



THE EVICTION PROCESS

Where are you?

1 NOTICE TO VACATE

- ▶ **Your landlord MUST** provide (in person OR by mail) a minimum 3-day notice to vacate (unless your signed lease allows for less).
- ▶ A 30-day notice to vacate is required if you are protected by the CARES Act.
 - Find out if you are protected by the CARES Act by visiting: txcaresact.org
- ▶ *YOU DON'T HAVE TO LEAVE.*

2 EVICTION CASE

- ▶ **Your landlord MUST** file a suit in a Justice of the Peace court.
- ▶ A constable will serve you with an **Eviction Citation** containing:
 - A **Petition** with details for when and where the case will be heard; the hearing might be held on Zoom, so read carefully.
 - Facts and grounds for the eviction
 - A copy of the **Notice to Vacate**
 - A copy of **The CARES Act Affidavit**
 - A statement about the **Eviction Diversion Program** for rent assistance

3 EVICTION HEARING

- ▶ Review your case petition to see why you are being evicted.
 - For cases involving non-payment of rent, visit [StopTXEviction.org](https://stoptxeviction.org) to find information about your rights and assistance options
- ▶ **You MUST** appear for the hearing or a default judgment may be found against you.

4 APPEAL

- ▶ If you lose your case, you will have 5 days to appeal.
- ▶ Find an appeal form and guide at:
trla.org/eviction-guide

5 WRIT OF POSSESSION

- ▶ If you don't appeal, your landlord can request a Writ of Possession.
- ▶ If granted, a constable will post a 24-hour notice to vacate on your door;
 - You will have to leave or a constable will remove you.



ARE YOU FACING EVICTION OR STRUGGLING TO PAY RENT?

Texas RioGrande Legal Aid can help.

TRLA CAN HELP WITH:

- An eviction or a notice to vacate
- Applying for rental assistance through the Texas Rent Relief Program at texasrentrelief.com
- Finding available housing resources in your area
- Other landlord/tenant issues

CALL THE TRLA HOUSING HOTLINE:



(888) 988-9996



For more information, please visit TRLA's Housing Help page: trla.org/housinghelp

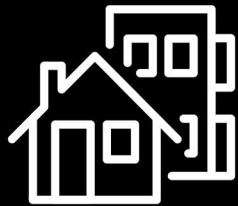


Texas RioGrande Legal Aid provides free legal services to those who qualify in our service area.

Texas RioGrande Legal Aid provides free legal services to people who cannot afford an attorney in 68 southwestern counties, including the entire Texas-Mexico border. TRLA attorneys specialize in more than 45 areas of law, including disaster assistance, family, employment, landlord-tenant, housing, education, immigration, farmworker, and civil rights.

Our hotline is open from 9:00 a.m. - 5:00 p.m. (CST) Monday - Friday:
(888) 988-9996

TRLA TEXAS RIOGRANDE LEGAL AID



ESTA A RIESGO DE SER DESALOJADO O ESTA BATALLANDO CON PAGAR LA RENTA?

Texas RioGrande Legal Aid puede ayudar.

TRLA PUEDE ASISTIR CON:

- Un desalojo o aviso de desalojo
- Aplicando para asistencia del programa Texas Rent Relief en la pagina texasrentrelief.com/?es
- Encontrar recursos disponibles en su area
- Otros asuntos de propietarios/renteros

LLAME A LA LINEA DE VIVIENDA DE TRLA:



(888) 988-9996



Para mas informacion, visite la pagina de Vivienda de TRLA: trla.org/alojamiento-esp



Texas RioGrande Legal Aid ofrece servicios legales gratuitos para residents de bajos recursos que no pueden contratar a un abogado, en 68 condados, incluyendo la frontera de Texas-Mexico. Abogados de TRLA se especializan en mas de 45 areas de la ley, incluyendo asistencia en desastres, familia, empleo, propietario-rentero, Vivienda, educacion, imigracion, derechos para trabajos agricolas, y otros derechos civiles.

Nuestra linea esta abierta de 9:00 a.m. - 5:00 p.m. (CST) Lunes - Viernes:
(888) 988-9996

TRLA TEXAS RIOGRANDE LEGAL AID

Got an Eviction? Are you in Court Proceedings?

Pursuant to The Supreme Court of Texas, “Thirty-Ninth Emergency Order Regarding the COVID-19 State of Disaster,” at ¶ 10. If you have an active eviction suit for nonpayment of rent but have applied for rental assistance with a local municipality program or the State’s Texas Eviction Diversion Program and were approved for assistance to cure the arrears alleged in suit, please see the following templates that must be filed to the court.

PRO SE SAMPLE TEMPLATES

DEFENDANT/ TENANT’S ANSWER:

To be used if you have received an eviction citation and when a judgment has not been granted yet, and case was abated for parties to apply for the state rental assistance programs; or rental assistance was approved by another local municipality program. Including any of the other reasons listed on this document that apply to you.

DEFENDANTS’ MOTION TO SET ASIDE JUDGMENT PURSUANT TO THE EMERGENCY ORDER OF THE SUPREME COURT OF TEXAS:

To be used if a judgment has been obtained, but defendant was approved for rental assistance through the State’s Texas Eviction Diversion Program or any other local municipality rental assistance program.

Cause Number:

Name of Plaintiff/Landlord

In the (Check one)

Justice Court

County Court /
Court at Law

(Court Number)

v.

Name of Defendant/Tenant

(County)

County

Defendant/Tenant's Answer

① My name is: _____
Print full name of Defendant/Tenant

I am the Defendant/Tenant in this case. I generally deny the Plaintiff/Landlord's allegations, which does not stop me from raising any defenses at trial. Texas Rule of Civil Procedure 502.5(b).

I request notice of all court dates in this case.

② My mailing address is: _____
Address City State Zip

③ My phone number is: (_____) _____ - _____.

④ Email address consent:

By checking this box, I consent to receive court documents and notifications at the following e-mail address that I check regularly (**You should only consent and give e-mail address you check daily**): _____.

⑤ The reasons I should not be evicted are as follows: (*Check all that apply. Not required.*)

COVID-19 specific (CARES Act): I believe that the CARES Act applies to the property in which I live. A landlord of a property covered by the CARES Act must give a 30-day notice to vacate. My landlord failed to give me a 30-day notice to vacate.

COVID-19 specific: I believe that my city or county may have issued an order or enacted an ordinance that grants me additional notice protections prior to eviction, and the landlord did not comply with those requirements.

COVID-19 specific (Texas Supreme Court Emergency Order): A city, county, or state agency Rent Assistance Program paid my landlord the past due rent I owed in exchange for my landlord's agreement to dismiss this eviction case and/or to enter into the Texas Eviction Diversion Program. I have attached the following:

Confirmation of my approval for rental assistance.

The Plaintiff/Landlord's "Landlord Certification" with the TDHCA or local agency.

Other documentation (describe): _____.

The landlord did not give me a notice to vacate before filing this eviction case.

- I paid the rent the landlord says I owe.
- I tried to pay** the rent the landlord says I owe **but the landlord refused to accept it.**
- I live in a mobile home or trailer I own and the landlord of the lot I rent did not give me ten (10) days written notice to pay the rent before filing this eviction case.
- I signed a new lease with the landlord after the date the landlord says I violated my lease.
- The landlord is retaliating against me because I asked for repairs or used other rights I have under the lease or law.
- The reason the landlord filed this eviction case is for something that happened more than two years ago.
- I have a disability, and the landlord refuses to accommodate that disability.
- The landlord is discriminating against me based in part on race, color, national origin, religion, sex, disability, familial status.
- The person or entity that filed this eviction case is not the owner or representative of the owner of the property in this case.
- I am a part or full owner in the property in this case.
- The landlord is renting me a mobile home or trailer, but not the lot or land that it sits on. I own the lot myself, or I am renting the lot from another person.

(Include any other explanations below. Not required.)

- ⑥ I ask the Court to:
- Grant judgment in my favor;
 - Assess all costs against Plaintiff/Landlord; and
 - Grant me any other relief to which I am entitled.



Your Signature

Certificate of Service

I certify that a copy of this document was given to the Plaintiff/Landlord on this date by *(Check one)*:

- Certified mail, return receipt requested
- E-mail *(if Plaintiff/Landlord has agreed, in writing, to receive documents by e-mail)*, to e-mail address: _____.
- Hand delivery



Your Signature

Date

Cause Number:

[Empty box for Cause Number]

Name of Plaintiff/Landlord

In the (Check one)

Justice Court

County Court /

Court at Law

(Court Number)

v.

County

Name of Defendant/Tenant

(County)

**DEFENDANTS' MOTION TO SET ASIDE JUDGMENT
PURSUANT TO THE EMERGENCY ORDER OF THE SUPREME COURT OF TEXAS**

① My name is: _____
Print full name of Defendant/Tenant

I am the Defendant/Tenant in this case.

② The Parties in the above-styled and numbered cause have agreed to participate in the Texas Eviction Diversion Program ("TEDP") through the Texas Department of Housing and Community Affairs ("TDHCA") or participating in other rental assistance program (including the City of San Antonio, Neighborhood Housing Services Department Rental Assistance Program.) See, The Supreme Court of Texas, "Thirty-Ninth Emergency Order Regarding the COVID-19 State of Disaster," at ¶ 10.

③ Because the Parties have agreed to participate in the TEDP, the court must

- "set aside any judgment"
- "make all court records, files, and information—including information stored by electronic means—relating to the eviction action confidential to prohibit disclosure to the public." and
- "sign a written order stating the procedures that apply for reinstating the judgment or dismissing the eviction action."

See, The Supreme Court of Texas, "Thirty-Ninth Emergency Order Regarding the COVID-19 State of Disaster," at ¶ 10.

④ I have attached the following:

Confirmation from the TDHCA of my approval for rental assistance.

The Plaintiff/Landlord's "Landlord Certification" with the TDHCA.

Payment pledge or confirmation of payment for rental assistance.

Other documentation (describe): _____

⑥ I ask the Court to:

- Set aside any judgment in this case;
- If appropriate, dismiss this case with prejudice;
- Make all records, files, and information confidential to prohibit disclosure to the public; and
- Grant me any other relief to which I am entitled.



Your Signature

Certificate of Service

I certify that a copy of this document was given to the Plaintiff/Landlord on this date by *(Check one)*:

- Certified mail, return receipt requested
- Fax, to fax # (_____) _____ - _____
- E-mail *(if Plaintiff/Landlord has agreed, in writing, to receive documents by e-mail)*, to e-mail address: _____.
- Hand delivery



Your Signature

Date

COVID-19 Rental Assistance & Other Resources

for San Antonio & Bexar County Residents



City of San Antonio

Neighborhood & Housing Services Dept.-
Emergency Housing Assistance Program
**EHAP provides rental, mortgage, and utilities assistance to residents within the city limits and residents of Bexar County. Estimated wait time 15- 30 days.*

Dial: (210) 207-5910

Apply Online:

<https://www.sanantonio.gov/NHSD/Programs/FairHousing>

Texas Rent Relief

Helps Texas Renters affected by COVID-19 pay rent and utility bills (including past, current and future rent and utilities) starting as far back as March 13, 2020. Landlord does not have to cooperate.

Dial: 1-833-989-7368

Website: <https://texasrentrelief.com/>



Family Service Assoc. of San Antonio, Inc.

Financial Empowerment Center (FEC)
The Neighborhood Place
3014 Rivas, Room 125, San Antonio TX 78228
**provides wrap around services such as financial counseling on banking, credit, debt, and savings. Currently also assisting with submittal of rental assistance application with City of San Antonio.*

Dial: (210) 431-4425

Email: FEC@family-service.org

Website: <https://www.sanantoniodefec.org/>

Bexar County Housing Coalition

Group of housing advocates who can help with:

- San Antonio and Bexar County Rental Assistance Program
- Help negotiating with landlords
- Know Your Rights trainings
- Organizing to build tenant power

Dial: (210) 501-4936 or

Email: bexhousingcoalition@gmail.com

Facebook: San Antonio Tenants Anonymous

Website: bit.ly/SAtenants

Samm' Ministries

**provides rental assistance, only accept 55 applications per week, first come first serve basis.*

Apply Online: www.samm.org

Wesley Health and Wellness Center

**provides rental assistance, funding based upon availability, and by appointment.*

1406 Fitch St, San Antonio, TX 78211

Dial: (210) 922-6922

Website: www.mhm.org

Catholic Charities of San Antonio

**provides one-time financial assistance to prevent homelessness and utility disconnection.*

Guadalupe Community Center

1801 W César E Chávez Blvd, San Antonio, TX 78207

Dial: (210) 226-6178

Website: <https://ccaosa.org/financial-assistance/>

Salvation Army (Assistance for Veterans)

**provides rental assistance for Veterans, need a DD214, and by appointment.*

Dial: 210-352-2000

Endeavors (For Veterans)

**provides rental/ hotel assistance*

Dial: (210) 469-9664

OTHER RESOURCES:

Information on the eviction process:

<https://stoptxeviction.org/>



San Antonio Community Resources Directory

***Search for resources near you by entering your zip code and selecting what you're looking for*

Website: SACRD.ORG

2-1-1 Texas ***Find services offered by the City, County, and non-profits.* Dial: 2-1-1

Alamo Area Resource Center.....(210) 358-9995

Alamo Area Council of Governments (AACOG)

(for Seniors).....(210) 477-3275

(mental disabilities).....(210) 832-5020

Bexar County Community Res.....(210) 335-3666

Center for Health Care Services (**assist homeless with getting a voucher).....(210) 261-1456

Food Bank & Project HOPE.....(210) 431-8326

Texas Diaper Bank (**free diapers, formula gap service, food assistance).....(210) 731-8118

Meals on Wheels.....(210) 735-5115

My City is My Home (find housing)...(210) 802-9982

St. Vincent de Paul (**utilities, rent, food & medication).....(210) 924-4383