

CITY OF DALLAS COVID-19 STATE OF DISASTER LANDLORD - TENANT FAQs

These landlord tenant FAQs are meant to provide information about the various Court and County Emergency Orders in effect in the City of Dallas regarding evictions. They are not legal advice. Contact an attorney for any legal advice.

ARE EVICTIONS BEING PROCESSED IN THE CITY OF DALLAS DURING THIS DISASTER?

In response to the COVID-19 pandemic, the Texas Supreme Court, through a series of emergency orders, has:¹

- halted most residential eviction hearings until after April 30, 2020.
- halted the writs of possession (*also known as the 24-hour Notice to Tenant to Leave*) from being posted and enforced by an officer to legally remove a tenant until after May 7, 2020.
- not halted eviction case hearings involving physical violence or criminal activity (“Emergency Relief”); and
- not halted new eviction case filings but has postponed hearings and citation of service to the tenant until after April 30, 2020.

In addition to the Texas Supreme Court’s Emergency Orders (“Texas Supreme Court Orders”), the following counties, in which the City of Dallas is located, have issued similar orders as follows:

- **Collin:**
 - Has halted eviction case hearings until after May 8, 2020.
 - Has halted actions to remove tenants (writ of possession) until on or after May 8, 2020.
 - Action by a tenant to gain re-entry to their residence can still be heard by courts during the order period.
 - New eviction case filings can occur electronically but will not be set for hearing until after May 8, 2020.
- **Dallas:**
 - Has halted eviction case hearings for at least 60 days from March 18, 2020.
 - Has halted actions to remove tenants (writ of possession) for 60 days from March 18, 2020.
 - Action by a tenant to gain re-entry to their residence can still be heard by courts during the order period.
 - New filings may be accepted, but issuance and service of citation may not occur until after April 19, 2020 (The date is effectively extended to April 30, 2020 by the 9th Emergency Order of Texas Supreme Court).
- **Denton:**
 - Has halted eviction case hearings until after May 3, 2020.

¹ Texas Supreme Court Orders regarding evictions were issued on March 19th and April 6th, 2020.

- Has halted actions to remove tenants (writ of possession) until on or after April 27, 2020 (The date is effectively extended to May 7, 2020 by the 9th Emergency Order of Texas Supreme Court).
- Court filings by a tenant to gain re-entry to residence can still be heard by courts during the order period.
- New eviction case filings will be accepted, but not processed for service of citation to tenant until on or after April 20, 2020 (The date is effectively extended to April 30, 2020 by the 9th Emergency Order of Texas Supreme Court).
- **Kaufman:**
 - Has halted eviction case hearings until on or after April 19, 2020 (The date is effectively extended to April 30, 2020 by the 9th Emergency Order of Texas Supreme Court).
 - Has halted actions to remove tenants (writ of possession) until on or after April 19, 2020 (The date is effectively extended to May 7, 2020 by the 9th Emergency Order of Texas Supreme Court).
 - Eviction case hearings regarding Emergency Relief will be held.
 - Parties must contact each court regarding any scheduling.
- **Rockwall:**
 - Has halted eviction case hearings until after April 19, 2020 (The date is effectively extended to April 30, 2020 by the 9th Order of Texas Supreme Court).
 - Has halted actions to remove tenants (writ of possession) for 60 days from March 18, 2020.
 - Action by a tenant to gain re-entry to their residence can still be heard by courts during the order period.
 - Eviction case hearings regarding Emergency Relief will be held.

ARE COURT ACTIONS TO REMOVE TENANTS FROM A RESIDENCE THROUGH A WRIT OF POSSESSION BEING PROCESSED DURING THIS DISASTER?

- While the Texas Supreme Court Orders and County Orders remain in place, even if a writ of possession has already been issued against the tenant, it **cannot** be enforced to remove the tenant; **UNLESS** the court issued the writ because of the tenant posing a threat or being engaged in criminal activity.

A writ of possession is a document issued by the court after the landlord wins an eviction case. The writ of possession is served on the tenant by the sheriff or other officer. The writ gives the tenant a 24-hour notice to leave before the officer will return to assist landlord to forcibly remove the tenant.

WHEN WILL THE COURTS START TO HEAR EVICTION CASES AGAIN?

- Under the Texas Supreme Court Orders, eviction cases can be heard starting on April 30, 2020. This might change if the Texas Supreme Court Orders are extended.
- The County timeframes listed above may extend out beyond the Texas Supreme Court Order.

HOW ARE HOTELS IMPACTED BY THE TEXAS SUPREME COURT AND COUNTY ORDERS?

- Hotel resident or hotel manager should consult with an attorney as to the order.

DO THE TEXAS SUPREME COURT ORDERS AND COUNTY ORDERS APPLY TO COMMERCIAL PROPERTIES?

- The Texas Supreme Court Orders only apply to residential property at this time.
- All the County Orders halt all eviction cases and do not expressly exclude commercial property.
- Collin County expressly states it applies to both commercial and residential property.

DO THE TEXAS SUPREME COURT ORDERS AND COUNTY ORDERS APPLY TO THE COLLECTION/PAYMENT OF RENT?

- Nothing in the Texas Supreme Court or County Orders releases a tenant from the tenant's obligation to pay rent.
- Eviction cases for nonpayment of rent may still be filed by landlords during the Order periods, but the service of citation and setting of hearings are halted during the Texas Supreme Court and applicable County Order periods.

DO THE TEXAS SUPREME COURT ORDERS AND COUNTY ORDERS APPLY TO LATE FEES FOR PAST DUE RENT?

- Nothing in the Texas Supreme Court Orders and other County Orders (with the exception of Dallas County's) apply to past due rent.
- Under the Dallas County Order, landlords are advised to cap late fees for delayed payment of rent at fifteen dollars (\$15) per month.

DO THE TEXAS SUPREME COURT ORDERS AND COUNTY ORDERS APPLY TO PUBLIC HOUSING AUTHORITY PROPERTY, FEDERALLY SUBSIDIZED PROPERTY, AFFORDABLE HOUSING PROPERTY, OR THOSE WHO USE HOUSING CHOICE VOUCHERS?

- The Texas Supreme Court Orders and County Orders do not address.
- The CARES ACT passed by Congress in response to COVID-19 halts evictions on all properties receiving financing from federal government until July 25, 2020. These properties include Section 8 or any other participating in a federal voucher program; properties that have been partially purchased by or received Fannie Mae or Freddie Mac loans; and properties that benefit from any other HUD or other federal program.

RESOURCES FOR INFORMATION

- **Renter information:**
 - www.taa.org
 - Texas Tenants Union, txtenants.org - 214-823-2733

- **General information on COVID-19:** Centers for Disease Control and Prevention (CDC)

- **Legal assistance:**
 - Legal Aid of Northwest Texas, lanwt.org - 214-748-1234
 - Dallas Bar Lawyer Referral - 214-220-7400
 - Collin County Bar Association, admin@collincountybar.org
 - Denton County Bar Association, dentonbar.com/contact-us/ - 940-320-1500
 - Rockwall County Bar Association, info@rockwallbar.com - 972-771-1162
 - Kaufman County Bar Association, kaufmanbar.org