

PROPERTY CODE

TITLE 4. ACTIONS AND REMEDIES

CHAPTER 24. FORCIBLE ENTRY AND DETAINER

Sec. 24.001. FORCIBLE ENTRY AND DETAINER. (a) A person commits a forcible entry and detainer if the person enters the real property of another without legal authority or by force and refuses to surrender possession on demand.

(b) For the purposes of this chapter, a forcible entry is:

(1) an entry without the consent of the person in actual possession of the property;

(2) an entry without the consent of a tenant at will or by sufferance; or

(3) an entry without the consent of a person who acquired possession by forcible entry.

Acts 1983, 68th Leg., p. 3514, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1989, 71st Leg., ch. 688, Sec. 1, eff. Sept. 1, 1989.

Sec. 24.002. FORCIBLE DETAINER. (a) A person who refuses to surrender possession of real property on demand commits a forcible detainer if the person:

(1) is a tenant or a subtenant wilfully and without force holding over after the termination of the tenant's right of possession;

(2) is a tenant at will or by sufferance, including an occupant at the time of foreclosure of a lien superior to the tenant's lease; or

(3) is a tenant of a person who acquired possession by forcible entry.

(b) The demand for possession must be made in writing by a person entitled to possession of the property and must comply with the requirements for notice to vacate under Section [24.005](#).

Acts 1983, 68th Leg., p. 3514, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1985, 69th Leg., ch. 200, Sec. 1, eff. Aug. 26, 1985; Acts 1989, 71st Leg., ch. 688, Sec. 2, eff. Sept. 1, 1989.

Sec. 24.003. SUBSTITUTION OF PARTIES. If a tenancy for a term expires while the tenant's suit for forcible entry is pending, the landlord may prosecute the suit in the tenant's name for the landlord's benefit and at the landlord's expense. It is immaterial whether the tenant received possession from the landlord or became a tenant after obtaining possession of the property.

Acts 1983, 68th Leg., p. 3515, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Aug. 26, 1985.

Sec. 24.004. JURISDICTION; DISMISSAL. (a) Except as provided by Subsection (b), a justice court in the precinct in which the real property is located has jurisdiction in an eviction suit. Eviction suits include forcible entry and detainer and forcible detainer suits. A justice court has jurisdiction to issue a writ of possession under this chapter.

(b) A justice court does not have jurisdiction in a forcible entry and detainer or forcible detainer suit and shall dismiss the suit if the defendant files a sworn statement alleging the suit is based on a deed executed in violation of Chapter 21A, Business & Commerce Code.

(c) A justice court in which a petition is filed under Section 24.00505 must adjudicate the right to actual possession of the premises. The justice court may not adjudicate title to the premises. Counterclaims and the joinder of suits against third parties are not permitted in eviction suits. This subsection does not preclude a claim that may not be asserted under this subsection from being brought in a separate suit in a court of proper jurisdiction.

Acts 1983, 68th Leg., p. 3515, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Aug. 26, 1985; Acts 1997, 75th Leg., ch. 1205, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 958 (H.B. 1111), Sec. 1, eff. January 1, 2012.

Acts 2011, 82nd Leg., R.S., Ch. 1242 (S.B. 1320), Sec. 3, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(28), eff. September 1, 2013.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 1, eff. January 1, 2026.

Sec. 24.0041. VENUE. An eviction suit must be brought in the justice precinct in which the real property is located.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 2, eff. January 1, 2026.

Sec. 24.0042. COMPUTATION OF TIME. A period of time prescribed by this chapter:

(1) does not include the day of the event that begins the period;

(2) includes Saturdays, Sundays, and state or federal holidays;

(3) includes the last day of the period; and

(4) if the last day of the period is a Saturday, Sunday, or state or federal holiday, is extended so that the last day of the period is the next day that is not a Saturday, Sunday, or state or federal holiday.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 2, eff. January 1, 2026.

Sec. 24.0043. AUTHORITY TO MODIFY OR SUSPEND EVICTION PROCEDURES. (a) Except as provided by Subsection (b) but notwithstanding any other law, only the legislature may modify or suspend procedures prescribed by this chapter.

(b) This section does not affect the authority of the supreme court to modify or suspend certain provisions for the conduct of any court proceedings affected by a disaster under Section 22.0035(b), Government Code, but such a modification or suspension may be applied to an eviction suit only if:

(1) the modification or suspension is applicable to all courts similarly affected by the disaster without regard to the subject matter of an action; and

(2) any request for the modification or suspension is

made in writing and available to the public.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 2, eff. January 1, 2026.

Amended by:

Acts 2025, 89th Leg., 2nd C.S., Ch. 7 (H.B. 16), Sec. 12.09, eff. January 1, 2026.

Sec. 24.005. NOTICE REQUIRED BEFORE FILING CERTAIN EVICTION SUITS. (a) If the occupant is a tenant under a written lease or oral rental agreement, the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit, unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. In a forcible detainer suit against a tenant whose right of possession is terminated based solely on nonpayment of rent and who was not late or delinquent in paying rent to the landlord before the month in which the notice is given, written notice under this section shall be given in the form of a notice to pay rent or vacate. In a forcible detainer suit against a tenant whose right of possession is terminated based on nonpayment of rent and who was late or delinquent in paying rent to the landlord before the month in which the notice is given, written notice under this section may be given in the form of either a notice to pay rent or vacate or a notice to vacate. A landlord who files a forcible detainer suit on grounds that the tenant is holding over beyond the end of the rental term or renewal period must also comply with the tenancy termination requirements of Section 91.001.

(b) If the occupant is a tenant at will or by sufferance, the landlord must give the tenant at least three days' written notice to vacate before the landlord files a forcible detainer suit unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. If a building is purchased at a tax foreclosure sale or a trustee's foreclosure sale under a lien superior to the tenant's lease and the tenant timely pays rent and is not otherwise in default under the tenant's lease after foreclosure, the purchaser must give a residential tenant of the

building at least 30 days' written notice to vacate if the purchaser chooses not to continue the lease. The tenant is considered to timely pay the rent under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord before receiving any notice that a foreclosure sale is scheduled during the month or pays the rent for that month to the foreclosing lienholder or the purchaser at foreclosure not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests payment. Before a foreclosure sale, a foreclosing lienholder may give written notice to a tenant stating that a foreclosure notice has been given to the landlord or owner of the property and specifying the date of the foreclosure.

(c) If the occupant is a tenant of a person who acquired possession by forcible entry, the landlord must give the person at least three days' written notice to vacate before the landlord files a forcible detainer suit.

(c-1) If a federal law or rule requires a landlord to give notice to a tenant before the landlord requires the tenant to vacate the premises:

(1) a landlord that satisfies the notice requirements of this section is not required to delay the filing of an eviction suit based on the federal requirement;

(2) the federal requirement is not a basis for a court to delay or abate the conduct of the eviction suit; and

(3) a writ of possession may not be served on the tenant until the period between the delivery of the notice under this section and the service of the writ equals or exceeds the period prescribed by the federal requirement.

(d) In all situations in which the entry by the occupant was a forcible entry under Section 24.001, the person entitled to possession must give the occupant oral or written notice to vacate before the landlord files a forcible entry and detainer suit. The notice to vacate under this subsection may be to vacate immediately or by a specified deadline.

(e) If the lease or applicable state or federal law or rule requires a landlord to give a tenant an opportunity to respond to a

notice of proposed eviction before filing an eviction suit:

(1) the notice period in a notice to pay rent or vacate or notice to vacate under Subsection (a) may, at the landlord's discretion, run concurrently with the period provided for the tenant to respond to the notice of proposed eviction; and

(2) the notice to pay rent or vacate or notice to vacate may include the required opportunity to respond to the notice of proposed eviction.

(f) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

(f-1) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

(f-2) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

(f-3) A notice required by this section must be delivered using at least one of the following methods:

(1) mail, including first class mail, registered mail, certified mail, or a delivery service;

(2) delivery to the inside of the premises, in a conspicuous place;

(3) hand delivery to any tenant of the premises who is 16 years of age or older; or

(4) if the parties have agreed in writing, electronic communication, including e-mail or other electronic means.

(f-4) Subsection (f-3) does not apply if the tenant actually receives the notice.

(g) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

(h) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

(i) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

Acts 1983, 68th Leg., p. 3515, ch. 576, Sec. 1, eff. Jan. 1, 1984.

Amended by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Sept. 1,

1985; Acts 1989, 71st Leg., ch. 688, Sec. 3, eff. Sept. 1, 1989;

Acts 1997, 75th Leg., ch. 1205, Sec. 2, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1198 (S.B. 1367), Sec. 1, eff. January 1, 2016.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 3, eff. January 1, 2026.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 4, eff. January 1, 2026.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(1), eff. January 1, 2026.

Sec. 24.00505. PETITION. To initiate an eviction suit, a sworn petition must be filed with the court. The petition must include the contents required by the Texas Rules of Civil Procedure.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 5, eff. January 1, 2026.

Sec. 24.00506. RULES OF COURT. (a) A court may adopt local rules, forms, or standing orders for eviction suits in accordance with the Texas Rules of Civil Procedure.

(b) A court may not adopt local rules, forms, or standing orders for eviction suits that:

(1) require content in or with the petition other than the content required by the Texas Rules of Civil Procedure;

(2) require any mediation, pretrial conference, or other proceeding before trial; or

(3) authorize the dismissal of an eviction suit on the basis that the petition is improper if the petition:

(A) meets the requirements of the Texas Rules of Civil Procedure; or

(B) can be amended to meet the requirements of the Texas Rules of Civil Procedure.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 5, eff. January 1, 2026.

Sec. 24.0051. PROCEDURES APPLICABLE IN SUIT TO EVICT AND RECOVER UNPAID RENT. (a) In a suit filed in justice court in which the landlord files a sworn petition seeking judgment against a

tenant for possession of the premises and unpaid rent, personal service on the tenant or service on the tenant under the Texas Rules of Civil Procedure is procedurally sufficient to support a default judgment for possession of the premises and unpaid rent.

(b) A landlord may recover unpaid rent under this section regardless of whether the tenant vacated the premises after the date the landlord filed the sworn petition and before the date the court renders judgment.

(c) In a suit to recover possession of the premises, whether or not unpaid rent is claimed, the citation must include the following notice to the tenant:

FAILURE TO APPEAR FOR TRIAL MAY RESULT IN A DEFAULT JUDGMENT BEING
ENTERED AGAINST YOU.

(d) In a suit described by Subsection (c), the citation must include the following notice to the tenant on the first page of the citation in English and Spanish and in conspicuous bold print:

SUIT TO EVICT

THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. A TENANT WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE. CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL ASSISTANCE.

(e) If the landlord files a motion for summary disposition under Section [24.005106](#) with the petition, the citation must include the following notice to the tenant on the first page of the citation in English and Spanish and in conspicuous bold print:

THE PETITION INCLUDES A MOTION FOR SUMMARY DISPOSITION. IF THE MOTION SHOWS THERE ARE NO GENUINELY DISPUTED FACTS THAT WOULD PREVENT A JUDGMENT IN FAVOR OF THE LANDLORD, THE COURT MAY ENTER JUDGMENT IN FAVOR OF THE LANDLORD WITHOUT A TRIAL UNLESS:

(1) NOT LATER THAN THE FOURTH DAY AFTER YOU ARE SERVED WITH THE LANDLORD'S SWORN PETITION, YOU FILE A RESPONSE SETTING OUT SUPPORTING FACTS AND ANY APPLICABLE DOCUMENTS ON WHICH YOUR

RESPONSE RELIES; AND

(2) THE JUSTICE COURT DETERMINES THAT SERVICE ON YOU WAS PROPER AND, BASED ON THE LANDLORD'S SWORN PETITION AND YOUR RESPONSE, THERE ARE GENUINELY DISPUTED FACTS THAT WOULD PREVENT A JUDGMENT IN FAVOR OF THE LANDLORD.

(f) A sheriff or constable, including a deputy sheriff or deputy constable, shall make a diligent effort to serve the citation and petition not later than the fifth business day after the date the petition is filed. If the citation and petition are not served on or before the fifth business day after the date the petition is filed, the landlord may, but is not obligated to, provide for the citation and petition to be served by any other law enforcement officer, including an off-duty officer with appropriate identification, that has received appropriate training in the service of process, eviction procedures, and the execution of writs, as determined by the Texas Commission on Law Enforcement.

(g) The court:

(1) shall, subject to this subsection, hold the trial of an eviction suit on a date that is not earlier than the 10th day or later than the 21st day after the date the petition is filed;

(2) may not hold the trial on a date that is earlier than the fourth day after the date the tenant is served with the petition; and

(3) may not postpone the date of a trial for more than seven days unless the parties agree to the postponement in writing. Added by Acts 1999, 76th Leg., ch. 1464, Sec. 1, eff. Sept. 1, 1999. Amended by:

Acts 2005, 79th Leg., Ch. 712 (S.B. 439), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 812 (S.B. 1483), Sec. 1, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 252 (H.B. 1127), Sec. 1, eff. January 1, 2012.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 6, eff. January 1, 2026.

Sec. 24.005105. ELECTRONIC PROCEEDINGS. If the parties

agree, a justice court may allow the parties in an eviction suit to appear at a court proceeding in the suit by videoconference, teleconference, or other available electronic means.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 7, eff. January 1, 2026.

Sec. 24.005106. SUMMARY DISPOSITION AND TRIAL. (a) A landlord that files a sworn petition alleging a forcible entry and detainer under Section 24.00505 may include with the petition a sworn motion for summary disposition without trial. The motion must set out all supporting facts, and documents on which the motion relies must be attached. If the motion shows that there are no genuinely disputed facts that would prevent a judgment in favor of the landlord, the court may enter judgment in favor of the landlord without a trial unless:

(1) not later than the fourth day after the date the tenant is served with the landlord's sworn petition, the tenant files a response setting out supporting facts, and providing any applicable documents, on which the response relies; and

(2) the justice court determines that service on the tenant was proper and, based on the landlord's sworn petition and the tenant's response, if any, there are genuinely disputed facts that would prevent a judgment in favor of the landlord.

(b) The justice court:

(1) may enter judgment for the landlord regardless of the tenant's response if the response does not show there is a genuinely disputed fact that would prevent judgment in favor of the landlord; and

(2) may consider a response filed by the tenant later than the fourth day after the date the tenant was served with the landlord's sworn petition and motion if the response shows there is a genuinely disputed fact that would prevent judgment in favor of the landlord and the tenant has filed the response before judgment has been entered.

(c) If the justice court determines that there are genuinely disputed facts that would prevent a judgment in favor of the landlord, the justice court shall set a trial date that is not

earlier than the 10th day and not later than the 21st day after the date the petition is filed by the landlord. The justice court may immediately set the case for trial upon the tenant's request for a trial in response to a motion for summary disposition.

(d) A judgment on summary disposition under this section has the same effect as any other judgment in an eviction suit.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 7, eff. January 1, 2026.

Sec. 24.005107. APPEAL TO COUNTY COURT. (a) A party may appeal the judgment of a justice court in an eviction suit by filing a bond, cash deposit, or statement of inability to afford payment of court costs with the justice court not later than the fifth day after the date the judgment is signed. A tenant who files an appeal must affirm, under penalty of perjury, the tenant's good faith belief that the tenant has a meritorious defense and that the appeal is not for the purpose of delay. An appeal is perfected when a bond, cash deposit, or statement of inability to afford payment of court costs is timely filed with the justice court in accordance with this section.

(b) The justice court shall forward the transcript and original papers in an appeal of an eviction case to the county court, by electronic means or otherwise, not earlier than 4 p.m. on the sixth day or later than 4 p.m. on the 10th day after the date the tenant files the appeal, except that, if the court confirms that the tenant has timely paid the initial rent payment into the justice court registry in accordance with Section 24.0053, the court may forward the transcript and original papers immediately.

(c) The county court shall hold a trial not later than the 21st day after the date the transcript and original papers are delivered to the county court.

Added by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 7, eff. January 1, 2026.

Sec. 24.00511. APPEAL BOND FOR CERTAIN EVICTION SUITS.

(a) In a residential eviction suit, the justice court shall state in the court's judgment the amount of the appeal bond, taking into

consideration the money required to be paid into the court registry under Section 24.0053.

(b) In addition to meeting all other requirements of law, the bond must require the surety to provide the surety's contact information, including an address, phone number, and e-mail address, if any. If any of the contact information changes, the surety shall inform the court of the surety's new contact information.

Added by Acts 2015, 84th Leg., R.S., Ch. 1027 (H.B. 1334), Sec. 1, eff. January 1, 2016.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 8, eff. January 1, 2026.

Sec. 24.00512. CONTEST OF CERTAIN APPEAL BONDS. (a) This section does not apply to an appeal bond issued by a corporate surety authorized by the Texas Department of Insurance to engage in business in this state.

(b) If a party appeals the judgment of a justice court in a residential eviction suit for nonpayment of rent by filing an appeal bond, the opposing party may contest the bond amount, form of the bond, or financial ability of a surety to pay the bond by filing a written notice with the justice court contesting the appeal bond on or before the fifth day after the date the appeal bond is filed and serving a copy on the other party. After the notice is filed, the justice court shall notify the other party and the surety of the contest.

(c) Not later than the fifth day after the date the contest is filed, the justice court shall hold a hearing to hear evidence to determine whether to approve or disapprove the amount or form of the bond or the surety.

(d) If a party contests the amount or form of the bond, the contesting party has the burden to prove, by a preponderance of the evidence, that the amount or form of the bond, as applicable, is insufficient. If a party contests the financial ability of a surety to pay the bond, the party filing the bond must prove, by a preponderance of the evidence, that the surety has sufficient

nonexempt assets to pay the appeal bond. If the justice court determines that the amount or form of the bond is insufficient or the surety does not have sufficient nonexempt assets to pay the appeal bond, the justice court must disapprove the bond. If the surety fails to appear at the contest hearing, the failure to appear is prima facie evidence that the bond should be disapproved.

(e) Not later than the fifth day after the date the justice court disapproves an appeal bond, the party appealing may make a cash deposit, file a sworn statement of inability to pay with the justice court, or appeal the decision disapproving the appeal bond to the county court. If the party appealing fails to make a cash deposit, file a sworn statement of inability to pay, or appeal the decision disapproving the appeal bond, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee.

(f) If an appeal of a decision disapproving the appeal bond is filed, the justice court shall transmit to the county court the contest to the appeal bond and all relevant documents. The county court shall docket the appeal, schedule a hearing to be held not later than the fifth day after the date the appeal is docketed, notify the parties and the surety of the hearing time and date, and hear the contest de novo. The failure of the county court to hold a timely hearing is not grounds for approval or denial of the appeal. A writ of possession may not be issued before the county court issues a final decision on the appeal bond, except as provided by Section [24.0054](#).

(g) After the contest is heard by the county court, the county clerk shall transmit the transcript and records of the case to the justice court. If the county court disapproves the appeal bond, the party may, not later than the fifth day after the date the court disapproves the appeal bond, perfect the appeal of the judgment on the eviction suit by making a cash deposit in the justice court in an amount determined by the county court or by filing a sworn statement of inability to pay with the justice court pursuant to the Texas Rules of Civil Procedure. If the tenant is the appealing party and a cash deposit in the required amount is not

timely made or a sworn statement of inability to pay is not timely filed, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee. If the landlord is the appealing party and a cash deposit is not timely made or a sworn statement of inability to pay is not timely filed, the judgment of the justice court becomes final. If the appeal bond is approved by the county court, the court shall transmit the transcript and other records of the case to the justice court, and the justice court shall proceed as if the appeal bond was originally approved.

Added by Acts 2015, 84th Leg., R.S., Ch. 1027 (H.B. 1334), Sec. 1, eff. January 1, 2016.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 9, eff. January 1, 2026.

Sec. 24.0052. TENANT APPEAL ON STATEMENT OF INABILITY TO AFFORD PAYMENT OF COURT COSTS. (a) If a tenant in a residential eviction suit is unable to pay the costs of appeal or file an appeal bond as required by the Texas Rules of Civil Procedure, the tenant may appeal the judgment of the justice court by filing with the justice court, not later than the fifth day after the date the judgment is signed, a statement of inability to afford payment of court costs sworn before the clerk of the justice court or a notary public that states that the tenant is unable to pay the costs of appeal or file an appeal bond. The statement must contain the following information:

- (1) the tenant's identity;
- (2) the nature and amount of the tenant's employment income;
- (3) the income of the tenant's spouse, if applicable and available to the tenant;
- (4) the nature and amount of any governmental entitlement income of the tenant;
- (5) all other income of the tenant;
- (6) the amount of available cash and funds available in savings or checking accounts of the tenant;

(7) real and personal property owned by the tenant, other than household furnishings, clothes, tools of a trade, or personal effects;

(8) the tenant's debts and monthly expenses; and

(9) the number and age of the tenant's dependents and where those dependents reside.

(b) The justice court shall make available a form that a person may use to comply with the requirements of Subsection (a).

(c) The justice court shall promptly notify the landlord if a statement described by Subsection (a) is filed by the tenant.

(d) A landlord may contest a statement filed under this section on or before the fifth day after the date the statement is filed. If the landlord contests the statement, the justice court shall notify the parties and hold a hearing to determine whether the tenant is unable to pay the costs of appeal or file an appeal bond. The hearing shall be held not later than the fifth day after the date the landlord notifies the court clerk of the landlord's contest. At the hearing, the tenant has the burden to prove by competent evidence, including documents or credible testimony of the tenant or others, that the tenant is unable to pay the costs of appeal or file an appeal bond.

(e) If the justice court approves a statement filed by a tenant under this section, the tenant is not required to pay the county court filing fee or file an additional statement in the county court under Subsection (a).

Added by Acts 2005, 79th Leg., Ch. 1185 (H.B. 62), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 10, eff. January 1, 2026.

Sec. 24.00521. CONTEST OF CERTAIN APPEAL BONDS IN COUNTY COURT. A contest under Section 24.00512 does not preclude a party from contesting the appeal bond in the county court after the county court has jurisdiction over the eviction suit. After the county court has jurisdiction over the eviction suit, the county court may modify the amount or form of the bond and determine the sufficiency

of the surety.

Added by Acts 2015, 84th Leg., R.S., Ch. 1027 (H.B. 1334), Sec. 2, eff. January 1, 2016.

Sec. 24.0053. PAYMENT OF RENT DURING APPEAL OF EVICTION.

(a) If the justice court enters judgment for the landlord in a residential eviction case, the court shall determine the amount of rent to be paid each rental pay period during the pendency of any appeal and shall note that amount in the judgment. If a portion of the rent is payable by a government agency, the court shall determine and note in the judgment the portion of the rent to be paid by the government agency and the portion to be paid by the tenant. The court's determination shall be in accordance with the terms of the rental agreement and applicable laws and regulations. If there is no rental agreement, the court shall determine:

(1) the rental pay period; and

(2) the amount of rent to be paid by the tenant in each rental pay period, which must be the greater of:

(A) \$250; or

(B) the fair market rent, if determined by the court.

(a-1) If a tenant files an appeal of a justice court's judgment in an eviction suit, the justice court shall provide to the tenant a written notice at the time the appeal is filed that contains the following information in bold or conspicuous type:

(1) the amount of rent stated in the judgment that the tenant must pay into the justice court or county court registry, as applicable, during the pendency of the appeal;

(2) whether the rent must be paid in cash, cashier's check, or money order, and to whom the cashier's check or money order, if applicable, must be made payable;

(3) the calendar date by which the rent must be paid into the justice court or county court registry, as applicable;

(4) for a court that closes before 5 p.m. on the date specified by Subdivision (3), the time the court closes; and

(5) a statement that failure to pay the required

amount into the justice court or county court registry, as applicable, by the date prescribed by Subdivision (3) may result in the justice court or county court issuing a writ of possession without a hearing.

(a-2) The tenant shall:

(1) not later than the fifth day after the date the tenant files the appeal, pay rent for one rental pay period into the justice court registry; and

(2) on or before the beginning of each rental pay period during the pendency of the appeal, pay rent for one rental pay period into the justice court or county court registry, as applicable, according to the court in which the case is pending at the time of payment.

(a-3) The justice court or county court, as applicable, shall disburse rent paid into the justice court or county court registry to the landlord on request at anytime during or after the pendency of the appeal.

(a-4) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(2), eff. January 1, 2026.

(a-5) A tenant's payment of rent into a court registry under this section relieves the tenant of the obligation to pay rent to the landlord only for the rental pay period for which the payment is made.

(b) If a government agency is responsible for all or a portion of the rent under an agreement with the landlord, the tenant shall pay only that portion of the rent determined by the justice court under Subsection (a) to be paid by the tenant during appeal, subject to either party's right to contest that determination under Subsection (c).

(c) If the tenant's rent during the rental agreement term has been paid wholly or partly by a government agency, either party may contest the portion of the rent that the justice court determines must be paid into the county court registry by the tenant under this section. The contest must be filed on or before the fifth day after the date the justice signs the judgment. If a contest is filed, not later than the fifth day after the date the contest is filed the justice court shall notify the parties and hold

a hearing to determine the amount owed by the tenant in accordance with the terms of the rental agreement and applicable laws and regulations. After hearing the evidence, the justice court shall determine the portion of the rent that must be paid by the tenant under this section.

(d) During the pendency of the appeal, either party may file a motion with the county court to reconsider the amount of the rent that must be paid by the tenant into the registry of the court.

(e) If either party files a contest under Subsection (c) and the tenant files a statement of inability to afford payment of court costs that is contested by the landlord under Section 24.0052(d), the justice court shall hold the hearing on both contests at the same time.

Added by Acts 2005, 79th Leg., Ch. 1185 (H.B. 62), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 958 (H.B. 1111), Sec. 2, eff. January 1, 2012.

Acts 2015, 84th Leg., R.S., Ch. 1027 (H.B. 1334), Sec. 3, eff. January 1, 2016.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 11, eff. January 1, 2026.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(2), eff. January 1, 2026.

Sec. 24.0054. TENANT'S FAILURE TO PAY RENT DURING APPEAL.

(a) During an appeal of an eviction case, the justice court or county court, as applicable, on request shall immediately issue a writ of possession, without hearing, if a tenant fails to pay rent into the appropriate court registry as required by Section 24.0053 and the justice court has provided the written notice required by Section 24.0053(a-1).

(a-1) The sheriff, the constable, or another law enforcement officer shall execute a writ of possession under Subsection (a) in accordance with Sections 24.0061(d) through (h). The landlord shall bear the costs of issuing and executing the writ of possession.

(a-2) If the justice court issues a writ of possession under this section, the justice court shall forward the transcript and original papers in the eviction case to the county court for trial de novo to resolve any remaining issues in the case, such as rent or attorney's fees, notwithstanding the fact that the writ has been issued or executed.

(a-3) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

(a-4) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

(b) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

(c) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

(d) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

(e) Repealed by Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

(f) During the appeal of an eviction case, if a government agency is responsible for payment of a portion of the rent and does not pay that portion to the landlord or into the justice court or county court registry, the landlord may file a motion with the county court requesting that the tenant be required to pay into the county court registry, as a condition of remaining in possession, the full amount of each rental period's rent, as it becomes due under the rental agreement. After notice and hearing, the court shall grant the motion if the landlord proves by credible evidence that:

(1) a portion of the rent is owed by a government agency;

(2) the portion of the rent owed by the government agency is unpaid;

(3) the landlord did not cause wholly or partly the agency to cease making the payments; and

(4) the landlord did not cause wholly or partly the agency to pay the wrong amount.

Added by Acts 2005, 79th Leg., Ch. 1185 (H.B. 62), Sec. 1, eff.

September 1, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 958 (H.B. 1111), Sec. 3, eff. January 1, 2012.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 12, eff. January 1, 2026.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 15(3), eff. January 1, 2026.

Sec. 24.006. ATTORNEY'S FEES AND COSTS OF SUIT. (a) Except as provided by Subsection (b), to be eligible to recover attorney's fees in an eviction suit, a landlord must give a tenant who is unlawfully retaining possession of the landlord's premises a written demand to vacate the premises. The demand must state that if the tenant does not vacate the premises before the 11th day after the date of receipt of the notice and if the landlord files suit, the landlord may recover attorney's fees. The demand must be sent by registered mail or by certified mail, return receipt requested, at least 10 days before the date the suit is filed.

(b) If the landlord provides the tenant notice under Subsection (a) or if a written lease entitles the landlord to recover attorney's fees, a prevailing landlord is entitled to recover reasonable attorney's fees from the tenant.

(c) If the landlord provides the tenant notice under Subsection (a) or if a written lease entitles the landlord or the tenant to recover attorney's fees, the prevailing tenant is entitled to recover reasonable attorney's fees from the landlord. A prevailing tenant is not required to give notice in order to recover attorney's fees under this subsection.

(d) The prevailing party is entitled to recover all costs of court.

Acts 1983, 68th Leg., p. 3516, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Sept. 1, 1985; Acts 1989, 71st Leg., ch. 688, Sec. 4, eff. Sept. 1, 1989; Acts 1997, 75th Leg., ch. 1205, Sec. 3, eff. Sept. 1, 1997.

Sec. 24.0061. WRIT OF POSSESSION. (a) A landlord who

prevails in an eviction suit is entitled to a judgment for possession of the premises and a writ of possession. In this chapter, "premises" means:

(1) a unit that is occupied or rented; and

(2) any outside area or facility:

(A) that a tenant is entitled to use under a written lease or oral rental agreement;

(B) that is held out for the use of tenants generally; and

(C) that is occupied by or in the possession of the person against whom the eviction suit is filed.

(b) A writ of possession may not be issued before the sixth day after the date on which the judgment for possession is rendered unless a possession bond has been filed and approved under the Texas Rules of Civil Procedure.

(b-1) The issuance of a writ of possession is a ministerial act not subject to review or delay. A sheriff or constable, including a deputy sheriff or deputy constable, shall serve the writ of possession not later than the fifth business day after the date the writ is issued. If the writ of possession is not served on or before the fifth business day after the date the writ is issued, the landlord may, but is not obligated to, have the writ served by any other law enforcement officer, including an off-duty officer with appropriate identification, who has received training as described by Section [24.0051\(f\)](#).

(c) The court shall notify a tenant in writing of a default judgment for possession or a judgment for possession under Section [24.005106](#) by sending a copy of the judgment to the premises by first class mail not later than 48 hours after the entry of the judgment.

(d) The writ of possession shall order the officer executing the writ to:

(1) post a written warning of at least 8-1/2 by 11 inches on the exterior of the front door of the rental unit notifying the tenant that the writ has been issued and that the writ will be executed on or after a specific date and time stated in the warning not sooner than 24 hours after the warning is posted; and

(2) when the writ is executed:

(A) deliver possession of the premises to the landlord;

(B) instruct the tenant and all persons claiming under the tenant to leave the premises immediately, and, if the persons fail to comply, physically remove them;

(C) instruct the tenant to remove or to allow the landlord, the landlord's representatives, or other persons acting under the officer's supervision to remove all personal property from the rental unit other than personal property claimed to be owned by the landlord; and

(D) place, or have an authorized person place, the removed personal property outside the rental unit at a nearby location, but not blocking a public sidewalk, passageway, or street and not while it is raining, sleeting, or snowing, except as provided by Subsection (d-1).

(d-1) A municipality may provide, without charge to the landlord or to the owner of personal property removed from a rental unit under Subsection (d), a portable, closed container into which the removed personal property shall be placed by the officer executing the writ or by the authorized person. The municipality may remove the container from the location near the rental unit and dispose of the contents by any lawful means if the owner of the removed personal property does not recover the property from the container within a reasonable time after the time the property is placed in the container.

(e) The writ of possession shall authorize the officer, at the officer's discretion, to engage the services of a bonded or insured warehouseman to remove and store, subject to applicable law, part or all of the property at no cost to the landlord or the officer executing the writ.

(f) The officer may not require the landlord to store the property.

(g) The writ of possession shall contain notice to the officer that under Section 7.003, Civil Practice and Remedies Code, the officer is not liable for damages resulting from the execution of the writ if the officer executes the writ in good faith and with reasonable diligence.

(h) An officer may use reasonable force in executing a writ under this section.

(i) A landlord is not liable for damages to the tenant resulting from the enforcement of a judgment in favor of the landlord under this chapter, including the execution of a writ of possession by an officer under this section.

Added by Acts 1985, 69th Leg., ch. 319, Sec. 1, eff. Sept. 1, 1985.

Amended by Acts 1987, 70th Leg., ch. 314, Sec. 1, eff. Sept. 1,

1987; Acts 1987, 70th Leg., ch. 745, Sec. 6, eff. June 20, 1987;

Acts 1987, 70th Leg., ch. 1089, Sec. 1, eff. Aug. 31, 1987; Acts

1989, 71st Leg., ch. 2, Sec. 13.01, eff. Aug. 28, 1989; Acts 1989,

71st Leg., ch. 688, Sec. 5, eff. Sept. 1, 1989; Acts 1997, 75th

Leg., ch. 1205, Sec. 4, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 355 (H.B. [1853](#)), Sec. 1, eff.

September 1, 2015.

Acts 2021, 87th Leg., R.S., Ch. 641 (H.B. [900](#)), Sec. 1, eff.

September 1, 2021.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. [38](#)), Sec. 13, eff.

January 1, 2026.

Sec. 24.0062. WAREHOUSEMAN'S LIEN. (a) If personal property is removed from a tenant's premises as the result of an action brought under this chapter and stored in a bonded or insured public warehouse, the warehouseman has a lien on the property to the extent of any reasonable storage and moving charges incurred by the warehouseman. The lien does not attach to any property until the property has been stored by the warehouseman.

(b) If property is to be removed and stored in a public warehouse under a writ of possession, the officer executing the writ shall, at the time of execution, deliver in person to the tenant, or by first class mail to the tenant's last known address not later than 72 hours after execution of the writ if the tenant is not present, a written notice stating the complete address and telephone number of the location at which the property may be redeemed and stating that:

(1) the tenant's property is to be removed and stored

by a public warehouseman under Section 24.0062 of the Property Code;

(2) the tenant may redeem any of the property, without payment of moving or storage charges, on demand during the time the warehouseman is removing the property from the tenant's premises and before the warehouseman permanently leaves the tenant's premises;

(3) within 30 days from the date of storage, the tenant may redeem any of the property described by Section 24.0062(e), Property Code, on demand by the tenant and on payment of the moving and storage charges reasonably attributable to the items being redeemed;

(4) after the 30-day period and before sale, the tenant may redeem the property on demand by the tenant and on payment of all moving and storage charges; and

(5) subject to the previously stated conditions, the warehouseman has a lien on the property to secure payment of moving and storage charges and may sell all the property to satisfy reasonable moving and storage charges after 30 days, subject to the requirements of Section 24.0062(j) of the Property Code.

(c) The statement required by Subsection (b)(2) must be underlined or in boldfaced print.

(d) On demand by the tenant during the time the warehouseman is removing the property from the tenant's premises and before the warehouseman permanently leaves the tenant's premises, the warehouseman shall return to the tenant all property requested by the tenant, without charge.

(e) On demand by the tenant within 30 days after the date the property is stored by the warehouseman and on payment by the tenant of the moving and storage charges reasonably attributable to the items being redeemed, the warehouseman shall return to the tenant at the warehouse the following property:

- (1) wearing apparel;
- (2) tools, apparatus, and books of a trade or profession;
- (3) school books;
- (4) a family library;

- (5) family portraits and pictures;
- (6) one couch, two living room chairs, and a dining table and chairs;
- (7) beds and bedding;
- (8) kitchen furniture and utensils;
- (9) food and foodstuffs;
- (10) medicine and medical supplies;
- (11) one automobile and one truck;
- (12) agricultural implements;
- (13) children's toys not commonly used by adults;
- (14) goods that the warehouseman or the warehouseman's agent knows are owned by a person other than the tenant or an occupant of the residence;
- (15) goods that the warehouseman or the warehouseman's agent knows are subject to a recorded chattel mortgage or financing agreement; and
- (16) cash.

(f) During the first 30 days after the date of storage, the warehouseman may not require payment of removal or storage charges for other items as a condition for redeeming the items described by Subsection (e).

(g) On demand by the tenant to the warehouseman after the 30-day period and before sale and on payment by the tenant of all unpaid moving and storage charges on all the property, the warehouseman shall return all the previously unredeemed property to the tenant at the warehouse.

(h) A warehouseman may not recover any moving or storage charges if the court determines under Subsection (i) that the warehouseman's moving or storage charges are not reasonable.

(i) Before the sale of the property by the warehouseman, the tenant may file suit in the justice court in which the eviction judgment was rendered, or in another court of competent jurisdiction in the county in which the rental premises are located, to recover the property described by Subsection (e) on the ground that the landlord failed to return the property after timely demand and payment by the tenant, as provided by this section. Before sale, the tenant may also file suit to recover all property

moved or stored by the warehouseman on the ground that the amount of the warehouseman's moving or storage charges is not reasonable. All proceedings under this subsection have precedence over other matters on the court's docket. The justice court that issued the writ of possession has jurisdiction under this section regardless of the amount in controversy.

(j) Any sale of property that is subject to a lien under this section shall be conducted in accordance with Section 7.210 and Subchapters D and F, Chapter 9, Business & Commerce Code.

(k) In a proceeding under this section, the prevailing party is entitled to recover actual damages, reasonable attorney's fees, court costs, and, if appropriate, any property withheld in violation of this section or the value of that property if it has been sold.

Added by Acts 1985, 69th Leg., ch. 747, Sec. 1, eff. Sept. 1, 1985. Renumbered from Sec. 24.009 and amended by Acts 1987, 70th Leg., ch. 314, Sec. 2, eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 745, Sec. 7, eff. June 20, 1987; Acts 1993, 73rd Leg., ch. 48, Sec. 1, eff. Sept. 1, 1993; Acts 1999, 76th Leg., ch. 414, Sec. 2.35, eff. July 1, 2001.

Sec. 24.007. APPEAL. A final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only. A judgment of a county court may not under any circumstances be stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court. In setting the supersedeas bond the county court shall provide protection for the appellee to the same extent as in any other appeal, taking into consideration the value of rents likely to accrue during appeal, damages which may occur as a result of the stay during appeal, and other damages or amounts as the court may deem appropriate.

Acts 1983, 68th Leg., p. 3516, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 1205, Sec. 5, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 2.02(a), eff. January 1, 2012.

Acts 2015, 84th Leg., R.S., Ch. 1113 (H.B. 3364), Sec. 1, eff. January 1, 2016.

Sec. 24.008. EFFECT ON OTHER ACTIONS. An eviction suit does not bar a suit for trespass, damages, waste, rent, or mesne profits. Acts 1983, 68th Leg., p. 3516, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Aug. 26, 1985; Acts 1997, 75th Leg., ch. 1205, Sec. 6, eff. Sept. 1, 1997.

Sec. 24.011. NONLAWYER REPRESENTATION. (a) In an eviction suit in justice court, the parties may represent themselves or be represented by their authorized agents, who need not be attorneys.

(b) In an appeal of an eviction suit for nonpayment of rent in a county or district court, an owner of a multifamily residential property may be represented by the owner's authorized agent, who need not be an attorney.

Added by Acts 1985, 69th Leg., ch. 891, Sec. 1, eff. Aug. 26, 1985. Renumbered from Sec. 24.009 by Acts 1987, 70th Leg., ch. 167, Sec. 5.01(a)(49), eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 1205, Sec. 7, eff. Sept. 1, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 904 (H.B. 3879), Sec. 1, eff. September 1, 2017.

Acts 2025, 89th Leg., R.S., Ch. 960 (S.B. 38), Sec. 14, eff. January 1, 2026.