

# REPAIR AND REMEDY CASES

## INSTRUCTIONS AND INFORMATION REGARDING FILING SUIT

(PLEASE READ CAREFULLY BEFORE COMPLETING THE PETITION)

**REPAIR AND REMEDY:** A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the **Texas Property Code** to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought cannot exceed \$10,000.00 excluding statutory interest and court costs but including attorney fees, if any.

**LANDLORD'S LIABILITY:** A landlord is liable to a tenant to repair or remedy if

1. The tenant has given the landlord proper notice of condition;
2. The condition materially affects the physical health or safety of an ordinary tenant;
3. The tenant has given subsequent written notice to repair or remedy;
4. The landlord has had reasonable time to correct the situation;
5. The landlord has not made an effort to repair or remedy the condition;
6. The tenant was not delinquent in payment of rent at the time notice was given to landlord.

**PETITION:** In order to file the petition, you must bring the following information to the Court:

1. Contact information for both parties including Plaintiff's agent, management company, etc.;
2. Street address of the premises;
3. Lease and notice information (oral, written, etc);
4. Rent information (amount, paid by whom, due when);
5. Property condition;
6. Relief requested;
7. One hundred sixty-six dollars (\$166.00) fee for filing and service. We cannot accept personal checks;
8. The last 3 numbers of the landlord's driver's license and social security (if an individual), if available.
9. At the time of filing, you must include a Case Information Sheet, and if you are suing your landlord as an individual, you must file a Military Affidavit on your landlord.

**CITATION:** A citation will immediately issue directing the landlord to appear for a trial date, which is no less than 10 days and no more than 21 days from date the petition is filed. The citation must be served at least 6 days before trial date.

**HEARING:** The tenant must appear to present his case. If he doesn't appear, the Judge may dismiss the case. If the landlord doesn't appear and was served, the Judge may hear evidence and render judgment.

**JUDGMENT:** The judgment must be clear and explicit and may include reduction of rent, actual damages, penalty, costs, and attorney fees.

**APPEAL:** Either party may appeal the judgment within 21 days from the date the judgment is signed.

The laws governing Repair and Remedy can be found in **Chapter 92 of the TEXAS PROPERTY CODE and Rule 509 of the TEXAS RULES OF CIVIL PROCEDURE.**

If you have further questions regarding procedures, you may contact our Civil Clerk; however, she **CANNOT GIVE LEGAL ADVICE.**