

EVICION

What is an eviction or an eviction lawsuit?

A landlord goes to court to have a tenant removed from the residence.

Why would I be evicted?

You could be evicted for reasons that are listed in Texas law or reasons that are listed in your lease.

Under Texas Law

You can only be evicted for being convicted (and exhausting all appeals) of certain crimes:

- using the apartment or house for prostitution or;
- using the apartment or house to display or distribute obscene material or;
- using the apartment or house for the sale, distribution, or display of harmful material to minors or;
- using the apartment or house for possession or promotion of child pornography.

A written lease may provide a tenant may be evicted even if the tenant is not convicted of the offense or has not exhausted all appeals.

Under Your Lease

All leases are different, but most state the grounds for eviction. Some examples are:

- failure to pay rent; or
- breaking any criminal law; or
- violating the rules or policies of the apartment or residential community; or
- violating the pet policy; or
- letting people live in your apartment or residence who are not listed in the lease agreement; or
- disturbing the rights and convenience of your neighbors or guests; or
- incorrect or false information on your lease application.

How would I be warned that I may be evicted?

The landlord must give you a "Notice to Vacate" or "Notice of Proposed Eviction".

What is a "Notice to Vacate" or "Notice of Proposed Eviction"?

A "Notice to Vacate" is a letter from the landlord telling the tenant that he or she has broken the lease and he or she must leave or the landlord will file an eviction lawsuit to make the tenant leave.

A "Notice of Proposed Eviction" is a letter telling the tenant that he or she may be evicted. It gives the tenant a chance to talk with the landlord to see if they can work it out before he or she is evicted.

How would I receive a "Notice to Vacate"?

It can be:

- mailed to you; or
- given to you by the landlord or management; or
- given to any person living in the residence who is 16 years or older; or
- posted on the inside of your front door.

How much time do I have before the landlord files an eviction lawsuit?

It depends on what your lease says. Most leases say that the landlord only has to give you 24 hours warning to leave the apartment before filing an eviction lawsuit, but it could be a shorter or longer time.

If your lease does not say a specific time, state law says that the landlord must give you at least three days written warning before the landlord can file an eviction lawsuit in court. The time starts when you receive the "Notice to Vacate."

What happens if I do not leave in the time allowed in the "Notice to Vacate"?

If you do not leave the apartment or house in the time allowed in the "Notice to Vacate," the landlord can file an eviction lawsuit to get you out.

What are the eviction steps that must be taken?

The landlord files his or her case in a Justice of the Peace Court. Fort Worth cases are handled in a Tarrant County Justice of the Peace Court. An officer from the Tarrant County Constable's Office serves the tenant with the eviction lawsuit papers. If the Tarrant County constable cannot find the tenant, the constable can put a copy of the papers on the outside of the residence's door.

A Tarrant County Justice of the Peace hears the case. The tenant can represent himself or herself in court or hire an attorney.

What is a judgment?

A judgment is the decision of who wins, made by the Justice of the Peace (or other Judge) in a particular case. If the tenant wins, the tenant gets to stay in the residence and the lease continues. If the landlord wins, the judge will issue a judgment saying the landlord gets possession of the apartment or house. The judge issues a writ of possession so the tenant can be evicted.

What is a writ of possession?

A writ of possession is an order by the judge commanding a Tarrant County officer to evict the tenant and return possession of the residence to the landlord.

How would I know that I was being evicted?

The court may mail a copy of the judgment to you.

The Tarrant County constable may post a warning on the outside of the front door of the residence, but the officer does not have to do this. If the warning is posted, it would inform you that you must leave by a certain time and to remove all of your property.

What happens if I do not leave by the deadline set by the Judge?

If you have not left by the set time, the Tarrant County officer can physically remove you.

What happens if I do not remove my property?

If you do not remove your property two things can happen: First, the property can be placed outside the apartment or house at a nearby location, but not blocking the street or sidewalk. It cannot be put outside while it is raining, sleeting or snowing.

Second, the Tarrant County officer can hire a bonded or insured warehouseman to take all the property and store it at a warehouse.

What court do I go to about an eviction lawsuit?

Eviction lawsuits are heard in the Tarrant County Justice of the Peace Court precinct, in which the rental property is located. Each Tarrant County precinct has jurisdiction over a specific geographical area of Tarrant County. The Justice of the Peace is responsible for hearing an eviction lawsuit and does not offer legal advice.

Each of the eight Justice of the Peace Courts are as follows:

Justice of the Peace

Precinct No. 1

Tarrant County Courthouse
100 East Weatherford Street
Fort Worth, Texas 76102
817-884-1935

Justice of the Peace

Precinct No. 2

Southeast Sub-Courthouse
724 East Border Street
Arlington, Texas 76010
817-548-3925

Justice of the Peace

Precinct No. 3

Northeast Courthouse Complex
645 Grapevine Highway
Hurst, Texas 76054
817-581-3625

Justice of the Peace

Precinct No. 4

Northwest Sub-Courthouse
6713 Telephone Road
Lake Worth, Texas 76135
817-238-4425

Justice of the Peace

Precinct No. 5

Fort Worth Police Dept. and
Tarrant County Jail Building
350 West Belknap Street
Fort Worth, Texas 76102
817-884-1438

Justice of the Peace

Precinct No. 6

Southwest Sub-Courthouse
6551 Granbury Rd.
Fort Worth, Texas 76133
817-370-4525

Justice of the Peace

Precinct No. 7

1100 E. Broad Street, Suite 202
Mansfield, Texas 76063
817-473-5101

Justice of the Peace

Precinct No. 8

Poly Sub-Courthouse
3212 Miller Avenue
817-531-5625

NOTICES

Notices that require delivery by the Tarrant County Constable's Office are served by officers in the Tarrant County precinct in which the rental property is located. The addresses for the Tarrant County Constable's offices are at the same locations as the Justice of the Peace Courts.

The Tarrant County Constable's Office telephone numbers are as follows:

Tarrant County Constable
Precinct No. 1
817-884-1385

Tarrant County Constable
Precinct No. 2
817-548-3910

Tarrant County Constable
Precinct No. 3
817-581-3610

Tarrant County Constable
Precinct No. 4
817-238-4410

Tarrant County Constable
Precinct No. 5
817-884-1892

Tarrant County Constable
Precinct No. 6
817-370-4510

Tarrant County Constable
Precinct No. 7
817-473-5110

Tarrant County Constable
Precinct No. 8
817-531-5610

LOCKING OUT A TENANT FOR FAILURE TO PAY RENT

If I am late paying my rent can my landlord change the locks to my residence?

Yes, but the landlord must follow certain rules. The landlord must leave a note on your front door with the address of where you can go 24 hours a day to get a new key or a telephone number that is answered 24 hours a day that you can call to have a new key delivered within 2 hours of your call.

Does the landlord have to warn me before the landlord locks me out for being late on my rent?

Yes, the landlord has to give you a written warning. The landlord can mail the warning five days before changing the locks. Or the landlord can hand deliver it to you or post it on the inside of your front door three days before changing the locks.

TAKING PERSONAL PROPERTY TO PAY RENT

If I am late paying my rent, can my landlord come into my residence and take my property to pay the late rent?

Generally, no. However, there is an exception. The landlord can take your property if your written lease says the landlord can. But the landlord must follow the steps listed in your written lease. Also, that section in the lease must be underlined or printed in bold print to be enforceable.

Are there any steps the landlord must follow when the landlord takes my property?

Immediately after taking your property, the landlord must leave a note in a conspicuous place in your residence that the landlord came into your residence and a list of all the items the landlord took.

COMMON QUESTIONS

Can the landlord take off the door to my residence and not put it back?

Generally, no. The one exception is if the landlord removes the door for a repair or replacement. A landlord cannot remove a door, window, or attic hatchway cover, or a lock, latch, hinge, hinge pin, doorknob or other locks connected to a door, window or attic hatchway cover from the apartment or house unless the landlord removes the item for a genuine replacement. The repair or replacement must be performed promptly.

When must a landlord replace or repair something he or she supplies?

A landlord must make an effort to repair or replace a condition caused by normal wear and tear in a residence if:

- You describe the condition to your landlord. Your description must be in writing if the lease is in writing and requires that the description be in writing; and
- You are not late paying rent when the description is written; and
- The condition materially affects an ordinary tenant's physical health or safety.

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- You are not late paying rent when the description is written; and
- The condition materially affects an ordinary tenant's physical health or safety.

HAVE YOUR RIGHTS BEEN VIOLATED?

Possible violations of discrimination based upon your race, color, national origin, religion, sex, familial status, sexual orientation or handicap include, but are not limited to:

- refusing to rent an apartment to you
- saying that apartments are unavailable, when there is availability
- showing you apartments in certain section of the complex
- refusing to make certain modifications or accommodations for persons with a mental or physical disability
- advertising to preferred groups of people only
- cutting off utilities, such as gas, water and electricity
- view actual apartment you are leasing
- harassing or intimidating you when you question about your fair housing rights
- denying the waiver of deposit fees for a service animal

If you feel your rights may have been violated or have questions about your rights as a renter, contact the Community Relations Department at 817-392-7525.

MORE INFORMATION

You may contact the following agencies for more information or if you need help:

Report unresolved health and safety violations to:

City of Fort Worth
Code Compliance Department
817-392-1234
715 Texas Street, Fort Worth, Texas 76102
www.fortworthgov.org/codecomp

Renter's Rights Questions contact:
City of Fort Worth
Community Relations Department
Renter's Rights Hotline
817-392-7525
908 Monroe Street, Fort Worth, Texas 76102
www.fortworthgov.org/crd

Apartment Association of Tarrant County
Consumer Inquiries and Complaints Resident Help Line
817-284-1123

Legal Aid of Northwest Texas
600 East Weatherford Street
Fort Worth, Texas 76102
817-336-3943

Legal Line: Attorneys answer legal questions
Staffed by volunteer attorneys during specific times of the month.
817-335-1239

If you believe that someone entered your residence illegally or your possessions were illegally removed, contact the Police Department at 817-335-4222 and request an investigation.



RENTAL HANDBOOK

This information is provided by:
The City of Fort Worth's
Code Compliance Department
and
Community Relations Department
Created 1997
Last Revision 2006

IMPORTANT PHONE NUMBERS

Code Compliance Department

(817) 392-1234
www.fortworthgov.org/codecomp

Community Relations Department

Renter's Rights Hotline

(817) 392-7525
www.fortworthgov.org/crd

Multifamily Inspection Unit

(817) 392-2525

GENERAL GUIDELINES

- Always read your lease before you sign it. If you do not understand something, ask questions.
- Signing a lease means that you have read, understood and agreed to it.
- Keep a copy of your lease with your other important papers.
- If you have additional questions you can seek information from the agencies listed at the end of this document.

