



JUDGE ISRAEL B. GARCIA, JR. JUSTICE OF THE PEACE PRECINCT 5, PLACE 1

EMERGENCY PROTOCOL IN RESPONSE TO COVID-19 : January 4, 2021

Until further Order of the Texas Supreme Court or other appropriate officials, and until additional health and prevention information becomes available, Justice Court Precinct 5, Place 1 will provide limited services to the citizens of Precinct 5 and Harris County using recommended and appropriate precautions and preventative measures to mitigate the risk of spreading infection from the Coronavirus (COVID-19).

Court Hours: Court personnel are available during the Court's hours, 8:00 a.m. until 4:00 p.m.

All pleadings, motions, or other papers must be filed by using mail, EFILETEXAS.gov, or filing by fax, 713-437-5756 (Civil), 713-437-4139 (Criminal) or by email, MYJP51@jp.hctx.net

Payments in criminal cases may be made through the Justice Court Precinct 5 Place 1 Website (Online Services) at: www.jp.hctx.net/5-1

Criminal and civil case records may be viewed and accessed through the Justice Courts' Odyssey Portal, at: <https://odysseyportal.harriscountytexas.gov/OdysseyPortalJP>

Jury Service and Jury Trials: Jury service and Jury Trials are suspended until April 1st, 2021, subject to re-evaluation at that time.

Every person appearing in Court or at the Court's offices is required to alert the Court in advance if the person has, or knows of another participant who has COVID-19 or flu-like symptoms, or who has been in close contact with a person who is confirmed to have COVID-19 or is exhibiting the symptoms. Symptoms include fever, chills, cough, difficulty breathing or shortness of breath, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea

- All persons are required to wear face masks and maintain recommended distancing. All persons may be required to answer certain health related questions and to submit to temperature screening.
- All court proceedings will be conducted remotely by Zoom.
- All documents to be offered as evidence must be electronically filed at least 3 business days prior to the scheduled hearing and provided to all other parties by a manner provided in Rule 501.4.

If you believe counsel, client, pro se litigant, witness, interpreter, or any other participant cannot participate remotely, contact the court at myjp51@jp.hctx.net or by telephone, at 713-274-8700.

The court will determine whether a participant is unable to participate in the hearing, in general, (i) because of a lack of technology which precludes or impedes the ability to participate via Zoom; or (ii) a physical, mental, or other disability that prevents a participant from being able to effectively operate or utilize the required technology, or (iii) a confrontation clause constitutional objection, or (iv) a proceeding where a participant needs to appear in person due to a need to provide fingerprints, is subject to incarceration, or must meet with multiple departments as a result of the court proceeding.

The court will make all reasonable efforts to make accommodations that will allow the individual to participate.

Evictions: A sworn petition or further pleading containing "a description of the facts and grounds for eviction" **must state whether or not:**

- i. the premises is a "covered dwelling" subject to Section 4024 of the CARES Act;
- ii. the plaintiff has provided the defendant with 30 days' notice to vacate under Section 4024(c) of the CARES Act; and
- iii. the defendant has provided the plaintiff with a declaration under the Centers for Disease Control and Prevention's agency order titled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19" that took effect on September 4, 2020 and is extended by Sect. 502 of the Consolidated Appropriations Act, 2021; and
- iv. Appropriations Act, 2021; and
- v. the premises are a property securing an FHA-insured Single Family mortgage.

If a defendant provides the CDC Declaration or a similar declaration to the plaintiff after a petition for eviction is filed, the defendant must file the declaration with the court and serve a copy of the declaration on the plaintiff.

Texas Eviction Diversion Program. In any action for eviction based in whole or part, on the nonpayment of rent, a petition must state that the plaintiff has reviewed the information about the Texas Eviction Diversion Program available at www.txcourts.gov/eviction-diversion/

At the eviction trial, after discussing the Texas Eviction Diversion Program with both the plaintiff and defendant, the Judge will ask whether the parties are interested in participating in the Program. If both parties express an interest, the eviction proceeding will be abated for 60 days, the proceeding will be made confidential, and the Judge will inform the parties of reinstatement and dismissal procedures.

For further information under the CARES Act, please refer to Sections 4022, 4023, and 4024 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, H. R. 748, 116th Congress, Public Law 116-136, signed by the President on March 27, 2020.

Centers for Disease Control and Prevention's agency order titled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19" took effect on September 4, 2020 and is extended by Sect. 502 of the Consolidated Appropriations Act, 2021

For further information about the Texas Eviction Diversion Program, please go to www.txcourts.gov/eviction-diversion/.

More information about the Texas Eviction Diversion Program is available on the website of Justice Court Precinct 5 Place 1.