



IN THE JUSTICE OF THE PEACE COURTS,  
BEXAR COUNTY, TEXAS

FOURTH ORDER REGARDING COURT PROCEEDINGS  
PENDING COVID-19 STATE OF EMERGENCY

Governor Abbott has declared a state of disaster in the State of Texas in response to the imminent threat of the COVID-19 pandemic. Given the severity of the risk of the spread of COVID-19, the Justice of the Peace Courts of Bexar County hereby enter the following Order pursuant to Section 27.061 of the Texas Government Code so as to ensure the efficient administration of eviction cases to be heard in Bexar County.

It is therefore **ORDERED** that:

1. In any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure:
  - a. a sworn original, amended, or supplemental petition containing “a description of the facts and grounds for eviction” required by Texas Rule of Civil Procedure 510.3(a)(2) must state whether or not:
    - i. the premises are a “covered dwelling” subject to Section 4024 of the CARES Act;
    - ii. the plaintiff has provided the defendant with 30 days’ notice to vacate under Section 4024(c) of the CARES Act;
    - iii. the defendant has provided the plaintiff with a declaration under the Centers for Disease Control and Prevention’s agency order effective September 4, 2020, titled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, as extended by Section 502 of the Consolidated Appropriations Act, 2021, as further extended and modified by the Centers for Disease Control and Misc. Docket No. 21-9011 Page 2 Prevention’s agency order effective January 31, 2021, titled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 (“CDC Order”) and as further extended and modified by the Centers for Disease Control and Prevention, Department of Health and Human Services, Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, titled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, effective April 1, 2021; and
    - iv. the premises are a property securing an FHA-insured Single Family mortgage;

2. If a defendant provides the CDC Declaration or a similar declaration to the plaintiff after a petition is filed, the justice court will abate the eviction action, including the issuance and execution of any writ of possession under Texas Rule of Civil Procedure 510.8(d), except as provided in Paragraph 3.
3. An eviction action covered by Paragraph 2 may nevertheless proceed if, but only if:
  - a. the plaintiff contests the defendant's declaration or the CDC Order;
  - b. the judge holds a hearing to determine whether the action should proceed; and
  - c. the judge determines that the action should proceed.

This Order establishing temporary local rules of administration during the Pandemic is designed to provide an efficient process for continuing the resolution of eviction cases during the pending state of emergency.

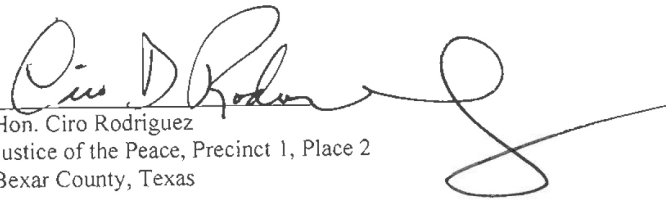
Nothing in this Order affects the ability of each Justice of the Peace Court's inherent discretion to further adjust and/or modify each Court's own dockets and Court Operations.

Because the current situation remains fluid and evolving, the Courts may modify and/or extend the terms of this Order. Otherwise, this Order will remain in effect through June 30, 2021.

**SIGNED, ENTERED AND ORDERED this 7<sup>th</sup> day of April, 2021.**




Hon. Robert Tejada  
Justice of the Peace, Precinct 1, Place 1  
Bexar County, Texas



Hon. Ciro Rodriguez  
Justice of the Peace, Precinct 1, Place 2  
Bexar County, Texas

*Roberto Vasquez by permission*



Hon. Roberto A. Vasquez  
Justice of the Peace, Precinct 2, Place 1  
Bexar County, Texas



Hon. Jeff Wentworth  
Justice of the Peace, Precinct 3, Place 1  
Bexar County, Texas



Hon. Rogelio Lopez, Jr.  
Justice of the Peace, Precinct 4, Place 1  
Bexar County, Texas