

Justice Court Petition for Repair

This form can be used to file suit in justice court requesting: a month's rent plus \$500, reduction in rent from the date of your first notice until the problem is fixed, actual damages, and court costs. If you hire an attorney you are also entitled to attorney fees. Justice court has a jurisdictional limit of \$10,000 and cannot issue an order requiring the landlord to repair the problem. But, it is easier to represent yourself in justice court, cheaper to file the suit and you get to trial much quicker. The form comes with instructions, but see Sue Your Landlord to learn how to file suit and try the case in justice court.

How to fill in the blanks in the form:

1 The first blank at the top of the form is the Case Number. When you file the case, the court clerk will assign a number to the case and write that number at the top. You do not need to fill that blank in prior to filing the case.

2 On the right side at the top is the court information. Put the County you are filing suit in the blank and put which Precinct and Place of the justice court you are filing the suit in (e.g., Precinct 1, Place 2, Dallas County, Texas).

Each county often has more than one JP court, so the county is divided into two or more precincts. The easiest way to find out which precinct you are in, is to call one of them nearby and give them the address of the property you are leasing. The court clerk will then tell you which precinct the property is in. For precincts with large populations, more than one JP court is assigned to a precinct. In these precincts, each JP court is assigned a different "Place number." You are allowed to file the case in any "Place" in your precinct. So if there is more than one JP court in your precinct, pick the court that is easy to get to or the one that is friendliest to tenants.

3 Since you are bringing the suit first, you are the Plaintiff. Put your name in the blank for Plaintiff on the left side, and again in the Parties section of the form petition.

4 The landlord is the Defendant. This is probably not the manager of the property. It is best to sue the owner of the property. You have a right to know the name and address of the owner of the property. See Ownership for details on obtaining this information. Often a business entity owns the property (like a corporation, or a limited partnership). If the owner is a business entity, list the entity as the Defendant in the suit and put the name in the blank for Defendant at the top and in the Parties section of the form petition.

5 The address of the Defendant in the Parties section of the form petition needs to be filled in as well. This is the address that a constable will go to serve the Defendant with court papers. So, try to get the correct address and completely list it. The easier it is for the constable to serve the court papers, the faster your case will be heard. You are entitled to know the address of the owner of the property. As we stated above, it is best to sue the owner of the property. You have a right to know the name and address of the owner of the property. See Ownership for details on obtaining this information.

6 The last blank to be filled in the body of the form petition is a listing of the problems that the landlord did not timely repair. Be sure to list all the problems which are significant and you had told the landlord about.

7 Then sign your name at the bottom. Print your name, complete address and phone number below your signature.

Finally, read over the form and make sure it has been filled out completely. Then make two copies of the signed form and take them, with the original to the justice court for filing. The court will keep the original, keep one copy to serve on the Defendant and return one to you with a file stamp for your records. For more information on proceeding with the case, see Representing Yourself.

Cause No. _____

Tenant: _____

V.

Landlord: _____

In the Justice Court

Precinct _____ Place _____

_____ County, Texas

PETITION FOR RELIEF UNDER SECTION 92.0563 OF THE TEXAS PROPERTY CODE

1. **COMPLAINT:** Tenant files this petition against the above-named Landlord pursuant to Section 92.0563 of the Texas Property Code because there is a condition in Tenant's residential rental property that would materially affect the health or safety of an ordinary tenant. Information Regarding Residential Rental Property:

Street Address Unit No. (if any) City County State Zip

Landlord's Contact Information (to the extent known):

Business Street Address Unit No. (if any) City County State Zip Phone Number

2. **SERVICE OF CITATION:** Check the box next to each statement that is true.

Tenant received in writing Landlord's name and business street address.

Tenant received in writing the name and business street address of Landlord's management company.

The name of Landlord's management company is _____. To Tenant's knowledge, this is the management company's contact information:

Business Street Address Unit No. (if any) City County State Zip Phone Number

The name of Landlord's on-premise manager is _____. To Tenant's knowledge, this is the on-premise manager's contact information

Business Street Address Unit No. (if any) City County State Zip Phone Number

The name of Landlord's rent collector serving the residential rental property is _____. To Tenant's knowledge, this is the rent collector's contact information:

Business Street Address Unit No. (if any) City County State Zip Phone Number

3. **LEASE AND NOTICE:** Check the box next to each statement that is true.

The lease is oral. The lease is in writing. The lease requires the notice to repair or remedy a condition to be in writing.

Tenant gave written notice to repair or remedy the condition on _____. The written notice to repair or remedy the condition was sent by certified mail, return receipt requested, or registered mail on _____.

Tenant gave oral notice to repair or remedy the condition on _____.

Name of person(s) to whom notice was given: _____

Place where notice was given: _____

4. **RENT:** At the time Tenant gave notice to repair or remedy the condition, Tenant's rent was: current (no rent owed), not current but Tenant offered to pay the rent owed and Landlord did not accept it, or not current and Tenant did not offer to pay the rent owed. Tenant's rent is due on the _____ day of the _____ month week _____ (specify any other rent-payment period). The rent is \$ _____ per month week _____ (specify any other rent-payment period). Tenant's rent (check one): is not subsidized by the government is subsidized by the government as follows, if known: \$ _____ paid by the government, and \$ _____ paid by Tenant.

5. **PROPERTY CONDITION:** Describe the property condition materially affecting the physical health or safety of an ordinary tenant that Tenant seeks to have repaired or remedied: _____

6. **RELIEF REQUESTED:** Tenant requests the following relief: a court order to repair or remedy the condition, a court order reducing Tenant's rent (in the amount of \$ _____ to begin on _____), actual damages in the amount of \$ _____, a civil penalty of one month's rent plus \$500, attorney's fees, and court costs. Tenant states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

Tenant Signature: _____

Date: _____

Street address Unit No. (if any) Phone Number

City State Zip