

# EVICTIION & TENANT RIGHTS IN TEXAS

# THANK YOU!



# SPEAKERS



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**TEXAS**  
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**WE HELP WITH**

## **Housing and Financial Matters**

Ensuring your home is a safe place to live, and helping you navigate bankruptcy, debt collection, and other financial issues.

- Eviction Helpline
- Veterans Foreclosure Prevention Project

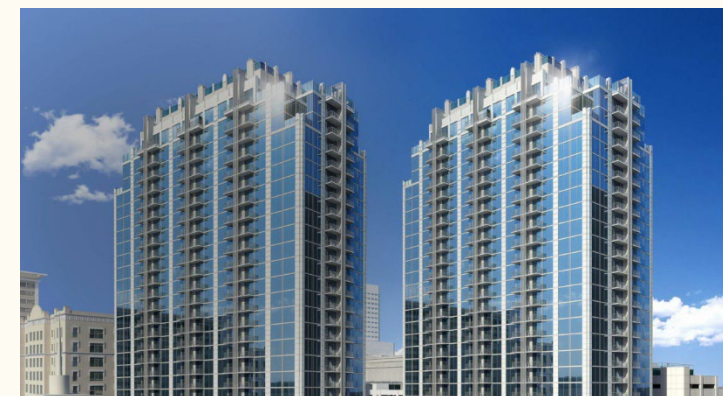


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# Types of Rental Housing in Texas

- Private Housing (Apartments or Single-Family Homes)
- Manufactured Homes
- Mobile Homes
- Public Housing
- Subsidized Housing



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### Texas Evictions

# Common Housing Stability Issues (and the ones we can potentially assist with)

- Eviction and Landlord-Tenant mediation
- Repairs and Habitability
- Family Law including child support, guardianship, paternity, emancipation, separation, and domestic violence
- Credit correction/protection, unemployment benefits, and veterans' benefits



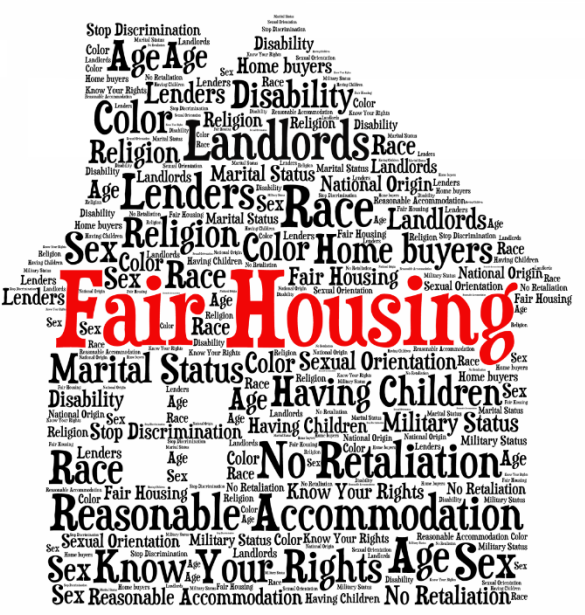
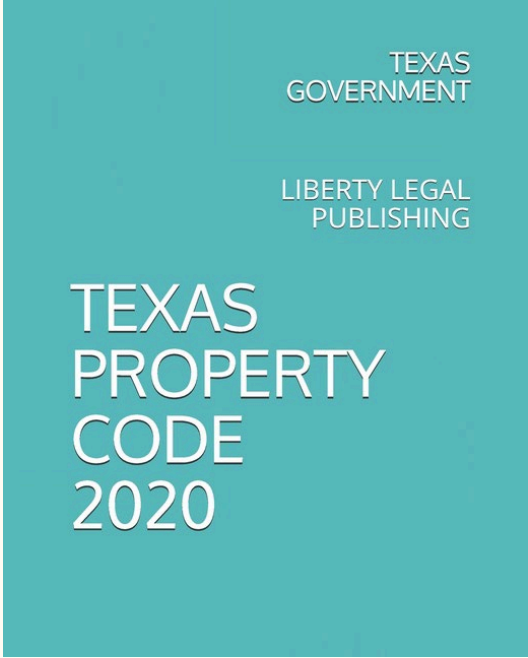


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# Rules That Govern Housing Issues

- Texas Property Code
- Justice Court Rules
- Federal Fair Housing Laws





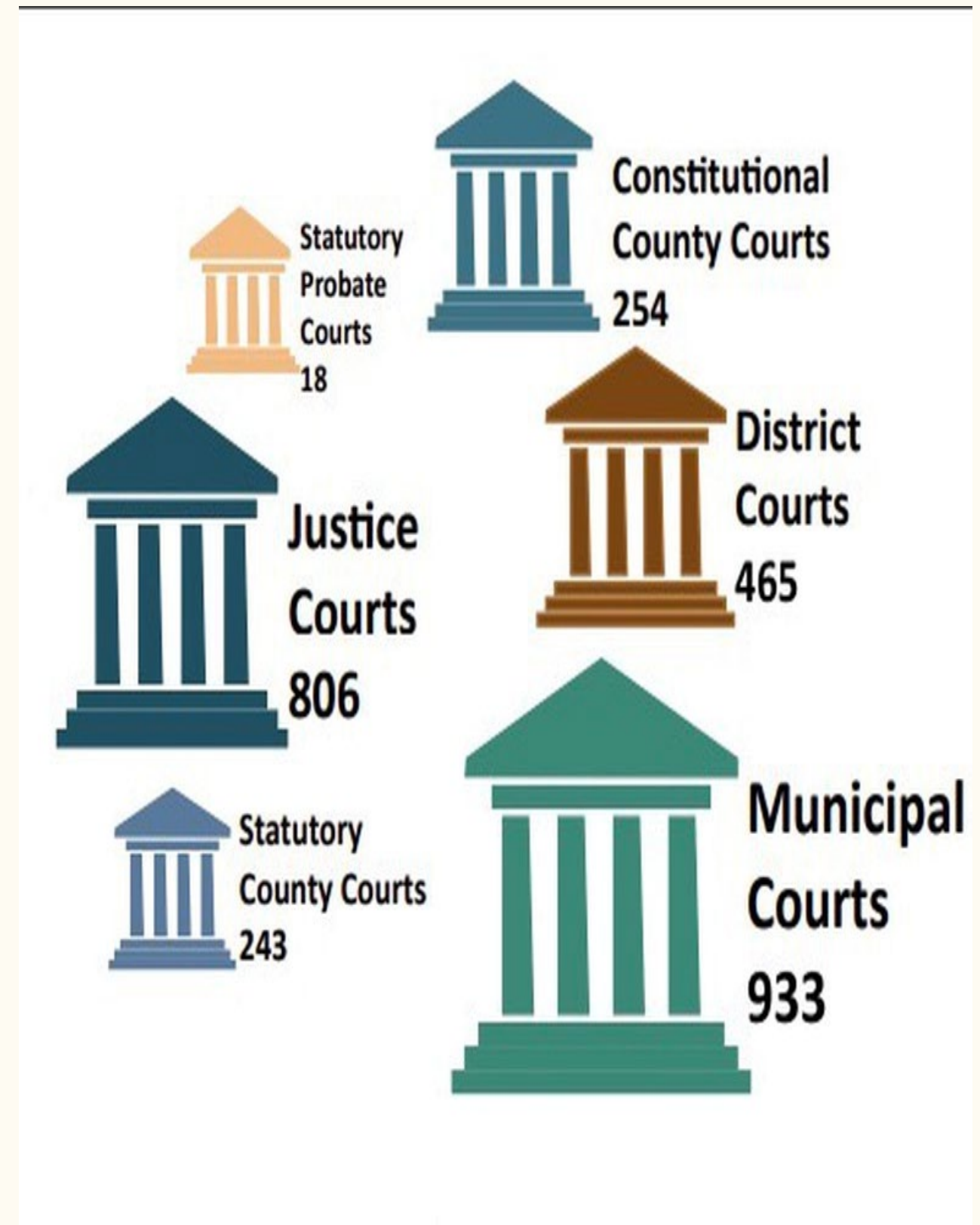
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## Texas Evictions

# What is an Eviction in Texas?

- Texas evictions start out in the Justice Court of the county of the residence
- The hearings are held in front of a Justice of the Peace (JP). JP's are elected officials and need not be attorneys.
- JP court typically does not have the same rules of evidence and procedure as other courts.



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## Texas Evictions

# What is the Eviction Process in Texas?

- The Landlord provides a Notice to Vacate to the Tenant.
- If the Tenant does not vacate, the Landlord can file for eviction in the county's Justice Court.

### Notice to Vacate

This letter serves as our \_\_\_\_ day notice to vacate in accordance with the terms of our lease.

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for moving: \_\_\_\_\_

I, \_\_\_\_\_, do hereby give notice to vacate the property stated above. I acknowledge that I am responsible for giving a \_\_\_\_ day notice according to the terms of my current lease.

I understand that I am responsible until the end of my lease period. If the term of the lease is not fulfilled I understand that an early termination fee may apply. If other named lessees on the agreement are staying I understand that I am forfeiting any portion of the deposit. I will be completely moved out and will turn in the keys to a representative no later than \_\_\_\_\_.

If the keys are not surrendered by the above date I understand I will be charged the current rental rate for each day until keys are returned.

Any changes to the above move out date must be submitted in writing and must be agreed to by the landlord.

PLEASE MAIL DEPOSIT RETURN STATEMENT TO:

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Resident's Signature \_\_\_\_\_



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# What is the Eviction Process in Texas?

- The Tenant is served with a Citation and Petition.
- The Justice Court holds a hearing on the eviction suit.



## Texas Evictions

# What is the Eviction Process in Texas?

- The Justice Court provides a judgment at the end of the hearing.
- Unless appealed, that judgment stands and can be acted upon by the Landlord.



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## Eviction Appeals

# Eviction Appeals

- All Justice Court eviction judgments can be appealed up to County Court.
- The Tenant must file an appeal within 5 days from the date of their JP judgment.
- To appeal a non-payment of rent eviction judgment *and remain in the home during the appeal*, the tenant must:
  - 1) file the appeal document
  - 2) pay into the court rent registry
  - 3) file a written answer.

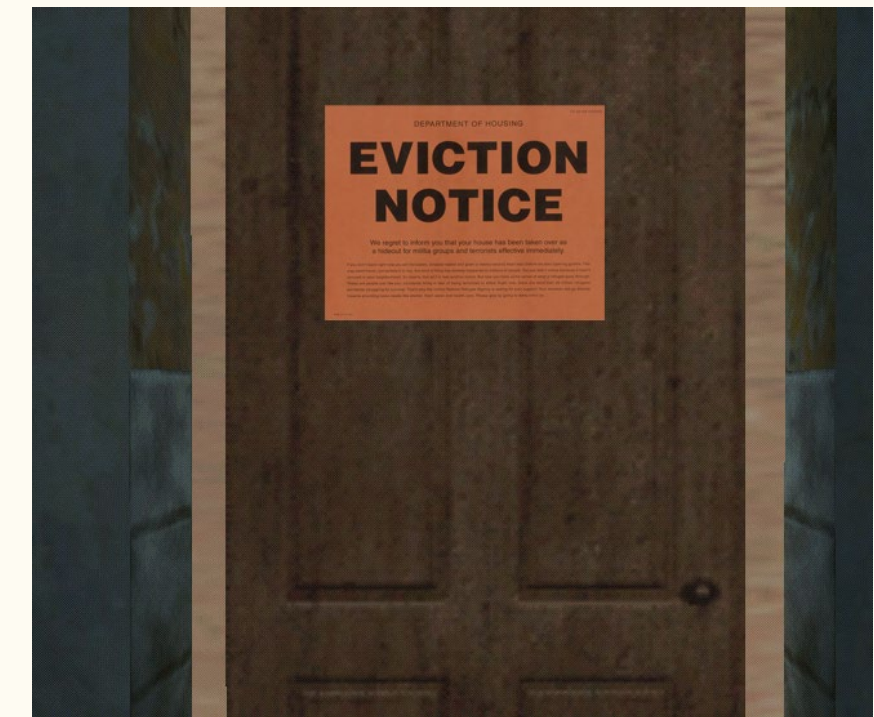
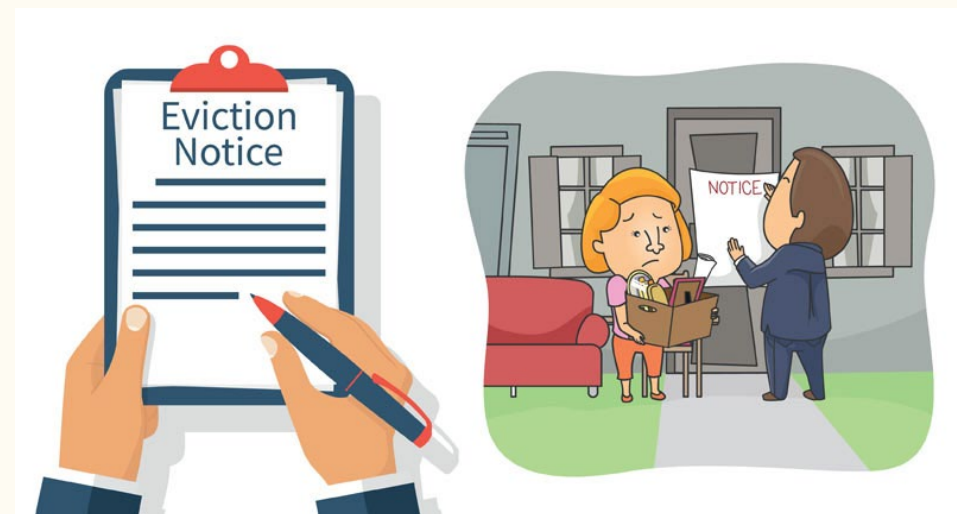
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## Evictions

# Writ of Possession

- Six days after the judgment, if no appeal has been filed, the Landlord can file for a Writ of Possession.
- Or, if the tenant appeals, ten days after the County Court Judgment.
- Once the Writ of Possession has been filed, the Tenant has 24 hours before it can be executed.





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### Evictions

# Impacts of Losing the Eviction Hearing

- A landlord may attempt to collect on the judgment they received.
- Eviction filings and judgments may prevent Landlords from renting to Tenants
- Evictions are a direct link to homelessness.



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# How Does a Rural Tenant Qualify for TLSC's Housing Stability Assistance?

- To qualify for TLSC Housing Stability services:
- The household must make under 80% of their counties Area Median Income (AMI).
- The household must have been financially impacted by the COVID-19 pandemic.
- The household must be facing eviction or other related housing stability issues



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## Eviction Representation

# What Can We Do?

- Over-the-phone legal advice and counsel to clients
- Drafting court paperwork
- Representation at Trials
- Landlord negotiations
- Assistance in finding or applying for resources

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# Aside From Legal Aid, What Has Been Done to Help?

- Federal, County, and City level rent relief
- Rent and utility assistance from religious organizations and non-profits





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### Eviction Protections

# The CARES ACT



- The **Coronavirus Aid, Relief, and Economic Security Act (CARES)**, was a \$2.2 trillion economic stimulus bill signed into law on March 27, 2020, in response to the economic fallout of the COVID-19 pandemic in the United States.
- Prevented eviction from federally backed or subsidized housing (although that has ended).
- Requires 30-day notice to Tenants for evictions in subsidized housing (still in effect).

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## TLSC Contact Information

# Resources

- Helpline Telephone: 855-270-7655
- [TexasLawHelp.org](#)
- The online application is available at [www.tlsc.org](#).
- The programs offered by Texas Legal Services Center are described at [www.tlsc.org](#).

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