

- **Texas Eviction Diversion Program - Updated 11/9/20**

- **What is the Eviction Diversion Program? - Updated 11/9/20**

The Texas Supreme Court, in conjunction with an order from Gov. Abbott and with the Texas Department of Housing and Community Affairs has created the Texas Eviction Diversion Program, which is designed to curb a surge of COVID-related evictions, assist vulnerable tenants, and provide an alternative to eviction for landlords.

The Supreme Court has issued its 28th Emergency Order that outlines some of the provisions and procedures. You can read that order [here](#). ***The program began on Oct. 12 for certain pilot counties, and Jan. 1 statewide.***

Eligibility for the program will be determined by the Texas Department of Housing and Community Affairs (TDHCA). See their page [here](#) for more information.

OCA maintains a page on the program with more information, located [here](#).

- **Eviction Diversion Program Forms and Documents - Updated 11/9/20**

Click below for updated forms, ***which should only be used once the program is effective in your county, currently scheduled for January 1, 2021, for counties not in the pilot program:***

[Affidavit](#)

[Petition](#)

[Citation](#) - now including TEDP warning in Spanish

[Brochure](#) - available in ten languages [here](#).

[Script](#) to read to parties explaining the program.

[Written notice](#) that may be sent by mail or electronically to parties explaining the program.

[Order Abating an Eviction Case](#)

[Order Making Eviction Records Confidential](#)

[Order Dismissing an Eviction Case \(TEDP\)](#)

[Order Reinstating an Eviction Case \(TEDP\)](#)

- **Eviction Diversion Program Court Procedure and Requirements - Updated 11/9/20**

Note that these procedures should be followed starting on the date that your county is participating, which is October 12 for pilot counties and currently January 1 statewide.

Forms and Documents

The program requires additional language for petitions and

citations in eviction cases, for the landlord to swear that they have reviewed the program website (<https://www.txcourts.gov/programs-services/eviction-diversion-program/>) and to notify the tenant of their rights under this program. TJCTC has developed sample citation and petition forms that meet these requirements. Additionally, a brochure developed by TDCHA must be attached to the citation that is sent out to the tenant. Please see the Forms and Documents section in this FAQ on the Diversion Program to download the forms and brochure.

Discussion of the Program with Parties

The judge must discuss the program with parties at an eviction trial. TJCTC has developed a sample script to use. [Click here](#) for the script for reading to the parties and [here](#) for a written notice to send to parties.

Procedure if Parties are Participating

If both parties wish to participate, the court places the case on a 60-day hold and ***makes all documents related to the case confidential and unavailable to the public.***

Procedure to Reinstate the Case

At any time during the 60 day period, the landlord may file a motion to reinstate (which should also be served on the tenant). The court then issues a written order that reinstates the case and states the procedure for the case to proceed. ***Note that there may be a CDC declaration in place that prevents the case from moving forward.*** If not, the trial should be held within 21 days of the reinstatement. Also, all records related to the case should be made available to the public again.

Procedure if no Reinstatement Filed

If no reinstatement motion is filed, the court must dismiss the case at the end of the 60 day period, and all records remain confidential. The case is dismissed with prejudice, meaning this same specific claim may not be re-filed, but the landlord may file a new eviction case based on breaches of the lease other than nonpayment occurring during or after participation in the program, or based on nonpayment of rent **due after the 60 day window.**

- **Supreme Court Emergency Orders - Updated 11/9/20**
 - **Currently Active Supreme Court Emergency Orders - Updated 11/9/20**

To help courts determine which orders are currently active, this section will provide those orders, with a link to read the full text, along with a brief description of the effects of the orders. For complete details on how the orders affect specific types of cases, please see the other topic sections on this page.

25th Emergency Order - Effective September 17, expires

December 15. Requires plaintiffs in residential eviction cases to include information in the petition about whether the CARES Act applies to the suit and if proper notice to vacate was given, as well as whether a CDC eviction moratorium Declaration has been provided to the landlord. Provides procedure for cases where a Declaration has been provided, and requires courts to send a copy of the Declaration along with a citation containing information about the moratorium. See the Eviction Cases and CDC Moratorium sections for more information. ([click here to read](#))

26th Emergency Order - Effective October 1, expires

December 1. Broad order extending the previous authorization of delay/modification of procedures when necessary due to COVID-19 through December 1; prohibiting in-person (but not virtual) jury trials in justice court until December 1; and requiring courts to follow OCA guidance related to in-person proceedings. See the sections on guidance for in-person and remote hearings for more information ([click here to read](#)).

28th Emergency Order - Effective October 12 for pilot counties designated before October 12; date of designation for pilot counties designated after October 12; January 1, 2021 statewide; expires February 1, 2021.

This order outlines the Texas Eviction Diversion Program, which is designed to curb a surge of COVID-related evictions, assist vulnerable tenants, and provide an alternative to eviction for landlords ([click here to read](#)). Eligibility for the program will be determined by the Texas Department of Housing and Community Affairs (TDHCA).

Please see the Diversion Program FAQ section above for full information and to download the forms and documents related to the program.

○ **Practical Guide and FAQ for the Supreme Court Orders - Updated 10/7/20**

This guidance on the Supreme Court's Emergency Orders was written by the COVID-19 Justice Court Workgroup created by the

Texas Supreme Court to help address issues that face justice courts during the pandemic. It has been updated to be current through October 7, 2020.

[Click here](#) to download the guide.