

**ORDER****STAYS IN FILE****BY****THE COUNTY JUDGE OF TRAVIS COUNTY****County Judge Order No 2020-6 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, 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 May 8, 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 May 8, 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 May 8, 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 and attached as Exhibit 2020-6 B, where in 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 April 30, 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 7, 2020, and the deadlines in Rules 510 8(d)(1)-(d)(2) are tolled while this Order remains in effect, and

iii 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 April 30, 2020

b A case covered by the above may nevertheless proceed if, but only if

i 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, pose an imminent threat of (A) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (B) criminal activity, and

iii 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

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 or confinement in jail for a term not to exceed 180 days, or both fine and confinement A criminal violation of this order may be enforced by the filing of a probable cause affidavit alleging the violation with the appropriate court or by issuing a citation to the person violating, that contains written notice of the time and place the person must appear before a magistrate of this state, 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

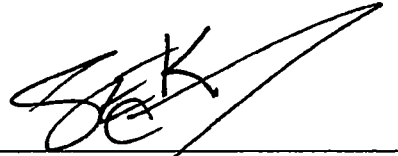
SECTION 10 Savings Clause If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect To this end, the provisions of this Order are severable

SECTION 11 This Order incorporates by reference the following

Exhibit 2020-6 A List of Cities and Municipalities Within Travis County Jurisdiction Covered by this Order

Exhibit 2020-6 B Order by Supreme Court of Texas

ORDERED this the 10th day of April, 2020, in the County of Travis, Texas



County Judge
County of Travis, Texas

Filed with the Clerk of Travis County, this 10th day of April, 2020



Dana, DeBeauvoir, County Clerk

