

Evictions in Texas During COVID-19 FAQ

Information from Texas RioGrande Legal Aid (TRLA)
Infographic by Texas Homeless Network (THN)



Can a tenant be removed by their landlord?

No. Self-Help evictions are not allowed in Texas. The eviction process must be as follows: Notice, Lawsuit in Justice Court, A Hearing, An Appeal if necessary & then a writ of possession (order to remove the tenant) if the tenant hasn't moved.

What are Texas Courts doing?

The Texas Supreme Court paused all eviction proceedings until April 30, 2020, and the execution of writs until May 7, 2020, except for cases involving a threat of physical harm or criminal activity. Some courts have ordered longer pause for evictions, check with your local Justice Court.

Can tenants ignore paying rent?

No they can't. Tenants are still obligated to pay rent and follow your lease requirements. While court delays may slow the process, you can still be evicted for not paying rent. Landlords can still file an eviction case against you during this time although it will not be set for trial yet.

How to know if a Landlord is evicting a tenant?

Tenants MUST receive a written notice to vacate before the landlord can file a lawsuit against a tenant. A notice to vacate must give you at least three days unless the lease allows for a shorter time. The written notice can be delivered by hand to the tenant or anyone in the unit over age 16, by mail, posted on the inside of your front door and in certain 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. The notice requirements are different if you are in public or subsidized housing.

What happens if a tenant doesn't vacate by notice to vacate date?

If a tenant doesn't leave after they get a notice to vacate, the landlord can file the eviction lawsuit in Justice Court. A constable will serve the papers to the tenant or anyone on the property over 16 years of age, although the Texas Supreme Court's order delays service of these papers (except in cases of harm/criminal activity) until April 30, 2020. If personal service fails after two attempts, the constable can post it on your door or slip it underneath.

What should a tenant do when being served an eviction lawsuit?

The tenant should review court papers carefully. The petition must say the reason for the eviction. The papers may state when to appear in Justice Court for the tenant to state their side of the story. If the tenant prefers that a jury rather hear the case, they can request a jury at least three days before the date set for the trial. Tenants must appear in court at the date and time given to you by the court staff or as listed in the court papers. If a tenant fails to attend the hearing, the landlord will ask for a default judgment against the tenant. If the tenant loses at the hearing, they can appeal within five days.