

HOUSING STABILITY TASK FORCE

What Does the Eviction Process Currently Look Like?

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WHAT DOES THE EVICTION PROCESS CURRENTLY LOOK LIKE?

- What is the CARES Act?
- State-Wide special court rules
- Local special eviction rules
- Eviction process for CARES Act properties.
- Eviction process for non CARES Act properties

THE CARES ACT

- For properties that are covered by the CARES Act, during the 120-day period beginning March 27, 2020 and ending July 25, 2020, the owner of a “covered dwelling” may not:
 - file an eviction to recover possession of the covered dwelling for nonpayment of rent or other fees or charges; or
 - charge fees, penalties, or other charges to the resident related to nonpayment of rent.

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- The owner of a “covered dwelling”:
 - may not require the resident to vacate the covered dwelling unit before giving a 30 days notice to vacate; or
 - may not issue a notice to vacate until the expiration of the 120-day moratorium period.

WHAT PROPERTIES ARE COVERED UNDER THE CARES ACT?

- A “covered dwelling” means a dwelling that:
 - is occupied by a resident pursuant to a residential lease or without a lease or with a lease terminable under State law; and
 - is on or in a covered property.
- “Covered Property” means any property that:
 - participates in a covered housing program of the Violence Against Women Act of 1994 or the rural housing voucher program; or
 - has a federally backed mortgage loan or a federally backed multifamily mortgage loan.

STATE-WIDE SPECIAL COURT RULES

Texas Supreme Court has ordered that:

- Eviction proceedings may resume.
- For eviction proceedings filed from March 27, 2020 through July 25, 2020, the petition must contain a statement that the premises are not subject to the moratorium on evictions imposed by Section 4024 of the CARES Act.
- There are no special rules regarding notices to vacate under the Supreme Court Orders.

SPECIAL COURT RULES

- All courts in Texas may – and must to avoid risk to court staff, parties, attorneys, jurors, and the public – without a participant’s consent:
 - modify or suspend any and all deadlines and procedures for a stated period ending no later than September 30, 2020;
 - allow or require anyone involved in a hearing to participate remotely, such as by teleconferencing, video conferencing, or other means;
 - consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, video conferencing, or other means;

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- require every participant in a proceeding to alert the court if the participant has or knows of another participant who has COVID-19 or COVID-19 symptoms or has been in close contact with a person with COVID-19;
- take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

EVICTION PROCESS FOR CARES PROPERTIES (FOR NONPAYMENT OF RENT CASES)

- Giving notice to vacate:
 - Wait for end of moratorium period (July 25, 2020).
 - Give 30-day notice to vacate.
- Filing eviction action:
 - Wait until after 30-day notice expires.
- Other considerations:
 - Do any local government (county or city) rules apply?
 - What court COVID-19 rules apply?

EVICTION PROCESS FOR NON CARES PROPERTIES

- Giving notice to vacate:
 - No special restriction on giving a notice to vacate.
 - 3-day notice to vacate required by state law.
- Filing eviction action:
 - Wait until after 3-day notice expires.
 - Eviction petition must contain a statement that the premises are not subject to the moratorium on evictions imposed by Section 4024 of the CARES Act.

CON'T

- Other considerations:
 - Do any local government (county or city) rules apply?
 - What court COVID-19 rules apply?

QUESTIONS

THANK YOU