

All residential eviction petitions must include a statement from the plaintiff whether or not:

- 1) the plaintiff has reviewed the Texas Eviction Diversion Program (TEDP) website;
- 2) the premises secure an FHA-insured single-family mortgage;
- 3) the premises is a covered dwelling under Section 4024 of the CARES Act;
- 4) a 30-day notice to vacate was given as required by Section 4024 of the CARES Act; and
- 5) the defendant has provided a CDC moratorium Declaration to the plaintiff.

All hearings **must** be held remotely unless prevented by issues outside of the control of the court/parties. Procedures/deadlines may be modified if needed, and **must** be if necessary to protect public health/safety.

Enter an order that the case may proceed since it is not based on nonpayment. Issue a citation containing the warnings about the CDC moratorium and TEDP, with the Declaration form, TEDP brochure, and your order attached.

Proceed as normal with the eviction. Standard Notice to Vacate rules will apply. Back rent **may not** be awarded.

A citation may not issue until the moratorium expires unless the landlord is contesting the Declaration. If the landlord contests, schedule a contest hearing, and issue a citation with the CDC moratorium and TEDP warnings, with the TEDP brochure and a hearing notice explaining the process (TJCTC form available) attached.

Has a Declaration been provided **before** citation was issued?

Is the case based totally or partially on nonpayment?

Issue a citation containing the warnings about the CDC moratorium and Texas Eviction Diversion Program, with the Declaration form and TEDP brochure attached.

Hold a hearing on the contest. Issue an order for the case to be abated until the end of the moratorium if the Declaration is valid, or an order for the case to proceed if it is not valid. Proceed to the next square **only if Declaration is not valid.**

Is the case based on nonpayment?

Abate the case until the moratorium expires or until the landlord contests the validity of the Declaration. If contested, proceed to next box.

The parties must be asked if they wish to participate in the Texas Eviction Diversion Program (scripts available). Do they wish to participate?

Proceed as normal with the eviction. If a Declaration is filed, enter an order that the case may proceed since it is not based on nonpayment. Standard Notice to Vacate rules will apply.

Enter an order abating the case for 60 days and making all records confidential.

Has a Declaration been provided?

Hold a hearing on the contest. Issue an order for the case to be abated until the end of the moratorium if the Declaration is valid, or an order for the case to proceed if it is not valid. If not valid, set the case for trial. At trial, if the premises is a CARES Act "covered dwelling" a 30 day notice to vacate is required.

Proceed as normal with the eviction. If a Declaration is filed, abate the case unless the landlord contests, in which case follow the arrow. Otherwise, at trial, if the premises is a CARES Act "covered dwelling" a 30 day notice to vacate is required.

If plaintiff doesn't make a motion to reinstate within 60 days, dismiss the case with prejudice. If they do, order the records are no longer confidential and set the case for trial. At trial, If the premises is a CARES Act "covered dwelling" a 30 day notice to vacate is required.