

Resources

Austin Tenants Council

Telephone Counseling: (512) 474-1961
(M-Th from 9 am to 12 pm & 1 pm - 4 pm;
F from 9 am to 12pm)
Appointments: (512) 474-7006
(M-Th from 1 pm - 4 pm)
www.housing-rights.org/evictions.html

Attorney General of Texas Office of Consumer Protection

(800) 621-0508
[www.texasattorneygeneral.gov/cpd/
consumer-protection](http://www.texasattorneygeneral.gov/cpd/consumer-protection)

Dispute Resolution Center

(512) 371-0033
www.austindrc.org
Mediation services for anyone involved in
a dispute—nominal fee is requested.

Lawyer Referral Service of Central Texas (LRS)

(512) 472-8303 or 1 (866) 303-8303
www.austinlrs.com
Low-cost lawyer referral match program
and free legal hotline once a month

Texas Rio Grande Legal Aid

(888) 988-9996 or (512) 374-2700
www.trla.org
Free legal services for low-income
individuals that qualify

Texas Tenants' Union

(214) 823-2733
www.txtenants.org
Offers free weekly tenants' rights work-
shops, written information, organizing
assistance at the apartment complex
level, counseling, training, referral services

Travis Central Appraisal District

(512) 834-9138
www.traviscad.org
Allows users to find rental property owners

Travis County Justice of the Peace
(512) 854-9050

Precinct 1

4717 Heflin Lane, # 107
Austin, TX 78721
Phone: (512) 854-7700
Fax: (512) 929-3047

Precinct 2

10409 Burnet Rd., #180
Austin, TX 78758
Phone: (512) 854-4545
Fax: (512) 854-4535

Precinct 3

8656 B West Highway71,
Suite 100
Austin, TX 78735
Phone: (512) 854-6763
Fax: (512) 854-2197

Precinct 4

4011 McKinney Falls
Parkway Suite 1200
Austin, TX 78744
Criminal Division:
(512) 854-9479
Civil Division:
(512) 854-9478
Fax: (512) 854-9480

Precinct 5

1000 Guadalupe St., #112
Austin, TX 78701
Phone: (512) 854-9049
Fax: (512) 854-9640
Criminal Division:
Phone: (512) 854-9049
Fax: (512) 854-9640
Civil Division:
Phone: (512) 854-9050
Fax: (512) 854-4020

Who can help?

The Victim Services Unit within the Travis County Sheriff's Office can provide assistance with information about your case status, Crime Victims' Rights, Crime Victim Compensation, navigation of the criminal justice system and referrals to appropriate helping professionals or organizations according to your specific needs.



August 2017

Evictions and Lease Terminations

Victim Services Unit

5555 Airport Blvd
Austin, TX 78751
512-854-9709



Name/ID Number:

Direct Number:

Mailing Address:

PO Box 1748
Austin, TX 78767

The Eviction Process

There are many circumstances under which individuals might need information about the eviction process in Travis County.

Often, victims need to know how to legally evict an offender from their home or property. Many victims also need information about their rights because they are at risk of being evicted.

The eviction process is a formal procedure that includes going to the justice of the peace (JP) court. Evictions can be complicated.

Below are the basic steps one must follow for an eviction:

- Evictions must be filed in the Justice precinct where the rental property is located.
- Texas Property Code, Sec. 24.005 sets out the notice requirements for eviction suits. (Unless the notice requirements are stated in the signed lease.)
- The notice to vacate must be in writing and should be unconditional—it should tell the tenant(s) to vacate by a specific date in no uncertain terms.
- Unless there is an agreement between the parties shortening the notice requirements, the landlord must wait three days after notice to vacate is served before filing the eviction.
- When filing, the landlord should bring: a copy of the lease, a copy of the notice to vacate, \$101.00 for filing/service on one person (additional service is \$70.00 per person), and all work/residence addresses and telephone numbers of the tenant(s).
- Generally, all parties named in the lease should be sued and served with a citation in the eviction proceeding. Any judgment that is granted will run only against those who are specifically named and served.
- The owner's agent may file any type of eviction suit and may represent the owner at any default judgment hearing.

- If the case is contested an agent may represent either party if the case involves non-payment of rent or holding over. The parties/their attorneys must try all other eviction types if the case is contested.
- A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the justice court (<\$10,000). Charges for items other than rent cannot be joined with suit for eviction.
- A default judgment can be granted if the tenant fails to answer within seven (7) days after being served.
- A default judgment for eviction will only be granted by telephone at the request of the owner or agent if the file contains: a return from the constable showing the defendant was properly served, a copy of the notice to vacate, and a copy of the written lease.
- A personal appearance and sworn testimony will be required of the landlord or agent in order for a judgment for rent to be awarded or where the file is incomplete.
- A court date will be set at the time the eviction is filed with the court. This date will appear on the Defendant's citation. Both parties are expected to appear at that date/time. Any continuance request must be in writing, timely and agreed to by all parties.
- Under the Texas Rules of Civil Procedure, either party to the lawsuit has five days to appeal the court's decision. The filing of an appeal bond or paupers oath by that time completes the appeal. A properly filed appeal stops all further justice court proceedings until there is a resolution by the county court-at-law.
- If neither party appeals, the landlord may obtain a Writ of Possession from the court after the five (5) day period for appeal has passed. The writ fee of \$155.00 is payable to JP court to cause the tenant to vacate the premises. Questions involving the execution of the writ should be directed to the appropriate constable's office.
- An Immediate Possession Bond can speed the evictions process. Minimum of \$500.00 cash, corporate or affidavit of surety bond must be filed with the court. Ask the civil clerk for details.

***fees cited may be subject to change**

Lease Terminations

Due to safety concerns, victims of family violence, sexual offenses, and stalking may need information about moving without lease penalties.

Under Texas law, victims of family violence, sexual offenses, and stalking who meet certain criteria have the right to terminate a lease without liability for future rent and/or any fees for terminating the lease early. The law does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the lease was terminated early by the tenant.

Specific documentation must be provided as follows:

- **Family Violence:** A copy of a Protective Order must be provided to the landlord AND appropriate notice must be given.
- **Sexual Offenses:** Documentation of the assault OR a copy of a Protective Order must be provided to the landlord AND appropriate notice must be given.
- **Stalking:** A copy of a Protective Order OR documentation of the stalking AND a copy of the law enforcement report must be provided to the landlord AND appropriate notice must be given.

These laws are intended to assist those who are fearful of remaining in their homes due to criminal incidents that have occurred on the leased premises within the past 6 months.

TCSO Victim Services Unit personnel can provide you with information to assist in advocating with your landlord.