case in court, do I need to show up/does the case automatically get dismissed?

Even if you believe the landlord filed the case improperly or did not comply with certain government orders or laws, you should still show up to court for your case. Cases cannot be automatically dismissed, and you should be prepared to show the court why you believe the landlord filed the case improperly or did not comply with a government order. A landlord must prove that they met the requirements to evict you, and if a landlord cannot show that they could legally give you a notice to vacate, you should win the case. However, if you do not show up to court, the court can assume that what is stated in the landlord's lawsuit is true and issue a judgment for the landlord. If you have a court case, it may be in your best interest to seek legal counsel.

4. How does this order relate to the city of Austin regarding requiring a notice of proposed eviction?

Generally, if you live in the city of Austin, for a situation regarding non-payment of rent a landlord must provide a document called a notice of proposed eviction 60 days prior to issuing a notice to vacate. This requirement ends on August 24, 2020. During those 60 days you have a right to cure (pay up) any delinquent payments. This does not prevent the landlord from adding late fees if it is authorized under the lease and the property is not a covered property under the CARES Act. Please refer to the City of Austin directly for any additional information or updates of City ordinances and provisions related to evictions.

5. If my case was heard before the COVID-19 pandemic occurred, could this order help me?

If your case was heard and the time to appeal has passed, then the judgment has become final and this order cannot help. Generally, a party to an eviction lawsuit has five days from the date of judgment to file an appeal. Under Texas law, a landlord can seek a writ of possession--a court order having a constable remove a tenant that has been evicted from the property if the tenant still remains in the property by the time the judgment becomes final, and the tenant has not filed an appeal



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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

**Dana DeBeauvoir, County Clerk
Travis County, Texas**

Jul 22, 2020 11:46 AM

Fee: \$0.00

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