

El Paso County Guidance on Residential Evictions During COVID-19

On March 17th, El Paso County Judge Ricardo A. Samaniego signed Emergency Order No. 5. Section 4 of Order Number 5 provides that “no landlord shall evict a tenant for lack of payment while Order No. 5 is in effect”. The County Judge further declared that evictions were not essential and suspended evictions for the next 30 days or until Emergency No. 5 was lifted. Order Number 5 has not been lifted and therefore is currently in effect.

What is the purpose of the Order?

The County enacted protections into its Order that seek to protect tenants from eviction during this pandemic. These protections include that landlords may not give notices to vacate except for situations involving physical harm and criminal activity.

What does this mean for residential tenants?

Individuals may not be evicted from their residence for lack of payment. However, even though individuals may not be evicted from their residence, **TENANTS ARE STILL OBLIGATED TO PAY THEIR RENT AND FOLLOW ALL LEASE REQUIREMENTS. IT DOES NOT FORGIVE RENTS OR CONTRACTURAL LATE FEES/INTEREST. NOT PAYING YOUR RENT COULD PUT YOU AT A GREATER FINANCIAL RISK. CONTACT YOUR LANDLORD FOR POTENTIAL PAYMENT OPTIONS IF YOU ARE UNABLE TO PAY IN FULL WHEN RENT IS DUE.** The Texas Supreme Court and El Paso County Justices of the Peace will continue to accept filings regarding failure to pay by tenants, however eviction hearings and procedures will not issue until after May 8, 2020 (**NOTE this date is subject to change as courts continue to monitor the COVID-19 situation**).

How does the Order define residence?

Per the Order a residence includes hotels, motels, shared rental units, and similar facilities.

What does this mean for landlords or tenants who believe that criminal activity is taking place at the residence?

If a landlord or tenant believes that criminal activity is occurring, a sworn criminal complaint may be filed and the eviction case can go forward if a court determines that the actions of the tenant, guests, or household member poses an imminent threat of (1) physical harm to the complainant, the complainants employee, or other tenants, or (2) criminal activity. The El Paso County Justices of the Peace have determined these type of cases are “essential court proceedings” and will continue to hold those hearings.