

Eviction Processes, Notice to Vacate and Illegal Evictions (such as changing locks) – Legal recourses

The Texas Supreme Court lifted a pause on eviction proceedings on May 19. Yet landlords were still able to file cases during the moratorium, as long as they first posted a notice to vacate on the premises.

CBS 11 News found that [landlords in North Texas had filed at least 1,111 eviction petitions](#) between March 16 and early May.

A notice to vacate is different from an eviction order.

The notice to vacate informs renters that they must leave the property within a certain amount of time. The notice to vacate also states why the tenant was asked to leave. If the tenant does not leave within a certain number of days or weeks, the landlord can file an eviction petition.

At that point, a hearing can be scheduled. Only after this legal proceeding can a judge issue an eviction order, or a writ of possession. **After the eviction order is posted, a tenant must leave the premises.**

Legal Aid of NorthWest Texas Staff Attorney Farwah Raza said renters must read and respond to any documents they may receive.

“Don’t necessarily vacate because you received a notice to vacate... you have a right to go before the judge to sort of argue your side of the case,” Raza said. “If you ignore it, you’ll end up with a judgement against you. It will be so much worse than if you just address it.”

Raza said an eviction that circumvents the court system, known as a “self-help eviction,” is illegal.

“Over the last several weeks and despite the Texas Supreme Court’s order that eviction actions be paused through May 18, Legal Aid NorthWest Texas encountered numerous instances of constructive eviction, including landlords turning off renters’ utilities or changing apartment locks, contrary not only to the moratorium but also to Texas law,” an agency press release stated.

If a landlord changes the locks, the law states they must post a phone number for renters to call so they can request a new key within two hours.

“Just because they’re threatening to evict you doesn’t mean they can take your stuff and put it out,” Raza said. “They still have to go through the court process and exhaust it.”

While Williams said he is searching for more jobs as a handyman, he is also trying to feed his seven children. He said it’s been hard to catch up on rental payments during the pandemic because he cannot find steady work.

His landlord, Tandele Dametie, told CBS 11 News that Williams fell behind on rent in February. Thirty days after posting a notice to vacate, Dametie filed an eviction petition against Williams on March 20.

“I wish there was a way to not evict them,” Dametie said in a phone interview. “But I have kids. I have a mortgage.”

Williams said he intends to put up a fight in court. “The only thing I can do, whenever I get served, I’m gonna fight it,” Williams said. “I have no choice, I just can’t uproot seven kids like that.”

An emergency order from the Texas Supreme Court states May 26 is the earliest date an eviction order may be executed. That means the earliest date a renter can be physically removed from their home is May 27.

Under the CARES Act, renters could be subject to a federal eviction moratorium if they live in properties backed by federal mortgages or in apartments that are federally subsidized.

Cases filed between Mar. 27 and July 25 must include a sworn petition stating that the premises are not subject to the federal eviction moratorium, which ends Aug. 23.

Dallas County Judge Clay Jenkins announced Monday that eviction cases filed after Mar. 10 would not be set for a hearing before June 15.

Source: CBS Local, May 19, 2020