

SWORN COMPLAINT FOR EVICTION

In the Justice Court
Precinct 1 Place 2
Hunt County, Texas

CASE NO. _____
(Court use only)
COURT DATE: _____

TOTAL AMOUNT FILED FOR: \$ _____

PLAINTIFF _____
(Landlord/Property Name)

Rental Subsidy (if any) \$ _____
Gov't Entity: _____
Tenant's Portion \$ _____
Total Monthly Rent \$ _____

VS.
DEFENDANT(S): _____

(if known)
DATE OF BIRTH: _____
DRIVER LICENSE: _____ ST _____

SOCIAL SECURITY: _____
DEFENDANT'S PHONE NUMBER: _____

COMPLAINT: Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including storerooms and parking areas) located in the above precinct. Address of the property is:

Street Address _____ Unit No. (If any) _____ City State Zip _____

1. SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

2. UNPAID RENT AS GROUNDS FOR EVICTION: Defendant(s) failed to pay rent for the following time period(s):
TOTAL DELINQUENT RENT AS OF DATE OF FILING IS: \$ _____

Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.

3. OTHER GROUNDS FOR EVICTION/LEASE VIOLATIONS: Lease Violations (if other than non-paid rent – list lease violations) _____

4. HOLDOVER AS GROUNDS FOR EVICTION: Defendant(s) are unlawfully holding over since they failed to vacate at the end of the rental term or renewal of extension period, which was the _____ day of _____, 20____.

5. NOTICE TO VACATE: Plaintiff has given defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on the _____ day of _____, and delivered by this method: _____.

6. ATTORNEY'S FEES: Plaintiff will be or will NOT be seeking applicable attorney's fees. Attorney's name, address, and phone & fax numbers are: _____.

7. BOND FOR POSSESSION: If Plaintiff has filed a bond for possession, plaintiff requests (1) that the amount of plaintiff's bond and defendant's counter bond be set, (2) that plaintiff's bond be approved by the Court, and (3) that proper notices as required by the Texas Justice Court Rules are given to Defendant(s).

REQUEST FOR JUDGMENT: Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of premises, including removal of defendants and defendants' possessions from the premises, unpaid rent IF set forth above, attorney's fees, court costs, and interest on the above sums at the rate stated in the rental contract, or if not so stated, at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

I have reviewed the information about the Texas Eviction Diversion Program available at:
www.txcourts.gov/eviction-diversion/

I give my consent for the answer and any other motions or pleadings to be sent to my email address which is:

_____ @ _____

Petitioner's Printed Name

Signature of Plaintiff (Landlord/Property Owner) or Agent

Address of Plaintiff (Landlord/Property Owner) or Agent

Phone

Sworn to and subscribed before me on this the _____ day of _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

(SEAL)

CASE NO. _____

DEFENDANT: _____

Plaintiff being duly sworn on oath deposes* and says that defendant(s) is (are)

(CHECK ONE)

- not in the military
- not on active duty in the military and/or
- not in a foreign country on military service
- on active military duty and/or is subject to the Service members Civil Relief Act of 2003
- has waived his/her rights under the Service members Civil Act of 2003
- military status is unknown at this time

PLAINTIFF

Subscribed and sworn to before me on this the ____ day of _____, 20__.

NOTARY / CLERK

(SEAL)

- Notary Public in and for the State of Texas
- Clerk of the Justice Court

***Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.**

STATE OF TEXAS

EVICTION DIVERSION PROGRAM

The Texas Eviction Diversion Program (TEDP) Set-Aside of the Texas Rent Relief (TRR) Program helps Texas tenants stay in their homes and provides landlords an alternative to eviction.

The TEDP may provide up to 12 months of rental and utility assistance for eligible tenants who are behind on their rent due to the COVID-19 pandemic and have been sued for eviction. Both the tenant and the landlord must agree to participate and meet the requirements listed on the back of this page.

This temporary program is a unique partnership between the Supreme Court of Texas, Texas Office of Court Administration, and the Texas Department of Housing and Community Affairs (TDHCA).

- If the rent is below the TRR Program limit, assistance can be used to pay the contracted rent for all past due rent as far back as March 13, 2020 (up to 12 months), plus up to an additional 3 months upon re-application if necessary to ensure housing stability and if funds are available.
- The TEDP uses a special court process that allows courts to put eviction lawsuits on hold and divert them to the TEDP. Under the TEDP, lump sum payments are provided to landlords for rent back payments in exchange for allowing tenants to remain in their homes and forgiving late fees. Diverted cases will be dismissed and made confidential from public disclosure.

Eligibility Requirements:

- Assistance for rent no older than March 13, 2020
- Rent for the household assisted may not exceed the TDHCA maximum limits (limits available by zip code at [TexasRentRelief.com](https://www.texasrentrelief.com))
- Must have a bank account and accept direct deposit
- Public housing units are ineligible
- Units where the household's portion of the monthly rent paid to the landlord can be adjusted based on a change in household income are ineligible
- Units owned by a unit of government may be ineligible

Documents Needed:

- Copy of rent or lease agreement (or rent receipt or if no written lease, required certification proving tenancy)
- Documentation of Missed Payments (ledger, etc.)
- If individual: Government Issued ID; If incorporated: a Corporate resolution to participate in the program.
- IRS Form W-9
- Landlord TEDP form completed

Eligibility Requirements

- Household has been sued for residential eviction in Texas and has eviction court docket number
- Household income at or below 80% of Area Median Income (limits available by county at [TexasRentRelief.com](https://www.texasrentrelief.com))
- AND one or more of the household members: ■ Qualified for unemployment benefits on or after March 13, 2020; OR
- Attest in writing that due to or during the pandemic they have: Experienced a reduction in household income, Incurred significant costs, or Experienced financial hardship
- AND households must demonstrate that they: ■ Are at risk of homelessness or housing instability by providing an eviction notice or past-due utility or rent notice; OR
- Live in unsafe or unhealthy housing conditions
- Tenants are INELIGIBLE if their rental payments for a unit can be adjusted based on a change in their monthly household income) or they are in public housing

Documents Needed:

- Government/personal ID of a person on the lease
- Copy of rent or lease agreement (or rent receipt)
- Income documentation: annual income documentation for 2020, or income evidence for past 60 days (more details on website)
- Household TRR Application and certification completed
- Notices of late rent payment or notice to evict

■ Landlord TEDP certification completed

- Copies of past due utility bills, if utility assistance is being requested
- Unemployment documentation, if applicable
- If receiving partial rental assistance from another source for the same month, contact the program

You will be required to certify that you:

- Will waive late fees, penalties, and not pass court costs on to the tenant
- Have not received assistance from another program for the same months of rent for this household and will not apply in the future for the covered months
- Will release the tenant from payment liability for this time period, waive all claims raised in the eviction case, and not evict the tenant for the period covered by TEDP
- Will reimburse the TEDP within 10 business days if you receive rent payment for this same unit and time period
- If no current written lease, will certify the lease term, rent amount, and be able to provide proof of tenancy and the most recent expired lease (if applicable)

You will be required to certify that you:

- Have not received rental assistance for the same months of rent or the rental assistance received was less than the full amount owed, and will not seek such assistance in the future for the covered months
- Will reimburse the TEDP within 10 business days if you receive rent (or utility) payment for this same time period
- If no current written lease, must certify lease term, rent amount, and ability to provide proof of tenancy and the most recent expired lease (if applicable)

LANDLORD / UNIT	TENANT / HOUSEHOLD
<p>Eligibility Requirements:</p> <ul style="list-style-type: none">■ Assistance for rent no older than March 13, 2020■ Rent for the household assisted may not exceed the TDHCA maximum limits (limits available by zip code at TexasRentRelief.com)■ Must have a bank account and accept direct deposit■ Public housing units are ineligible■ Units where the household's portion of the monthly rent paid to the landlord can be adjusted based on a change in household income are ineligible■ Units owned by a unit of government may be ineligible	<p>Eligibility Requirements</p> <ul style="list-style-type: none">■ Household has been sued for residential eviction in Texas and has eviction court docket number■ Household income at or below 80% of Area Median Income (limits available by county at TexasRentRelief.com)■ <u>AND</u> one or more of the household members:<ul style="list-style-type: none">■ Qualified for unemployment benefits on or after March 13, 2020; OR■ Attest in writing that due to or during the pandemic they have:<ul style="list-style-type: none">• Experienced a reduction in household income,• Incurred significant costs, or• Experienced financial hardship■ <u>AND</u> households must demonstrate that they:<ul style="list-style-type: none">■ Are at risk of homelessness or housing instability by providing an eviction notice or past-due utility or rent notice; OR■ Live in unsafe or unhealthy housing conditions■ Tenants are INELIGIBLE if their rental payments for a unit can be adjusted based on a change in their monthly household income) or they are in public housing