

Florida and Texas Extend Borrower Protections Through September

September 02, 2020

Florida's Governor Desantis has extended [Executive Order Number 20-180](#) to 12:01 a.m. on October 1, 2020. The Executive Order, titled "Limited Extension of Mortgage Foreclosure and Eviction Relief" provides, in relevant part:

"I hereby suspend and toll any statute providing for final action at the conclusion of a mortgage foreclosure proceeding under Florida law solely when the proceeding arises from non-payment of mortgage by a single-family mortgagor adversely affected by the COVID-19 emergency."

The Executive Order was set to expire on September 1, 2020, prior to being extended to 12:01 a.m. on October 1, 2020, by [Executive Order Number 20-211](#).

The Texas Supreme Court entered an [emergency order on August 21, 2020](#) which extends the State's moratorium on evictions from residences that are subject to the CARES Act for housing financed by federal programs through September 30, 2020. More specifically, the moratorium states as follows:

3. For residential eviction proceedings filed from March 27, 2020, through September 30, 2020, a sworn original, amended, or supplemental petition containing "a description of the facts and grounds for eviction" required by Texas Rule of Civil Procedure 510.3(a)(2) must state whether or not:

- a. the premises is a "covered dwelling" subject to Section 4024 of the CARES Act;
- b. the plaintiff is a "multifamily borrower" under forbearance subject to Section 4023 of the CARES Act; and
- c. the plaintiff has provided the defendant with 30 days' notice to vacate under Sections 4024(c) and 4023(e) of the CARES Act.

4. A judge continues to have the authority under Texas Rule of Civil Procedure 500.6 to develop the facts of the case, including whether or not the premises is a "covered dwelling" and the plaintiff is a "multifamily borrower" under forbearance subject to Sections 4024 and 4023 of the CARES Act, respectively.

As for foreclosures, Texas has not entered any state-wide orders prohibiting foreclosures. That has been left to the individual counties and cities. Lenders should review the Covid orders of the county or city where the property is located before proceeding with foreclosure.

As always, if you need help understanding or interpreting these guidelines, or have other related questions, please contact McGlinchey's [COVID-19 CFS Litigation Task Force](#).

Related people

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