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**FIFTH MODIFICATION OF STANDING ORDER REGARDING CORONAVIRUS
DISEASE (COVID-19) MITIGATION TO ALL TRAVIS COUNTY JUSTICES OF THE
PEACE (JUSTICE COURT) (Order No. 07)**

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 “Seventeenth 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 supplements all previous COVID-19 related standing orders from the Travis County Justices of the Peace.
3. Due to the continued public health state of disaster due to COVID-19, Austin-Travis County’s recent upgrade to “stage 4” in its *COVID-19 Risk Based Guidelines*, and Travis County Judge’s Order Nos. 2020-10 and 2020-11, the Justices of the Peace in Travis County find it necessary to order:
 - a. No eviction cases (residential and commercial) will be heard until July 22, 2020 at the earliest, except where the action 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.

- b. No writ of possession will be issued until July 29, 2020. The Constables in Travis County are ordered that any writ of possession currently issued by a Justice Court but that has not been executed yet is stayed until July 29, 2020. To comply with this order, the Justice Courts grant all necessary modifications to deadlines or procedures from Texas Rules of Civil Procedure 510.5 and 510.8(d) regarding a writ of possession.
 - c. Writs of possession regarding eviction cases where the action 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, are exempt from the stay and prohibition in section 3(b) of this order.
4. 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.
5. For traffic/Class C citations with an appearance date that falls within March 13, 2020 to August 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.
6. 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 August 15, 2020.
7. 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 August 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 August 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.

8. 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.
9. 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.
10. The Justices of the Peace are authorized to perform marriage ceremonies by video conference. This authorization began March 17, 2020 and ends September 30, 2020.
11. Deadlines:
 - a. Any deadline for the filing (including statute of limitations calculations), or service of any civil case (except a case for residential eviction for threat to person under the Justice Courts previous standing orders) that falls on a day between March 13, 2020, and June 1, 2020, is extended until August 1, 2020.

- b. Any deadline for perfecting appeal or for other appellate proceeding (except in a case for residential eviction for threat to person under the Justice Courts previous standing orders) 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.
12. 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.
 - d. Per the Texas Supreme Court’s “Fifteenth Emergency Order Regarding the COVID-19 State of Disaster”, for eviction proceedings filed from March 27, 2020, through July 25, 2020, a sworn petition containing “a description of the facts and

grounds for eviction” required by Texas Rule of Civil Procedure 510.3(a)(2) must state that the premises are not subject to the moratorium on evictions imposed by Section 4024 of the CARES Act.

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. All Justices of the Peace in Travis County approve this order: Judges Yvonne Williams, Randall Slagle, Sylvia Holmes, Raúl González, and Nicholas Chu

Signed on June 16, 2020 at 12:15 PM



Judge Nicholas Chu

On behalf of the Justices of the Peace in Travis County, TX

“VERIFICATION OF COMPLIANCE WITH SECTION 4224 OF THE CARES ACT” sample document is attached to this order (3 pages)

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT NO. _____
	§	
_____	§	
DEFENDANT	§	_____ 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: _____

My birthdate is: *First* *Middle* *Last*
_____ / _____ / _____.
 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).