

Justice of the Peace, Precinct One Angelina County, Texas

Modified Court Operations Due to the COVID 19 Pandemic Updated January 4, 2021

Current Supreme Court Orders

32nd Emergency Order - *Effective December 29, expires January 31, 2021.* 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, whether the premises is secured by a FHA-insured Single Family mortgage, 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. The information required to be in the citation was updated, TJCTC has updated forms in the Forms and Documents sections above. See the Eviction Cases and CDC Moratorium sections for more information. ([Read the 32nd Emergency Order here.](#))

31st Emergency Order - *Effective October 12 for pilot counties designated before October 12; date of designation for pilot counties designated after October 12; TBD statewide; expires March 15, 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 ([Read the 31st Emergency Order here.](#)) 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.

29th Emergency Order - *Effective November 11, expires February 1, 2021.* Broad order extending the previous authorization of delay/modification of procedures when necessary due to COVID-19 through February 1; prohibiting in-person (but not virtual) jury trials in justice court until February 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 ([Read the 29th Emergency Order here.](#))

Eligibility for the program will be determined by the Texas Department of Housing and Community Affairs (TDHCA). Information on the program may be found at www.txcourts.gov/eviction-diversion

The judge must discuss the program with parties at an eviction trial and, if they wish to participate, places the case on a 60-day hold and makes all documents in the case confidential.

Civil Cases in Justice Court, Precinct One, Angelina County, Texas

MODIFYING OR SUSPENDING DEADLINES AND PROCEDURES

Pursuant to the Texas Supreme Court 29th Emergency Order, no In-Person Hearings/Trials will be set effective January 1, 2021.

All proceedings will be held via ZOOM, (remote Trials/Hearings).

Required Recertification of Operating Plans for All In-Person Proceedings on or after 1/1/2021

Trial judges in the district, county, justice, and municipals courts are not permitted by the [Twenty-Ninth Emergency Order](#) to hold in-person proceedings in any matter (regardless of whether the county/city has an approved operating plan) unless the trial judge has used all reasonable efforts to conduct the proceeding remotely. The Order and OCA Guidance require that all proceedings should occur remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control. If the reasonable efforts of the trial judge to conduct the hearing remotely have been unsuccessful, then the trial judge may conduct the hearing in accordance with an approved operating plan with a current recertification. The existence of an operating plan does not excuse a trial judge from first using reasonable efforts to conduct the hearing remotely.

No in-person jury trials will be held until further notice.

Effective June 1, 2020, eviction cases have resumed. Evictions may be filed, served, and heard.

The postponement of statutes of limitations that fall/fell between March 13, 2020 to July 1, 2020 have been extended to September 30, 2020.

Answers to civil lawsuits that are/were due between March 13, 2020 to September 30, 2020 have been extended to no later than September 30, 2020.

No Default Judgment, that has been served but not answered, will be issued before September 30, 2020 if the Defendant's Answer in the case fell/falls due between March 13, 2020 to September 30, 2020

The Court has implemented ZOOM remote hearings. It is imperative that the Court know whether or not parties have the capability to participate in a remote hearing. If you receive a hearing notice and are not capable of participating in a remote hearing, notify the Court upon receipt of the notice. **DO NOT WAIT UNTIL THE DATE OF THE HEARING!**

NOTICE TO PARTIES

DEFENDANT ANSWERS

Defendant Answer deadlines that fell from March 13, 2020 to current have been tolled until September 30, 2020. This means no in-person hearings may be held and no judgment may be signed on cases where an answer fell due during this period until at least September 30, 2020. Defendants wanting to file an Answer to the Court should do so by Mail, Fax, or Email and should include contact information including a phone number and email address. Motions for Default Judgment where the Defendant's Answer was due prior to March 13, 2020, and do NOT require a hearing, may be signed.

HEARINGS

Justice of the Peace, Precinct One, Angelina County, Texas is in the process of setting up remote hearings, however, at this time the Court is not equipped to do so. Upon completion of the implementation of remote hearings, you will be notified of the procedures and a hearing date. **It is imperative that the Court know whether or not parties have the capability of participating in a remote hearing. If you**

are unable to participate in a video/phone hearing, notify the Court immediately upon receiving the hearing notice. Do not wait until the hearing date.

PRESENTING EVIDENCE IN CIVIL CASES (Other than Evictions)

Hearings will be set at least 30 days from the time the notice is mailed out.

This is to allow time for both parties to present ALL evidence that will be presented to the Court, to the opposing party as well. This should be done by email, fax, or mail. All evidence should be presented to the Court **and the opposing party** no later than 14 days prior to the hearing. **Failure to provide all evidence to the Court and the opposing party will result in a reset of the hearing or denial of admittance of the evidence.** Both parties shall provide an acknowledgment to the Court and the opposing party that they received the evidence. If you are providing photographs as part of your evidence, they must be in color and mailed to the Court and mailed or emailed to the opposing party. Faxed or emailed copies of photographs will not be accepted by the Court.

PRESENTING EVIDENCE IN EVICTION CASES

All parties must present ALL evidence to the Court and the opposing party. This should be done by email, fax, or mail. All evidence should be presented to the Court **and the opposing party** no later than **5 days prior** to the hearing. **Failure to provide all evidence to the Court and the opposing party will result in a reset of the hearing or denial of admittance of the evidence.** Both parties shall provide an acknowledgment to the Court and the opposing party that they received the evidence. If you are providing photographs as part of your evidence, they must be in color and mailed to the Court and mailed or emailed to the opposing party. Faxed or emailed copies of photographs will not be accepted by the Court.

COVID-19 Operating Plan

As mandated by the Supreme Court of Texas and the Office of Court Administration, the Justice Courts' of Angelina County COVID-19 Operating Plan, along with other helpful resources, including legal resources, are available on our website at www.AngelinaCounty.net under Courts and Public Safety. Each Justice Court has independent webpages with instructions specific to their Court. You can also access the Judicial Records Search for up to date status information on your case, Courtroom Rules for each Court, Tips for Remote Hearings and other helpful resources. The Court strongly encourages the use of the website as you can access updates and changes quickly. This is a great resource for changes in case and hearing statuses on a short notice.

If you have any questions, please contact our office at 936-634-8334.

HELPFUL RESOURCES

Angelina County Website: www.AngelinaCounty.net

The Texas Judicial Branch Website - <http://txcourts.gov/>

Texas Justice Court Training Center – Self Represented Litigants: <https://www.tjctc.org/SRL.html>

Texas Law Help Coronavirus Resources - <https://texaslawhelp.org/article/coronavirus-covid-19>

Office of Court Administration Coronavirus Resources - <https://www.txcourts.gov/court-coronavirus-information/>

Texas Apartment Association - <https://www.taa.org/resources/useful-resources-for-responding-to-covid-19-novel-coronavirus/>

State Bar of Texas Alternative Dispute Resolution Section's website: <https://texasadr.org/>.

CDC Temporary Halt to Residential Evictions:

<https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=2020-19654>

Resources for CARES Act coverage of properties:

Anyone can access these online databases for CARES Act covered properties:

- The National Low Income Housing Coalition's database of covered multifamily properties: <https://www.nlihc.org/federal-moratoriums>
- The National Housing Preservation Database of multifamily properties with certain federal subsidies: <https://preservationdatabase.org>
- Fannie Mae: <https://www.knowyouroptions.com/rentersresourcefinder>
- Freddie Mac: <https://myhome.freddiemac.com/renting/lookup.html>

Landlords/homeowners can also access the following:

- Call the FHA, VA, USDA, Fannie Mae, or Freddie Mac escalation number to inquire as to the status of their mortgage:
<https://www.hmpadmin.com/portal/resources/advisors/escalation.jsp>.
- Look up if Fannie Mae or Freddie Mac own their mortgage at:
 - <https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/>
 - Fannie Mae: <https://www.knowyouroptions.com/loanlookup>
 - Freddie Mac: <https://ww3.freddiemac.com/loanlookup/>
- Texas Eviction Diversion Program: <https://www.txcourts.gov/programs-services/eviction-diversion-program/>
- Texas Department of Housing and Community Affairs: <https://www.tdhca.state.tx.us/TEDP.htm>