

JUSTICE OF THE PEACE PRECINCT 1

EVICCTIONS, SMALL CLAIMS, and DEBT CASES have resumed and are now proceeding in much the same fashion as they did before the COVID-19 issue. One major change regarding Evictions is the CARES ACT (details are below).

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

Most hearings will be conducted TELEPHONICALLY for the time being.

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 come in to file, we encourage you to wear a mask

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.

If you come in to file or for any other reason, you are encouraged to wear a mask and follow social distancing protocols and signage at my office.

WRITS OF POSSESSION and WRITS OF GARNISHMENT

These filings have resumed.

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.