



LEGAL HOTLINE FOR TEXANS

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Pension Counseling (888) 343-4414

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THIS PUBLICATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY.

The pamphlets of the Legal Hotline for Texans are general in nature and should not be relied on as advice for your particular circumstances. For advice that is specific to your particular circumstances, you should consult a lawyer.

The Legal Hotline for Texans (LHT) is a telephone hotline providing free legal advice and consultation and other free legal services to Texans Age 60 and Older or Eligible for Medicare; Crime Victims Age 60 and Older and their Family Members and Authorized Claimants; and Pension and Retirement Plan Employees, Participants and Beneficiaries.

Eligible Clients can consult with an attorney of the Legal Hotline for Texans free of charge by calling one of the phone numbers listed above. If clients would like to consult with an attorney in their communities, or if ongoing representation by an attorney is needed, the Legal Hotline for Texans may be able to make a referral.

Depending on individual circumstances and local availability, such a referral may be to an organization providing free attorneys to low income persons, or may be to an attorney on the Legal Hotline for Texans' reduced-fee panel, or may be to a statewide or local lawyer referral service.

The Legal Hotline for Texans is a project of the Texas Legal Services Center with support from the Texas Department of Aging and Disability Services (DADS), the U.S. Centers for Medicare and Medicaid Services (CMS), the U.S. Administration on Aging (AoA), and the Texas Equal Access to Justice Foundation through the Texas Basic Civil Legal Services Program (BCLS) and the Texas Crime Victims Civil Legal Services Program (CVCLS).

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EVICTION

Your landlord can evict you if you do not pay your rent, if you do not pay the full amount, or if you pay it late. The landlord can also evict you if you do not obey the terms and conditions of the lease you signed, or if you damage the property.

To evict you, the landlord must go to court. The landlord cannot personally force you out of the apartment or house, cannot get the police to force you out before going to court, cannot stop you from going into your apartment or house before the court eviction is completed, and cannot lock you out of your apartment or house. The landlord can change the lock, but must leave a written notice on the front door telling you where you can get the new key to enter your place.

To evict you, the landlord must first give you a Notice to Vacate, called a three-day notice. This is a notice from the landlord. It is not a legal paper. It is not proper for a sheriff to deliver the three-day notice, but sometimes they do. When you get this notice, you don't have to move out. The three-day period may be shortened or lengthened in a written lease.

If you do not move out after receiving the three-day notice, the landlord must file an action against you in the Justice of the Peace Court, called Forcible Entry and Detainer (FED). The sheriff or constable will serve you with legal papers from the Court which tell you when to appear before the Justice of the Peace. You don't have to move out when you get these court papers.

There will be a court hearing no less than six (6) days and usually no more than ten (10) days after you get the court papers. At the hearing, you will have a chance to tell your side of the story to the judge.

If the judge decides that you should be evicted, you must leave unless you file an appeal. You have five (5) days after the court hearing, before the sheriff or constable will show up with a court order called a Writ of Possession to remove you and your property. You can ask the judge for more time to move out.

NORMALLY, YOU WILL HAVE TWO (2) WEEKS FROM THE DATE YOU RECEIVE THE NOTICE TO VACATE BEFORE YOU MUST MOVE OUT.

TERMINATION OF LEASE

If you pay your rent on time, obey the rules in the lease, and do not damage the property, your landlord cannot evict you. The landlord can terminate your lease and force you out at the end of the lease. If you have a written lease, read it to find out how much notice the landlord must give you at the end of the lease to terminate it. If you have no written lease, then the landlord must give you one month's notice to terminate the rental agreement if you pay rent monthly. If you refuse to leave, the landlord can go to court to evict you as explained above.

PUBLIC HOUSING TENANTS

If you live in public housing, receive Section 8 assistance, or if your landlord receives federal housing subsidies, you have additional rights before you can be evicted. Also, your landlord may not be able to terminate your lease. You should discuss this with your attorney.