

# Justice of the Peace Precinct 1, Place 2

## EVICITION PROCEDURES FOR

### NON-PAYMENT OF RENT

(1) The tenant must have failed to pay the rent as agreed. The tenant must still owe some amount of money for rent before the landlord can proceed to step (2). Landlord cannot refuse rent and claim rent was not paid.

(2) The landlord must deliver a written notice to vacate for non-payment of rent. The notice must give the tenant time to vacate. The amount of time to vacate is determined by however long the parties have agreed to in a written lease or agreement, or at least three (3) days to vacate, from the day the notice is delivered. Delivery of the notice shall be by one of the following ways only:

- **Handed to the tenant in person:** (Or anyone living at the premises who is at least 16 years old.)
- **Mailed to the tenant:** (Note, if mailed, you must wait an additional two (2) days to allow for the mail to be delivered.)
- **Attached to the inside of the tenant's main entry door.**

(3) After the notice is delivered, wait until after the notice period expires, then go to the proper Justice of the Peace Court and file a written "sworn complaint" to get an eviction hearing for possession of your rented property, plus any rent that remains unpaid.

*(Sample of the "Notice to Vacate for Nonpayment of Rent.")*

*Dear \_\_\_\_\_, (tenant)*

*Today is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.*

*You have not paid all of the rent due. I demand possession of my rental property. This is a notice that you vacate the premises by \_\_\_\_\_ or I will file an eviction suit with a Justice of the Peace Court.*

\_\_\_\_\_,  
*(Landlord)*

For other types of evictions, comply with notice requirements on Property Code§24.005.