

JUSTICE OF THE PEACE PRECINCT 1

EVICCTIONS WITH PRIVATE LANDLORDS (Updated April 28, 2020)

The Texas Supreme Court has EXTENDED THE DEADLINE FOR EVICTIONS INVOLVING PRIVATE LANDLORDS.

Under the Supreme Court rules, effective April 27, 2020, the following applies:

- 1) ****You may file an eviction, but WE ARE ORDERED that we cannot issue a citation (Notice) to the defendant until May 19, 2020 (was April 30). This date may be extended by the Supreme Court due to COVID19.**
- 2) *The absolute earliest we could schedule eviction hearings will be **late-May, 2020**. This is subject to change.*
- 3) *The Constable has to serve the paperwork, and due to the increased volume of Writs, it will take time.*
- 4) *We will have a large volumes of cases which we will schedule individually, Monday through Friday.*

For your safety and the safety of my staff, we ask that you do the following:

Locate the precinct where your property is located on the Map provided on this website. You must contact the Court where the property is located, as rules may vary from Court to Court.

If your property is in precinct 1, please call 806-775-1547 or 806-775-1550 before you come to the office. This will allow myself or my staff to discuss your needs, and limit face to face contact, for your safety and the safety of my staff.

If you are sick or having symptoms, please do not come in. If you have matters in another Court, you need to contact that Court. A map of the four J.P. Precincts is on this website. You must contact the proper Court where your property is located.

WRITS OF POSSESSION

You MUST contact the Court where the property is located if you have questions about their procedures on Writ of Possession. The Rules below are for JP-1.

Writs of possession may not be executed, including the posting of the written warning notice, through **May 25, 2020**. Certain cases may be filed regarding imminent threat, physical harm, and criminal activity. All Courts will require a sworn statement. You will need to google JUDGE JIM HANSEN, look for the CORONVIRUS link, and read the full order to see how this works.

We encourage you to mail in your petition, but you will not be turned away if come in to file. Call to make sure we are open, and to make sure the April 20 deadline has not been extended.

Be aware the existing Order may be changed or extended, depending on the spread of the virus.

If you are sick, or the defendant is sick, we will be allowing appearances by telephone, plaintiff or defendant. If you are not sick, you will need to appear personally.

THE EFFECT OF PRESIDENT TRUMP'S CARES ACT ON EVICTIONS/FORECLOSURE

The CARES Act was signed by President Trump on March 27, 2020, and took effect that same day. Section 4024 is the Temporary Eviction Moratorium section that is most relevant.

In short, it applies to all housing programs to which VAWA applies (public housing, project-based section 8, Housing Choice Vouchers, LIHTC, etc.) as well as the rural voucher program and properties with federally-backed mortgages (HUD, Fannie Mae, Freddie Mac; more detailed definitions are in that section). The effects include:

- No nonpayment evictions can be filed in any of these covered properties for 120 days from the effective date, which means until July 25.
- No notices to vacate for nonpayment may be issued in any of these properties until after the 120-day period expires, AND such NTV must be for at least 30 days (so it couldn't expire sooner than Aug. 24).
- These covered properties may not charge late fees/other penalties for late payment during the 120-day period.
- The 30-day NTV requirement does not have an end date, and it is not limited to nonpayment cases. So other types of lease breaches during the 120-day period require a 30-day NTV, and all breaches (nonpayment and otherwise) after July 25 require a 30-day NTV.

The federal eviction moratorium does not affect the following:

- Eviction cases that were filed before March 27, 2020;
- Eviction cases with purely private landlords with none of the funding described above; or
- Eviction cases in which the grounds for eviction are alleged non-rent breaches.