

FORM ____: Tenant's Petition for Relief "Suit to Enforce Landlord's Duty to Repair or Remedy a Condition"

(T.R.C.P. Rule 737.2); Tex. Prop. C. § 92.0563

Cause No. _____

Petitioner, Tenant
V.

Defendant, Landlord

§ IN THE JUSTICE COURT

§ PCT. NO. _____ PL. _____

§ _____ COUNTY, TX

PETITION FOR RELIEF AND ENFORCEMENT OF LANDLORD'S DUTY TO REPAIR RESIDENTIAL PROPERTY

COMPLAINT:

On this the ____-day of _____, 20____, the Tenant files this Petition against the above-named Landlord pursuant to Section 92.0563, Texas Property Code because there is a condition in Tenant's residential property that would materially affect the health or safety of an ordinary tenant.

Description of Residential Property:

Street address	Unit No. (if any)	City	County	State	ZIP Code
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Landlord's Address for Service of Citation:

Bus. Street add.	Unit No. (if any)	City	County	State	ZIP Code
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SERVICE OF CITATION: (Check each statement that is true)

☐ Tenant received in writing Landlord's name and business street address, where Landlord may be served as shown above.

☐ 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:

Bus. Street address	Unit No. (if any)	City	County	State	ZIP Code
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☐ The name of Landlord's on-premise manager is _____. To Tenant's knowledge, this is the on-premise manager's contact information:

Bus. Street address	Unit No. (if any)	City	County	State	ZIP Code
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☐ The name of Landlord's rent collector is _____. To Tenant's knowledge, this is the rent collector's contact information:

Bus. Street address	Unit No. (if any)	City	County	State	ZIP Code
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LEASE AND NOTICE: (Check 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 _____, 20____.
☐ The written notice to repair or remedy the condition was sent by certified mail, return receipt requested, or registered mail on _____, 20____.

☐ The tenant gave oral notice to repair or remedy the condition on _____, 20____.

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

Place where oral notice was given: _____.

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 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 other rent payment period). The rent is \$ _____ per ☐ month ☐ week ☐ _____ (specify other rent payment period).

Tenant's rent (check one): ☐ is not subsidized by the government
as follows, if known: \$ _____ paid by the government, and \$ _____ paid by Tenant. ☐ is subsidized by the government

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:

RELIEF REQUESTED: (check all that apply)

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 _____, 20____);
☐ 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 does not exceed \$10,000, excluding interest and court costs, but including attorney's fees.

Tenant's Signature: _____

Date: _____

Street address

Unit No. (if any)

Phone Number

City

State

ZIP Code

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name: _____ Address: _____ City/State/Zip: _____ Email: _____ Signature: _____	Telephone: _____ Fax: _____ State Bar No: _____	Plaintiff(s): _____ _____ Defendant(s): _____ _____ [Attach additional page as necessary to list all parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> 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 can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	