

Eviction

What is an eviction?

If you are an occupant or tenant under a written lease or oral rental agreement you can be forced to move.

LEGAL HOTLINE FOR TEXANS

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Information Not Legal Advice

This pamphlet is for information only and is not a substitute for the advice of an attorney.

Your landlord can evict you if you do not pay your rent, if you do not pay the full amount of your rent, or if you pay your rent 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 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. The notice to vacate shall be given in person or by mail at the premises in question. The notice period is calculated from the day on which the notice is delivered. It is not proper for a sheriff to deliver the three-day notice, but sometimes they do. When you get a three-day notice, you do not 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 a lawsuit against you in the Justice of the Peace Court. This kind of lawsuit is called Forcible Entry and Detainer (FED). The sheriff or constable will serve you with legal papers from the Court that tell you when to come to court. You do not have to move out when you get these court papers.

There will be a court hearing between six (6) and ten (10) days after you get the court papers. At the hearing, both the landlord and you will have a chance to tell your side of the story to the judge. The landlord will ask that you be made to leave the property and that you be ordered to pay any unpaid rent plus court costs.

If the judge decides that you should be evicted, you must leave unless you decide to appeal the eviction order. The county court hears eviction appeals. If you decide to appeal, you must file your appeal **within 5 days after the eviction order was signed**. If you file an appeal and do not want to move out of the property, you must file a bond in an amount set by the county court. This bond must be paid within ten (10) days. After you file the bond, then the eviction is stopped until the appeal is finished. You will usually be responsible for paying rent during the 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 things from the landlord's property. You can ask the judge for more time to move out.

For more information...

Texas Law Help has useful information on many areas of the law. Go to www.texaslawhelp.org.

Legal Hotline for Texans: (800) 622-2520

Call our attorney-staffed legal hotline. Advice is free for Texans 60 and over or for anyone eligible for Medicare.