

COVID-19 Emergency Orders Affecting Real Estate Texas

Last updated May 22, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

Note: No specific official action has been enacted at the state level in Texas or at the county level in Dallas, Harris or Travis Counties or at the city level in Dallas, Houston or Austin that would limit mortgage enforcement actions within their respective jurisdictions except for the impact of court closures and access to the court generally as a result of COVID-19.

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

March 19, 2020 (and amended April 6, 2020 and April 27, 2020) – Texas State – Statewide Moratorium on Residential Evictions [NOTE: Moratorium was lifted per May 14 order described above]:

- Emergency order issued by Texas Supreme Court on March 19, 2020 (and amended on April 6, 2020 and April 27, 2020) barring any action for eviction to recover possession of residential property until after May 18 (per the April 27 Amended Order) except for cases of imminent threat of physical harm or criminal activity. All deadlines for the same are tolled until after May 18, 2020. A writ of possession may issue but the required posting of the written warning and the execution of writ of possession may not occur until after May 25, 2020, and the deadlines for issuance of a writ of possession are tolled while the order is in effect.

March 19, 2020 Order: <https://www.txcourts.gov/media/1446203/209045.pdf>

April 6, 2020 Amended Order: <https://www.txcourts.gov/media/1446345/209052.pdf>

April 27, 2020 Amended Order: <https://www.txcourts.gov/media/1446470/209059.pdf>

May 14, 2020 – Texas State – Lifting of Statewide Moratorium on Residential Evictions:

- Emergency order issued by Texas Supreme Court on May 14, 2020 ordering that beginning May 19, 2020, eviction proceedings may resume and deadlines are no longer tolled, and beginning May 26, 2020, warnings may be posted and writs of execution may be executed. 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 expires July 25, 2020 unless otherwise extended.

<https://81db691e-8a8c-4e25-add9->

[60f4845e34f7.filesusr.com/ugd/64fb99_94a4b7a899094411811f5cdffd8aab25.pdf](https://81db691e-8a8c-4e25-add9-60f4845e34f7.filesusr.com/ugd/64fb99_94a4b7a899094411811f5cdffd8aab25.pdf)

Travis County (Austin) Moratorium on Evictions:

County Courts

April 10, 2020: The County Judge of Travis County issued an order prohibiting the issuance of Notices to Vacate except where the actions of the tenant or tenant's household members or guests pose an imminent threat of (a) physical harm to the property owner, property owner's employees, or other tenants or (b) criminal activity. The order also prohibits removal of property or exclusion of a tenant and seizure of a tenant's nonexempt property. A writ of possession may issue, but the posting of the required written warning and the execution of the writ of possession may not occur until after May 7, 2020. This order is effective April 10, 2020 until May 8, 2020.

<https://traviscountytexas.gov/images/docs/covid-19-notice-to-vacate-eviction-proceedings.pdf>

May 8, 2020: The County Judge of Travis County issued an Order extending the April 10, 2020 Order's prohibitions on issuance of Notices of Vacate, removal of property, exclusion of tenants and seizure of tenants' nonexempt property through June 1, 2020. A writ of possession may issue, but the posting of the required written warning and the execution of the writ of possession may not occur until after May 25, 2020.

<https://www.traviscountytexas.gov/images/docs/covid-19-order-9.pdf>

Justice Courts

- **March 17, 2020:** No eviction settings (both residential and commercial) will be held until after May 8, 2020 in Justice Courts. No writs of possession will be issued by a Justice Court until May 13, 2020.

<https://www.traviscountytexas.gov/images/docs/jp-covid-19-standing-order.pdf>

City of Austin – Moratorium on Evictions:

- **March 26, 2020:** Austin City Council passes a 60-day moratorium on evictions.
- **March 26, 2020:** Mayor of Austin orders that the following actions are prohibited until after May 8, 2020: (i) issuance of Notices to Vacate until after May 8, 2020 (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); (ii) removal of property or exclusion of tenant by a property owner; (iii) the seizure of a tenant's nonexempt property subject to a lien created under Texas Property Code Section 54.041.

<https://www.austintexas.gov/edims/document.cfm?id=337852>

<http://www.austintexas.gov/edims/document.cfm?id=337860>

- **May 7, 2020:** Mayor of Austin extends the moratorium on evictions through July 25, 2020, unless terminated, modified or modified by a subsequent order.

<http://www.austintexas.gov/sites/default/files/files/Order%2020200507-010.pdf>

Dallas County – Moratoriums on Evictions:

County Courts:

- **March 20, 2020:** All residential eviction hearings, trials and proceedings are suspended in Dallas County. All residential eviction deadlines are tolled until after April 19, 2020. Writs of possession may be issued but execution of the same may not occur until after April 26, 2020. Exceptions possible if court determines facts and grounds for eviction pose an imminent threat.

<https://www.dallascounty.org/Assets/uploads/docs/covid-19/closures/County-Courts-Information.pdf>

Justice Courts:

- **March 18, 2020:** Dallas County issued an order advising justices of the peace to, "suspend eviction hearings and writs of possession for at least the next 60 days to prevent renters from being displaced and to prevent the potential spread of COVID-19." The order makes no distinction between residential and commercial evictions.

<https://www.dallascounty.org/Assets/uploads/docs/judge-jenkins/covid-19/March18-AmendedOrder-SummaryofChanges.pdf>

Harris County (Houston) – Moratoriums on Evictions:

County Courts:

- **March 20, 2020 (and Amended April 24, 2020):** Emergency Order effective through May 15, 2020 (as extended pursuant to the April 24 Second Emergency Order): All proceedings related to evictions are suspended unless there is an imminent threat of criminal activity or physical harm to plaintiff, plaintiff's employees or other tenants. The order makes no distinction between residential and commercial evictions.

March 20, 2020 First Emergency Order:

<http://www.ccl.hctx.net/civil/Harris%20County%20Civil%20Courts%20at%20Law%20First%20Emergency%20Order.03202020.pdf>

April 24, 2020 Second Emergency Order:

<http://www.ccl.hctx.net/civil/Harris%20County%20Civil%20Courts%20at%20Law%20Second%20Emergency%20Order.pdf>

Justice Courts:

- **March 23, 2020 (and Amended April 6, 2020 and April 30, 2020):** All Eviction Dockets scheduled to begin between March 23, 2020 and May 18, 2020 (as extended pursuant to the April 30 Amended Order) are suspended.

March 23, 2020 Order: <http://www.jp.hctx.net/March%2023%20standing%20order%20signed.pdf>

April 6, 2020 Amended Order:

<http://www.jp.hctx.net/April%206%20standing%20order%20signed.pdf>

April 30, 2020 Amended Order:

<http://www.jp.hctx.net/info/April%2030%20standing%20order%20signed.pdf>

May 19, 2020 Announcement:

Harris County Justice Courts announce that they will begin issuing citations in residential eviction matters on May 19, 2020. For eviction proceedings filed from March 27, 2020 through July 25, 2020, the petition for eviction must contain a statement that the premises is not subject to the moratorium on evictions imposed by §4204 of the CARES Act.

<http://www.jp.hctx.net/>

NON-ESSENTIAL BUSINESS RESTRICTIONS / SHELTER IN PLACE ORDERS

March 31, 2020 – Texas State – Executive Order to Minimize Social Contact:

- Texas Governor issued an Executive Order ordering every person in Texas to minimize social gatherings and minimize in-person contact with people who are not in the same household, except where necessary to provide or obtain essential services. The Order is in effect from April 2, 2020 through April 30, 2020 and subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and White House Coronavirus Task Force.

[https://gov.texas.gov/uploads/files/press/EO-GA-](https://gov.texas.gov/uploads/files/press/EO-GA-14_Statewide_Essential_Service_and_Activity_COVID-19_IMAGE_03-31-2020.pdf)

[14_Statewide_Essential_Service_and_Activity_COVID-19_IMAGE_03-31-2020.pdf](https://gov.texas.gov/uploads/files/press/EO-GA-14_Statewide_Essential_Service_and_Activity_COVID-19_IMAGE_03-31-2020.pdf)

March 31, 2020 – Executive Orders Allowing Re-Opening of Select Services / Businesses:

- **April 17, 2020:** Texas Governor issued an Executive Order allowing for the re-opening, beginning on Friday, April 24, of retail businesses/services that are not “essential services,” but that may be provided through pickup, delivery by mail, or delivery to the customer’s doorstep. The Order also states that schools shall not be re-opened before the end of the 2019-2020 school year. The Order is in effect through April 30, 2020 and subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and White House Coronavirus Task Force.

<https://lrl.texas.gov/scanned/govdocs/Greg%20Abbott/2020/GA-16.pdf>

- **April 27, 2020:** Texas Governor issued an Executive Order allowing for the re-opening, beginning Friday, May 1, of additional businesses/services not otherwise deemed “essential services”, including but not limited to in-store retail services for retail establishments operating at up to 25% of total listed occupancy, dine-in restaurants operating at up to 25% of total listed occupancy (provided the same have less than 51% of their gross receipts from the sale of alcohol), movie theaters operating at up to 25% total listed occupancy, and shopping malls operating at up to 25% total listed occupancy (provided that food-court dining areas, play areas and interactive displays must remain closed). Notwithstanding the foregoing, for Texas counties that have filed with the Texas Department of State Health Services and are in compliance with the requisite attestation form regarding five (5) or fewer cases of COVID-19, the businesses permitted to re-open may operate at up to 50% total listed occupancy (as opposed to 25%). Local government operations, including county and municipal governmental operations relating to permitting, recordation and document-filing services may also re-open as determined by local government.

https://gov.texas.gov/uploads/files/press/EO-GA-18_expanded_reopening_of_services_COVID-19.pdf

- **May 5, 2020:** Texas Governor issued an Executive Order (Order GA-21) allowing for the re-opening of certain additional businesses/services not otherwise deemed “essential services”, including, but not limited to, barbershops and nail and hair salons (which can reopen on Friday, May 8) and gyms operating at up to 25% of total listed occupancy (which can reopen on Monday, May 18), in each case, subject to compliance with certain restrictions.

<https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-to-expand-openings-of-certain-businesses-and-activities>

- **May 18, 2020:** Texas Governor issued an Executive Order (GA-23) allowing for the phased reopening of certain additional businesses/services deemed “Covered Services”, in each case, subject to certain conditions. Such Covered Services include, but are not limited to, child care centers, office buildings (offices can reopen with up to 10 employees or up to 25 percent of its work force), youth clubs, massage and personal-care centers, and beauty services. Starting May 22, 2020 (except May 29, 2020 for Deaf Smith, El Paso, Moore, Potter, and Randall counties), certain additional businesses may reopen including, but not limited to, dine-in restaurants operating at up to 50% total listed occupancy, bars operating at up to 25% total listed occupancy, and amateur sporting events provided no access to the general public and all participants have tested negative for COVID-19. On May 31, 2020 certain professional sporting events may resume with no spectators physically present at the venue. On June 1, 2020, schools may begin offering summer school programs, but are limited to only 10 students per classroom. This order will remain in effect through June 3, 2020, subject to extension.

https://gov.texas.gov/uploads/files/press/EO-GA-23_phase_two_expanding_opening_COVID-19.pdf

March 24, 2020 (and amended April 13, 2020 and May 8, 2020) - City of Austin – Stay at Home Order:

- The Mayor of Austin issued an order, effective March 24, 2020 through May 30, 2020 (per the May 8 Amended Order), that residents of Austin must stay at their place of residence except for Essential Activities, to perform Essential Government Functions, or operate Essential Businesses or Critical Infrastructure. Non-Essential Business operations within Travis County must cease except for Minimum Basic Operations and working from home. Pursuant to the May 8 Order, Reopened Services (as defined in the Governor of Texas’s Executive Order GA-21) may operate in compliance with certain limitations. All deadlines imposed by City Code, ordinance rule, or other regulation are suspended until May 30, 2020.

March 24, 2020 Order: <https://www.austintexas.gov/sites/default/files/2020-03/Order%2020200324-007%20-%20Stay%20Home%20-%20Work%20Safe%20%28OCR%20v2%29.pdf>

April 13, 2020 Order: http://www.austintexas.gov/sites/default/files/files/document_96DEBEEC-E581-05E0-8A3D444404948A84.pdf

May 8, 2020 Order: <http://www.austintexas.gov/sites/default/files/files/Order%2020200508-011.pdf>

March 24, 2020 (and amended April 13, 2020 and May 8, 2020) - Travis County (Austin) – Stay at Home Order:

- Travis County Judge issued an order, effective March 24, 2020 through June 15, 2020 (per the May 8 Amended Order), that residents of Travis County must stay at their place of residence except for Essential Activities, to perform Essential Government Functions, or operate Essential Businesses or Critical Infrastructure. Non-Essential Business operations within Travis County must cease except for Minimum Basic Operations and working from home. Pursuant to the May 8 Order, Reopened Services (as defined in the Governor of Texas’s Executive Order GA-21) may operate in compliance with certain limitations. All deadlines imposed by local law, rule or other regulation are suspended until June 15, 2020.

<https://traviscountytexas.gov/images/docs/200314-gathering-order.pdf>

March 24, 2020 – Dallas County – Stay at Home Order:

- Shelter-in-Place: Stay Home, Stay Safe order issued by County Judge; effective March 24, 2020 through April 3, 2020.

<https://www.dallascounty.org/Assets/uploads/docs/judge-jenkins/covid-19/03242020-AmendedOrder-FINAL.pdf>

<http://www.ci.desoto.tx.us/DocumentCenter/View/16279/March-29-Order-Summary-of-Changes?bidl=>

April 3, 2020 (and amended April 6, 2020, April 23, 2020, May 4, 2020, May 8, 2020 and May 20, 2020) – Dallas County – Stay at Home Order Extended:

- Shelter-in-Place: Stay Home, Stay Safe order extended through May 15, 2020. Certain Reopened Services not otherwise deemed “essential services”, including, but not limited to, barbershops and nail and hair salons (which can reopen on Friday, May 8) and gyms operating at up to 25% of total listed occupancy (which can reopen on Monday, May 18) are permitted to resume business in Dallas County, in each case, subject to compliance with certain restrictions pursuant to the May 8 Supplemental Order.

April 3 Order: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/040320-AmendedOrder.pdf>

April 6 Amended Order: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/040620-AmendedOrder.pdf>

April 23 Amended Order: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/042320-DallasCountyOrder.pdf>

May 4 Supplemental Order: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/050120-Supplemental-DallasCountyOrderonReopenedServices.pdf>

May 8 Supplemental Order: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/050820-SupplementalDallasCountyOrderonReopenedServices.pdf>

May 20 Supplemental Order: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/052020-SupplementalOrderonContinuingRequirements.pdf>

City of Dallas – Stay at Home Order:

- **March 30, 2020:** Dallas Mayor adopted the Stay at Home Order issued by the Dallas County Judge as Emergency Regulations for the City of Dallas with certain minor exceptions and additions.
[https://dallascityhall.com/DCH%20Documents/covid19/Third%20Amended%20Emergency%20Regulations%20\(Ordinance%2031496\).pdf](https://dallascityhall.com/DCH%20Documents/covid19/Third%20Amended%20Emergency%20Regulations%20(Ordinance%2031496).pdf)
- **May 1, 2020:** Dallas City Manager promulgated Emergency Regulations to allow for Reopened Services (as defined in the Texas Governor’s Executive Order GA-18) to conduct business in the City of Dallas.
http://citysecretary2.dallascityhall.com/pdf/meetings/050120_ORD.pdf
- **May 8, 2020:** Dallas City Manager promulgated Emergency Regulations to allow for Reopened Services (as defined in the Texas Governor’s Executive Order GA-21) to conduct business in the City of Dallas, provide clarification on calculation of occupancy limits for Reopened Services and adopt certain Minimum Standard Health Protocols.
<https://dallascityhall.com/DCH%20Documents/covid19/Sixth%20Amended%20Regulations.pdf>

Harris County (Houston) – Stay at Home Order:

- **March 24, 2020:** Harris County Stay at Home Order extended through April 30, 2020. Residents of Harris County must stay at their place of residence except for Essential Activities, to perform Essential Government Functions or operate Essential Businesses. Businesses other than Essential Businesses must cease activities at facilities located within Harris County.
<http://houstontx.gov/mayor/press/2020/second-covid-19-test-site.html>
<https://www.readyharris.org/Portals/60/documents/03-24-20-Stay-Home-Work-Safe-Order-by-the-County-Judge.pdf?ver=2020-03-24-150732-793>
- **May 1, 2020:** Harris County Judge issued an order permitting Essential Services and Reopened Services (as defined in the Texas Governor’s Executive Order GA-18) to operate in Harris County. Notwithstanding the foregoing, (i) every person in the County shall, except when necessary to provide or obtain Essential Services or Reopened Services, minimize social gatherings and minimize in-person contact with people who are not in the same household, and (ii) businesses may continue operations consisting exclusively of employees or contractors working from home. This order is effective May 1, 2020 through May 20, 2020 or until it is rescinded, superseded or amended.
<https://www.readyharris.org/Stay-Safe>
- **May 8, 2020:** Harris County Judge issued an order permitting Essential Services and Reopened Services (as defined in the Texas Governor’s Executive Order GA-21) to operate in Harris County. Notwithstanding the foregoing, (i) every person in the County shall, except when necessary to provide or obtain Essential Services or Reopened Services, minimize social gatherings and minimize in-person contact with people who are not in the same household, and (ii) businesses may continue operations consisting exclusively of employees or contractors working from home. This order is effective May 1, 2020 through May 20, 2020 or until it is rescinded, superseded or amended.

<https://www.readyharris.org/Portals/60/documents/05-08-20-third-amended-order.pdf?ver=2020-05-08-180603-337> <https://www.readyharris.org/Portals/60/documents/03-24-20-Stay-Home-Work-Safe-Order-by-the-County-Judge.pdf?ver=2020-03-24-150732-793>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<https://www.txcourts.gov/media/coronavirus-covid-19-emergency-orders/>

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=TX>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company.

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

DELINQUENT PROPERTY TAX ENFORCEMENT MORATORIUM

March 23, 2020 - Travis County (Austin) - Moratorium on Delinquent Property Tax Actions:

- The Travis County Tax Office will temporarily stop taking new legal action against those with delinquent property taxes although state penalties and interest will continue to accrue on amounts owed.

https://tax-office.traviscountytx.gov/files/about-us/news-pr/2020/news-200323.pdf?fbclid=IwAR04Vx9FTZuKHymjRf8KD_JFpDLzkmnWKjDRi-zk2goecxotDwn6B7WL020

March 30, 2020 - Harris County (Houston) - Delinquent Property Tax Payment Plan

Extension:

- Harris County Tax Office is providing a three-month extension of all 12-month delinquent property tax payment plans. Property owners with 12-month installment payment plans will not be required to make payments for March, April or May 2020. Applicable late fees must still be assessed to all extended delinquent property tax payment plans.

<https://www.readyharris.org/Newsroom/News-Releases/All-News-Releases/harris-county-tax-office-harris-county-tax-office-gives-property-owners-a-three-month-break-in-del>

Note: Neither the state of Texas nor any jurisdictions related to Dallas have enacted similar moratoriums with respect to delinquent property tax enforcement actions (not taking into account the impact of court closures and access to the court generally as a result of COVID-19).

REMOTE NOTARIZATION

- Texas permits online notarization of documents pursuant to Tex. Gov't Code §406.107 et seq. regardless of whether or not the principal is physically located in the state at the time of the online notarization provided certain other notarization formalities are met.
- **April 27, 2020:** The Governor of Texas has suspended a statute (§121.006(c)(1) of the Texas Civil Practice & Remedies Code) concerning appearance before a notary public to acknowledge real-estate instruments such as mortgages, subject to certain notarization formalities. This suspension temporarily allows for appearance before a notary public via videoconference when executing such documents, avoiding the need for in-person contact during the COVID-19 pandemic. The suspension does not prevent traditional notarization or online notarizations under §406 of the Texas Government Code. This suspension is in effect until the earlier of May 30, 2020 or the termination of the March 13, 2020 disaster declaration.

<https://gov.texas.gov/news/post/governor-abbott-temporarily-allows-for-appearance-before-notary-public-via-videoconference-for-real-estate-instruments>

https://gov.texas.gov/uploads/files/press/Office_of_the_Attorney_General.pdf