
COVID-19: Eviction Relief

CAUTION: The information in this brochure could change depending on events and future orders.

Can my landlord remove me from my residence without a court order?

No. Self-help evictions are not allowed in Texas. This means a landlord must follow a legal process to remove a tenant. Evictions begin with a notice from the landlord to “vacate” the property, followed by an eviction case filed in Justice Court (also called a Justice of the Peace), and a hearing. If a tenant loses, and unless there is an appeal to county court, the court can issue a “writ of possession” which is an order that authorizes a sheriff or constable to supervise the removal of all persons and personal property from the rental property if the tenant has not moved out.

Are evictions going forward in light of the pandemic (COVID-19)?

First, some cities and counties have stopped all evictions from going forward so you should check with them to see because they may provide more help to tenants.

Second, the Texas Supreme Court has stopped all eviction proceedings until May 18, 2020 except for cases involving a threat of physical harm or criminal activity. In those cases, the landlord must file a sworn complaint, and the eviction case can go forward if the court determines that the actions of the tenant, guest, or household member pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity.

Third, if your rental property was financed with a particular kind of federally backed mortgage, or you live in public or subsidized housing or have a Section 8 voucher, a new federal law called the CARES Act prevents a landlord from starting the process of eviction until after July 24, 2020 if the reason is nonpayment of rent, late fees or other charges. Go here for a [map of properties](#) to see if yours is covered. If the property is covered by the CARES Act, a landlord cannot charge you late fees from March 27 until July 24. If a landlord of a CARES Act property wants to evict you for nonpayment of rent, late fees or other charges, the landlord must first give you a 30 day notice to vacate, but not until after July 24, and the landlord cannot file the eviction case until the notice period runs out. If a landlord files the case too early, you have a good defense to the eviction case.

Does this mean I don't have to pay my rent?

NO! You are still obligated to pay rent and follow your lease requirements. While there may be various delays, you can still be evicted for not paying rent eventually.

How will I know if my landlord intends to evict me?

You must get written notice to vacate before the landlord can file a lawsuit to evict you. This notice to vacate must give you at least three days, unless your lease allows for a shorter time (no shorter than one day). The written notice can be delivered by hand to you or anyone in the unit over age 16, by mail, or posted on the inside of your front door. In certain unusual circumstances, it can also be attached to the outside of your door. The date in the notice to vacate is not the date you will be kicked out. Your landlord has to go to court to evict you and get a court order allowing a sheriff or constable to supervise an eviction. The notice requirements are different if you are in public or subsidized housing, have a Section 8 voucher, or if you live in a property with a mortgage that is covered by the CARES Act. See above.

What happens if I don't leave by the date on the notice to vacate?

If you don't leave after you get the notice to vacate, your landlord can file the eviction lawsuit in Justice Court. A constable will serve the papers on you or anyone on the property over 16 years of age, although the Texas Supreme Court's orders delay service of these papers (except in cases of harm/criminal activity) until after May 18. If personal service fails after two attempts, the constable can post it on your door or slip it underneath.

I've been served with the eviction lawsuit. What now?

Review the court papers carefully. The petition must state exactly why you are being evicted. The papers may tell you when you must appear in Justice Court to explain your side of the case to the judge. You should closely follow the instructions in the papers. If you would prefer that a jury rather hear your case, you can request a jury and pay \$22.00 (or a sworn statement of inability to pay that fee) at least three days before the date set for your trial. You must appear in court at the date and time given to you by the court staff or as listed in the court papers. If you fail to attend the hearing, the landlord will ask for a default judgment against you. If you lose at the hearing, you can appeal within five days.

What happens if I ignore the eviction lawsuit?

If you ignore the lawsuit, or do not appeal a judgment against you, the landlord can get a writ of possession. This is an order from the court telling the constable or sheriff to give the landlord possession of the property. Before the constable comes to remove you and your belongings, they must give at least 24 hours' notice and post the notice on your front door. Your property can be placed outside of the unit. Your landlord is not required to store it. Under the current Texas Supreme Court order, no writs may be executed until after May 25, 2020.