

**ORDER 20200724-18**

**BY**

**THE MAYOR OF THE CITY OF AUSTIN**

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**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 Greg 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 26, 2020, Mayor Steve Adler 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 May 7, 2020, Mayor Adler issued Order No. 20200507-010, that prohibits 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 July 2, 2020 Governor Abbott amended Executive Order GA-28 and issued Executive Order GA-29 ("Governor's Orders"), setting forth limitations on gatherings and occupancy limits and requiring certain health protocols, such as face coverings and social distancing measures to attempt to mitigate creased transfer of COVID-19; and

**Whereas**, based on additional modeling data from the University of Texas regarding various reopening scenarios related to COVID-19, it may take three to six weeks of data to provide sufficient information to monitor and analyze the success of any reopening policies; and

**Whereas**, Dr. Mark Escott, the interim health authority for Austin/Travis County, finds that the area still needs to increase testing and contact tracing capabilities, to maintain social distancing and hygiene, and to wear face coverings to provide for the safety of the public while businesses are reopening; and

**Whereas**, to comply with Mayor's Orders, Governor Abbott's Executive Orders, 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. 20200507-10.

**SECTION 2.** Effective immediately and continuing through September 30, 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:

- (1) 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; (b) criminal activity; or (c) property damage that interferes with the use of a dwelling that is occupied by other tenants; or
- (2) an insured casualty loss such as fire, smoke, hail, explosion, or a similar cause creates a condition that makes the residential premises totally unusable.

**SECTION 3.** Effective immediately and continuing through September 30, 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 September 30, 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.**

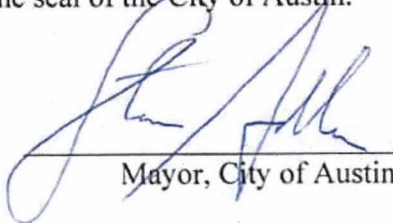
- a. **Issuance** means any method of providing notice authorized by Texas Property Code Section 24.005.
- b. **Notices to Vacate** means the notice to vacate required by Section 24.005 that must be provided prior to filing eviction suit.

**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. 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 24th day of July 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 24<sup>th</sup> day of July 2020, by Mayor Steve Adler, whose signature I hereby attest under my hand and the seal of the City of Austin.



City Clerk