

Warning to the tenant about the CDC moratorium: ***The Centers for Disease Control issued an order stopping some evictions. You may be able to stop your eviction if you sign the attached Declaration under Penalty of Perjury for the Centers for Disease Control and Prevention's Temporary Halt in Evictions to Prevent Further Spread of COVID-19 and provide it to your landlord and the court. Before signing the Declaration, read it carefully and make sure all the statements are true. The Declaration is sworn, meaning you can be prosecuted, go to jail, or pay a fine if any of the statements are not true. Find out more about the order at TexasLawHelp.org.*** See below to download the verification.

On September 1, the CDC released an order ([Click here](#) to read the order) creating a federal moratorium on residential evictions for nonpayment of rent (or other amounts due under the lease) for "covered persons" from September 4 through December 31, 2020.

This order is not a continuation of the CARES Act. It does not matter for purposes of this order whether a property has a federally-backed mortgage or participates in any sort of voucher or subsidy program.

On September 17, the Texas Supreme Court issued its 25th Emergency Order related to this moratorium.

In all residential eviction cases, the landlord must include in an original or amended petition whether or not:

1. The premises are a "covered dwelling" under Section 4024 of the CARES Act;
2. The plaintiff is a multifamily borrower in forbearance under Section 4023 of the CARES Act;
3. The plaintiff provided a 30 day notice to vacate as provided by Sections 4024(c) and 4023(e) of the CARES Act; **and**
4. The defendant has provided a Declaration under the CDC moratorium.

This requirement applies to ALL evictions, even though the CDC moratorium and the 30 day notice to vacate under the CARES Act only apply to evictions for nonpayment. (See below to download this affidavit).

If a Declaration has been provided to the landlord, the court **may not** proceed unless the judge holds a hearing to determine whether they can proceed and enters a written order detailing why the case may proceed.

If a tenant provides a Declaration after an eviction suit is filed, they **must** file it with the court and serve it on the plaintiff. The court **must** then abate the case unless the plaintiff contests the Declaration and the court holds a hearing as described above. See below for a Contest of Defendant's Declaration form.

If a deputy executing a writ of possession in a nonpayment of rent eviction on or after September 4, 2020, discovers that a tenant claims to have delivered a Declaration to the landlord, the deputy should **immediately** notify the court of the Declaration and wait for an order from the court to resume execution of the writ.

The court should expedite a hearing on the matter, and if a valid Declaration was delivered, should abate the case until the moratorium expires.

1. Click [Here](#) for the Declaration form
2. Click [Here](#) for a CARES/CDC moratorium affidavit, which a landlord may file to meet the requirements of the 25th Emergency Order.
3. Click [Here](#) for a Contest of Defendant's Declaration.