

**ORDER 20200507-010**

**BY**

**THE MAYOR OF THE CITY OF AUSTIN**

**Whereas**, on March 6, 2020, a Declaration of Local Disaster was issued to allow the City of Austin to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Austin residents; and

**Whereas**, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**Whereas**, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

**Whereas**, on March 15, 2020, the Centers for Disease Control and Prevention ("CDC") recommended that organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States; and

**Whereas**, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people; and

**Whereas**, on March 19, 2020, Governor Abbott issued Executive Order GA-08 Relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and

**Whereas**, on March 24, 2020, the Mayor issued Order No. 20200324-007, that imposed stay at home/residence requirements on individuals and limited business operations; and

**Whereas**, on March 26, 2020, the Mayor issued Order No. 20200326-008, that prohibited certain actions by landlords in order to reduce the spread of COVID-19 and to decrease opportunities for person-to-person contact; and

**Whereas**, on April 13, 2020, the Mayor issued Order No. 20200413-009, that extended the Mayor's stay at home/residence requirements on individuals and business operations; and

**Whereas**, on April 17, 2020, Governor Abbott issued Executive Order GA-16 ("Governor's Order GA-16") relating to the continuation of social distancing measures while also establishing a temporary "Retail-To-Go" model as a first step to "Open Texas"; and

**Whereas**, on April 27, 2020, Governor Abbott issued Executive Order GA-18 ("Governor's Order GA-18") relating to expanding the list of services that could reopen, with reduced occupancy limits, as part of a strategic statewide plan to "Open Texas", and allowing

local jurisdictions to enforce the Executive Order as well as adopt local restrictions consistent with the Governor's Order GA-18; and

**Whereas**, to comply with Mayor's Order, Governor Abbott's Executive Order, and federal guidance; and to avoid person-to-person contact, individuals may be unable to work, which will impact a tenant's ability to pay rent, fees, or other charges associated with the tenant's lease;

**Whereas**, providing a notice to vacate, as the first step to an eviction proceeding, during the disaster period will destabilize the economy and will contribute to additional person-to-person contact; and

**Whereas**, removing a tenant's property or excluding a tenant during the disaster period will contribute to additional person-to-person contact.

**NOW THEREFORE, I, MAYOR OF THE CITY OF AUSTIN, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

**SECTION 1.** That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes; and that this Order supersedes Mayor's Order No. 2020326-008.

**SECTION 2.** Effective immediately and continuing through July 25, 2020, unless terminated or modified by a subsequent order, the Mayor of the City of Austin deems it in the public interest to **PROHIBIT** the issuance of Notices to Vacate (as defined in Section 5, below) except where the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (a) physical harm to the property owner, the property owner's employees, or other tenants, including other tenants within the household; or (b) criminal activity.

**SECTION 3.** Effective immediately and continuing through July 25, 2020, unless terminated or modified by a subsequent order, the Mayor of the City of Austin deems it in the public interest to **PROHIBIT** the removal of property or exclusion of a tenant by a property owner in the manners described in the applicable sections of the Texas Property Code.

**SECTION 4.** Effective immediately and continuing through July 25, 2020, unless terminated or modified by a subsequent order, the Mayor of the City of Austin deems it in the public interest to **PROHIBIT** the seizure of a tenant's nonexempt property subject to a lien created under Texas Property Code Section 54.041.

**SECTION 5.**

- a. **Issuance** means any method of providing notice authorized by Texas Property Code Section 24.005.
- b. **Notices to Vacate** means the notice to vacate required by Section 24.005 that must be provided prior to filing eviction suit.



**SECTION 6.** That peace officers, City of Austin Code Department inspectors, and the Office of the Austin Fire Marshal, are hereby authorized to enforce this Order. A violation of this Order may be punishable through criminal enforcement. A person who violates this Order violates Austin City Code section 2-6-24. A violation is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. A violation of this Order may be enforced by the filing of a probable cause affidavit alleging the criminal violation with the appropriate court or by issuing a citation to the person violating, that contains written notice of the time and place the person must appear before a magistrate of this state, the name and address of the person charged, and the offense charged.

**SECTION 7.** The City of Austin will post this Order on its website. In addition, property owner who rents real property that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order at the rental property and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order and its application.

**ORDERED** this the 7<sup>th</sup> day of May, 2020, in the City of Austin, Travis County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Austin.

  
Mayor, City of Austin

Filed with me, the City Clerk of the City of Austin, this 7<sup>th</sup> day of May, 2020, by Mayor Steve Adler, whose signature I hereby attest under my hand and the seal of the City of Austin.



  
City Clerk