



ORDER

BY

STAYS IN FILE

THE COUNTY JUDGE OF TRAVIS COUNTY

**County Judge Order No 2020-9 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 14, 2020, in order to continue slowing the rate and number of people infected with COVID-19, the County issued “Stay Home – Work Safe” Order 2020-7, further restricting the movement of persons is necessary to reduce the substantial risk of harm to the public and requiring individuals to stay at home or their place of residence except to perform certain essential activities, or to perform work in or obtain service from an Essential Business, Essential Government Service, or in Critical Infrastructure and to practice Social Distancing and Face Covering Requirements, and

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 April 27, 2020 and May 5, 2020, Governor Abbott issued Executive Orders GA-18 and GA-21 (“Governor’s Orders” or “GA-18” or “GA-21” respectively) relating to the continuation of social distancing measures while also expanding the list of services that could reopen, with reduced occupancy limits, as an additional increase in commercial and social interactions, and allowing local jurisdictions to enforce the Executive Order as well as adopt local restrictions consistent with the Governor’s Orders, and

Whereas, on April 27, 2020 and May 5, 2020, Governor Abbott provided recommended health protocols for those services allowed to reopen under the Governor’s Orders to attempt to mitigate increased transfer of COVID-19 associated with the resulting commercial and social interactions, and

Whereas, as of May 7th, Travis County has experienced 1,946 confirmed cases of COVID-19 and 57 deaths as a result of the disease, while the number of new cases confirmed daily has not shown a downward trajectory over any fourteen-day period since the Declaration of Local Disaster was issued on March 6th and is expected by the Health Authority to continue rising with the administration of additional testing, 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

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 June 1, 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 June 1, 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 June 1, 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

- a The County Judge deems it necessary to incorporate by reference the Order and directive issued by the Supreme Court of Texas on April 27, 2020 and attached as Exhibit 2020-9B, where it is ordered that in any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure
 - i No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after May 18, 2020,
 - ii A writ of possession may issue, but the posting of the written warning required by § 24 0061(d)(1) of the Property Code and the execution of the writ of

possession may not occur until after May 25, 2020, and the deadlines in Rules 510 8(d)(1)-(d)(2) are suspended while this Order remains in effect, and

- 111 New filings may be accepted, but the time period in Rule 510 4(a)(10) is suspended, and issuance and service of citation may not occur until after May 18 , 2020
- b A case covered by the above may nevertheless proceed if and a writ of possession may issue if, but only if
 - 1 The plaintiff files a “Sworn Complaint for Forcible Detainer for Threat to Person or For Cause”,
 - 11 The court determines that the facts and grounds for eviction stated in the Complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (A) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (B) criminal activity, and
 - 111 The court signs an order stating procedures for the case to proceed

SECTION 7 The County Judge deems is necessary to incorporate by reference any Orders and directives issued by the Travis County Justices of the Peace regarding evictions and notices to vacate, attached as Exhibit 2020-9 C

SECTION 8 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 9 The Austin Public Health Department and 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 10 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

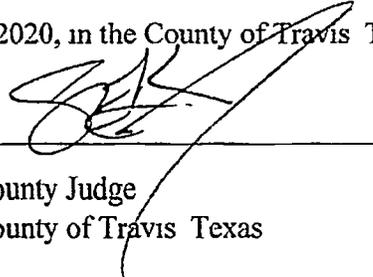
SECTION 11 This Order incorporates by reference the following

Exhibit 2020-9 A List of Cities and Municipalities Within Travis County Jurisdiction Covered by this Order

Exhibit 2020-9 B Order by Supreme Court of Texas

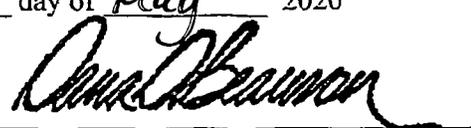
Exhibit 2020-9 C Standing Order, Travis County Justices of the Peace

ORDERED this the 8th day of May 2020, in the County of Travis Texas



County Judge
County of Travis Texas

Filed with the Clerk of Travis County, this 8th day of May 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

IN THE SUPREME COURT OF TEXAS

Misc Docket No 20-9059

TWELFTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that

1 Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order, except for paragraph 9, is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2 The following Emergency Orders are renewed as clarified and amended: the First Emergency Order (Misc Dkt No 20-9042 and Court of Criminal Appeals of Texas Misc Dkt No 20-007), as amended by the Third Emergency Order (Misc Dkt No 20-9044 and Court of Criminal Appeals of Texas Misc Dkt No 20-008) and the Eighth Emergency Order (Misc Dkt No 20-9051), the Second Emergency Order (Misc Dkt No 20-9043), the Fifth Emergency Order (Misc Dkt No 20-9046), the Seventh Emergency Order (Misc Dkt No 20-9050), the Ninth Emergency Order (Misc Dkt No 20-9052), and the Eleventh Emergency Order (Misc Dkt No 20-9055).

3 Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant’s consent

a Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, specifically including those in Section 263.401 of the Family Code and in all proceedings under Subtitle E, Title 5, of the Family Code, for a stated period ending no later than 30 days after the Governor’s state of disaster has been lifted,

b Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court

reporter, or grand juror, but not including a petit juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means,

c Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means,

d Conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public,

e Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing,

f Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19

4 Courts must not conduct in-person proceedings contrary to guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions. Courts should use all reasonable efforts to conduct proceedings remotely.

5 Any deadline for the filing or service of any civil case that falls on a day between March 13, 2020, and June 1, 2020, is extended until July 15, 2020. This does not include deadlines for perfecting appeal or for other appellate proceedings, requests for relief from which should be directed to the court involved and should be generously granted.

6 In determining a person's right to possession of and access to a child under a court-ordered possession schedule in a Suit Affecting the Parent-Child Relationship, the existing trial court order shall control in all instances. Possession of and access to a child shall not be affected by any shelter-in-place order or other order restricting movement issued by a governmental entity that arises from the pandemic. The original published school schedule shall also control, and possession and access shall not be affected by the school's closure that arises from the pandemic. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts from modifying their orders on an emergency basis or otherwise.

7 In any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure

a No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after May 18, 2020,

b A writ of possession may issue, but the posting of the written warning required by § 24 0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after May 25, 2020, and the deadlines in Rules 510 8(d)(1)-(d)(2) are suspended while this Order remains in effect, and

c New filings may be accepted, but the time period in Rule 510 4(a)(10) is suspended, and issuance and service of citation may not occur until after May 18, 2020

8 A case covered by Paragraph 7 may nevertheless proceed and a writ of possession may issue if, but only if

a The plaintiff files a “Sworn Complaint for Forcible Detainer for Threat to Person or For Cause”,

b The court determines that the facts and grounds for eviction stated in the Complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant’s household members or guests, have threatened or pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff’s employees, or other tenants, or (ii) criminal activity, and

c The court signs an order stating procedures for the case to proceed

9 All deadlines, whether prescribed by statute, rule, or order, that expired or would have expired between March 13, 2020, and June 1, 2020, are extended until July 15, 2020

a in attorney professional disciplinary and disability proceedings, and

b relating to the issuance or renewal of certifications, licenses, or registrations issued by the Judicial Branch Certification Commission, or for fulfilling mandatory continuing education

10 This order is effective immediately and expires June 1, 2020, except as otherwise stated herein, and unless extended by the Chief Justice of the Supreme Court

11 The Clerk of the Supreme Court is directed to

a post a copy of this Order on www.txcourts.gov,

b file a copy of this Order with the Secretary of State, and

c send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature

12 The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order

Dated April 27, 2020

A handwritten signature in black ink, appearing to read "Nathan L. Hecht", written over a horizontal line.

Nathan L. Hecht
Chief Justice

Judge Yvonne Williams
J P Precinct One
4717 Heflin Lane Ste 107
Austin TX 78721
(512) 854 7700



Judge Sylvia Holmes
J P Precinct Three
8656 B W Hwy 71 Ste 100
Austin TX 78735
(512) 854 6763

Travis County Justices of the Peace

Judge Randall Slagle
J P Precinct Two
10409 Burnet Rd Ste 180
Austin TX 78758
(512) 854-4545

Judge Nicholas Chu
J P Precinct Five
1000 Guadalupe St Rm 112
Austin TX 78701
(512) 854 9049

Judge Raul A González
J P Precinct Four
4011 McKinney Falls Pkwy Ste 1200
Austin TX 78744
(512) 854 9479

**FOURTH MODIFICATION OF STANDING ORDER REGARDING CORONAVIRUS
DISEASE (COVID-19) MITIGATION TO ALL TRAVIS COUNTY JUSTICES OF THE
PEACE (JUSTICE COURT) (Order No 06)**

- 1 The Justices of the Peace in Travis County issue this order pursuant by the authority granted by law and by all emergency orders regarding the COVID-19 state of disaster issued by the Supreme Court of Texas and Court of Criminal Appeals of Texas This order is in response to the “TWELFTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER” issued by the Supreme Court of Texas The Travis County Justices of the Peace issue the following order to protect the community and limit risk to COVID-19
- 2 In an attempt to consolidate all COVID-19 related standing orders from the Travis County Justices of the Peace, and provide relevant changes to dates in previous orders in one document, this order replaces all previous COVID-19 related standing orders from the Travis County Justices of the Peace
- 3 All scheduled court proceedings except for essential court proceedings will be reset to a date after June 1, 2020
- 4 “Essential court proceedings” are defined as writs of re-entry, writs of retrieval, writs of restoration, magistration of defendants in custody and of fugitives from justice (in or out of custody), issuing birth certificates, death certificates, or burial transit permits, repair and remedy cases that materially affect the physical health or safety of a tenant, residential eviction for threat to person, and any proceedings necessary to enforce a governmental entity’s response to a COVID-19 declaration of state of disaster

- 5 No eviction settings (both residential and commercial) will be held until after June 1, 2020, except regarding residential evictions for threat to person. No writs of possession will be issued by the Justice Court, nor the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession until June 1, 2020, except regarding residential evictions for threat to person.
 - a New filings may be accepted, but the time periods in Texas Rule of Civil Procedure 510.4(a)(10) are suspended, and issuance and service of citation may not occur until after May 18, 2020. The Justice Court may suspend the time periods in Texas Rule of Civil Procedure 510.4(a)(10) until 30 days after the Governor's state of disaster in response to the COVID-19 pandemic has been lifted.
 - b Residential eviction for threat to person.
 - 1 The term "residential eviction for threat to person" in this order shall be defined as residential eviction cases where it is shown that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity.
 - 11 In such cases described in Paragraph 5(b)(i) of this order, the stay of proceedings ordered in Paragraph 3 does not apply, and for the cases described in Paragraph 5(b)(i), the normal deadlines and timelines, including appeal deadlines, required by the Texas Property Code, Texas Rules of Civil Procedure, and any applicable law prior to all COVID-19 orders apply, except in the Justice Court's discretion in order to prioritize public health and avoid risk to court officers/staff and members of the public.
 - 111 The procedures for filing a residential eviction for threat to person are modified from current procedures as follows.
 - A A plaintiff that is filing a residential eviction for threat to person must file with the "Travis County Justice Court's Sworn Complaint for Forcible Detainer for Threat to Person or For Cause" document that is attached to this order. The Justice Court shall not set this case

for hearing unless the “Travis County Justice Court’s Sworn Complaint for Forcible Detainer for Threat or For Cause” is filed

- B After the case is filed with the Justice Court, the Justice of the Peace as soon as practicable shall review the “Travis County Justice Court’s Sworn Complaint for Forcible Detainer for Threat or For Cause” and if the complaint makes a prima facie case that it is a residential eviction for threat to person, then the Justice of the Peace shall sign an order setting the case by telephonic/video conference setting only Each Justice Court will develop a procedure to notify the litigants how to participate by telephone/video conferencing and the procedures to conduct the setting by telephone/video conferencing If a prima facie case is not made, then the Justice Court shall set the case after June 1, 2020 like all other eviction cases
- C The Constables of Travis County are ordered to use their best discretion, prioritizing public health and deputy constable safety, in serving court papers and executing writs in this case and may delay serving court papers and executing writs if necessary
- D Setting, hearing, and any post judgment remedies (including appeal deadlines) shall follow the time schedule as outlined in the Texas Property Code and Texas Rules of Civil Procedure, except when not practicable in accordance with the Justice Court’s COVID-19 mitigation plan and no tolling of time shall take place on these cases
- E Any judgment for residential eviction for threat to person must be announced on the same telephonic/video conference as the trial and the Justice of the Peace must inform the losing party of the process for submitting an appeal while complying with the Justice Court’s requirement of filing only by EFile or email during the COVID-19 state of emergency
- F During the trial, the Justice of the Peace shall first determine if the actions of the tenant, or the tenant’s household members or guests,

pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity Only after such affirmative finding can the Justice of the Peace then consider the grounds for eviction If no affirmative finding is made then no decision as to the grounds for eviction shall be determined, and the Justice of the Peace shall abate the proceeding until after June 1, 2020, and shall not render a final judgment until after June 1, 2020

G If the Justice of the Peace during the trial finds that the filing of this case and allegation of threat to others was a pretext in order for the Justice Court to hear an eviction case circumventing the Court's delay of hearing eviction cases until after June 1, 2020, then the Justice Court can require the Plaintiff to show cause as to why the filing was not pretextual The Justice Court may sanction the Plaintiff for a bad faith filing, awarding the Defendant all costs for inconvenience, harassment, out-of-pocket expenses incurred or caused by the subject of litigation, and attorney's fees, and/or ordering the Plaintiff to pay a penalty into the Court In addition, the Justice Court can find the Plaintiff in contempt of court after a show cause hearing with such punishment being a fine and/or days in jail

- 6 This order does not diminish the Justices of the Peace's ability to continue to issue judgments, orders, and rulings by submission if already authorized by law to do so for non-eviction cases
- 7 For traffic/Class C citations with an appearance date prior to July 15, 2020, the appearance date will be extended and the Justice Court will notify defendants of a rescheduled appearance date by mailing notice to the last address on record with the Court (defendants should check the court's website weekly for updates and email the Court any updated mailing address) This applies to cite-and-release charges and summonses for charges other than Class C misdemeanors as well

- 8 No warrants based on failing to appear or for violating a promise to appear to a Justice Court for a traffic/Class C citation, cite-and-release charge, or a summons will be issued until July 15, 2020

- 9 In order to alleviate the threat of COVID-19 in County Jails, the Justices of the Peace temporarily suspend active warrants for all misdemeanor Class C offenses from their courts, until July 15, 2020 All the requirements and conditions of the warrants previously signed by the Justices of the Peace remain in effect but are suspended during this state of emergency For the effective suspension, the Travis County Sheriff's Office, Travis County Constables, and all other law enforcement agencies are directed to relate this order to all law enforcement officers requesting confirmation of warrants, so that they are aware not to bring Class C defendants to the jail

Therefore, all warrants for misdemeanor Class C offenses from the Justices of the Peace are temporarily suspended until July 15, 2020 For the duration of this suspension, the Travis County Sheriff's Office is ordered to not accept a defendant who solely has a Class C misdemeanor warrant from the Travis County Justices of the Peace

- 10 The Constables of Travis County are authorized that they may not serve Justice Court papers if it is in their best discretion based on the public's health and deputy constable's safety until May 18, 2020 Failure to serve papers based on this order shall not be considered by any court with regard to statute of limitations or diligent service analysis The Constables of Travis County must continue to serve Justice Court papers with regard to essential court proceedings in all instances

- 11 New filings shall be limited to E-File (EFileTexas.gov) or to the Justice Court's designated filing email as noticed in each Justice Court's website only until June 15, 2020

- 12 Each Justice Court is authorized to limit building access to comply with any recommendations/orders from county public health officials regarding limiting the number

of people in a public space or room, including but not limited to screening whether a person's business with the Justice Court falls into essential court business and limiting the hours a Justice Court is open to the public. If a Justice Court limits the hours it is open to the public, notice of such limitations shall be posted on the Justice Court's official website and at its main entrance.

13 The Justices of the Peace are authorized to perform marriage ceremonies by video conference, so long as all participants video conference from Travis County. This authorization began March 17, 2020 and ends 30 days after the Governor's state of disaster in response to the COVID-19 pandemic has been lifted, or a date based on any other applicable rule/law, whichever date is later.

14 Deadlines

- a Any deadline for the filing (including statute of limitations calculations), answers to a lawsuit, or service of any civil case (except a case for residential eviction for threat to person) that falls on a day between March 13, 2020, and June 1, 2020, is extended until July 15, 2020.
- b Any deadline for perfecting appeal or for other appellate proceeding (except in a case for residential eviction for threat to person) is tolled from March 19, 2020 to May 8, 2020.
- c Any deadlines regarding appeal/post-judgment remedies for cases involving essential court proceedings are not tolled and shall follow all time periods that were normally mandated prior to March 19, 2020.

15 For all residential eviction cases filed on or after March 27, 2020, in order for the Court to comply with the CARES Act requirement regarding evictions and in order to receive competent testimony/evidence on whether the CARES Act applies to a property consistent with Texas Rules of Civil Procedure 500.6, all Travis County Justice Court will require the filing of a sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a "covered dwelling" under the CARES Act.

- a No judgment in an eviction case shall be issued in favor of the plaintiff until the filing of a sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a “covered dwelling” under the CARES Act is filed with the Justice Court
- b The sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a “covered dwelling” under the CARES Act may be filed beginning at the time of filing the plaintiff’s petition until the conclusion of the plaintiff’s case-in-chief
- c Attached to this order is a sample sworn affidavit/or unsworn declaration under penalty of perjury verifying the status of whether the property the eviction case is seeking to recover possession of is a “covered dwelling” under the CARES Act Consistent with Texas Rules of Procedure 507 2, if a plaintiff wishes to use another form to comply with this order, the substantive information contained in the sample must be contained in the plaintiff’s form

This order is in effect immediately and shall remain in effect until modified/rescinded by the Travis County Justices of the Peace The time periods in this order may be extended in a subsequent order if required

The undersigned Justice of the Peace has the necessary authority and authorization to sign this order on behalf of the five Justices of the Peace in Travis County

Signed on April 30, 2020 at 10 30 PM




Judge Nicholas Chu
On behalf of the Justices of the Peace in Travis County, TX

The “TRAVIS COUNTY JUSTICE COURT’S SWORN COMPLAINT FOR FORCIBLE DETAINER FOR THREAT TO PERSON OR FOR CAUSE” document (3 pages) and the “VERIFICATION OF COMPLIANCE WITH SECTION 4224 OF THE CARES ACT” sample document are attached to this order (3 pages)

Cause No _____ Hearing set for _____ at _____ AM/PM

TRAVIS COUNTY JUSTICE COURT'S SWORN COMPLAINT FOR FORCIBLE DETAINER FOR THREAT TO PERSON OR FOR CAUSE

In The Justice Court, Travis County, Texas, PCT _____

All sections are required to be filed out if applicable

TO THE HONORABLE JUDGE OF THE COURT

PLAINTIFF(S) _____

E-MAIL (REQUIRED) _____ PHONE _____

ADDRESS _____

[] AGENT [] ATTORNEY _____

E-MAIL (REQUIRED) _____ PHONE _____

ADDRESS _____

DEFENDANT(S) _____

E-MAIL (REQUIRED if available) _____ PHONE _____

ADDRESS _____

OTHER ADDRESS WHER DEFENDANT MAY BE FOUND _____

1 This is a lawsuit to evict _____ a tenant who leases the property located at _____ This property is within Justice Court Precinct _____ [INSERT PRECINCT NUMBER] of Travis County The Owner/Landlord is _____

2 The Defendant(s) rented this property on or about _____ and still holds the property The lease is

[] Written (copy on file with Court) [] Oral

The Plaintiff claims the Defendant(s) should be evicted because

[REQUIRED] The actions of the tenant, or tenant's household members or guests, pose an imminent threat of (1) physical harm to the plaintiff, the plaintiff's employees, or tenant, or (11) criminal activity that poses an imminent threat of physical harm to the personal safety of the plaintiff, the plaintiff's employees, or other tenants (state the nature in specificity as to the imminent threat or criminal activity and reason why the Defendant should be evicted)

THE COURT IS ASKED TO EVICT THE DEFENDANT(S) AND ORDER DEFENDANT(S) TO

- Pay rent owed in the amount of \$ _____ plus all rents accruing through the date of judgment
- Pay court costs
- Pay reasonable attorney's fees

Alleging a false imminent threat or criminal activity in this filing as a pretext to circumvent the Court's delay in hearing eviction cases until after May 8, 2020 will subject the filer to sanctions - awarding the Defendant all costs for inconvenience, harassment, out-of-pocket expenses incurred or caused by the subject of litigation, and attorney's fees, and/or ordering the filer to pay a penalty into the Court In addition, the Court can find the Plaintiff in contempt of court after a show cause hearing with such punishment being a fine and/or days in jail DO NOT FILE THIS COMPLAINT IF IT IS PRETEXTUAL OR FALSE

Plaintiff's Signature

Authorized Attorney/Agent Signature

Said Plaintiff (or his agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said affiant, true and correct

SWORN TO AND SUBSCRIBED BEFORE ME, this ____ day of _____, 20__ to certify which, witness my hand and seal of office

Notary Public in and for the State of Texas

Civil Court Clerk, JP ___

CAUSE NO _____

PLAINTIFF

v

DEFENDANT

§
§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT NO _____

_____ COUNTY, TEXAS

**VERIFICATON OF COMPLIANCE
WITH SECTION 4024 OF THE CARES ACT**

My name is _____

First

Middle

Last

I am (*check one*) **the Plaintiff** or **an authorized agent of the Plaintiff** in the eviction case described at the top of this page I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

1 Verification

a Plaintiff is seeking to recover possession of the following property

Name of Apartment Complex (if any)

Street Address & Unit No (if any) City County State ZIP

I verify that this property is not a "covered dwelling" as defined by Section 4024(a)(1) of the CARES Act The facts on which I base my conclusion are as follows

(Please identify which data base or the other information you have used to determine that the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan)

(If the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan, please state whether (1) the property is a Low Income Housing Tax Credit

(LIHTC) property, (2) the property is federally subsidized under any HUD program, or (3) the property leases to persons with Section 8 vouchers)

2 Declaration or Notary Complete only one of the two following sections

a Declaration I declare under penalty of perjury that everything in this verification is true and correct

My name is _____

_____ *First* _____ *Middle* _____ *Last*

My birthdate is _____/_____/_____
Month Day Year

My address is

Street Address & Unit No (if any) City County State ZIP

Signed on _____/_____/_____ in _____ County, Texas
Month Day Year

Your Signature

OR

b Notary I declare under penalty of perjury that everything in this verification is true and correct

Your Printed Name

Your Signature (*sign only before a notary*)

Sworn to and subscribed before me this _____ day of _____, 20_____

CLERK OF THE COURT OR NOTARY

CARES Act
Public Law 116-136

Sec 4024 TEMPORARY MORATORIUM ON EVICTION FILINGS

(a) DEFINITIONS —In this section

(1) **COVERED DWELLING** — The term covered dwelling means a dwelling that—

(A) is occupied by a tenant—

(i) pursuant to a residential lease or

(ii) without a lease or with a lease terminable under State law and

(B) is on or in a covered property

(2) **COVERED PROPERTY**—The term covered property means any property that—

(A) participates in—

(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U S C 12491(a)))

or

(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U S C 1490r) or

(B) has a—

(i) Federally backed mortgage loan or

(ii) Federally backed multifamily mortgage loan

(3) **DWELLING** —The term dwelling —

(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U S C 3602) and

(B) includes houses and dwellings described in section 803(b) of such Act (42 U S C 3603(b))

(4) **FEDERALLY BACKED MORTGAGE LOAN** —The term Federally backed mortgage loan includes any loan (other than temporary financing such as a construction loan) that —

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families including any such secured loan the proceeds of which are used to prepay or pay off an existing loan secured by the same property and

(B) is made in whole or in part or insured guaranteed supplemented or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association

(5) **FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN** —The term Federally backed multifamily mortgage loan includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families including any such secured loan the proceeds of which are used to prepay or pay off an existing loan secured by the same property and

(B) is made in whole or in part or insured guaranteed supplemented or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association

(b) MORATORIUM —During the 120 day period beginning on the date of enactment of this Act the lessor of a covered dwelling may not

(1) make or cause to be made any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges or

(2) charge fees penalties or other charges to the tenant related to such nonpayment of rent.

(c) NOTICE —The lessor of a covered dwelling unit

(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b)



2020074091

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Dana DeBeauvoir

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

May 08, 2020 09 47 AM

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