

Justice of the Peace Pct. 1

General Procedures for Filing an Eviction for Non Payment of Rent

1922 Sealy, Galveston, Texas 77550 409-766-2250 / 409-770-5249
Hours of Operation: 8:00 A.M. - 4:30 P.M. Monday - Friday
Se Habla Espanol

1. The tenant must have already failed to pay the rent as agreed. Landlord cannot refuse to accept rent and thereafter claim rent was not paid.
2. The landlord must deliver a written "**Notice to Vacate**" or "**Demand for Possession**" naming each occupant the landlord seeks to evict from the premises. The notice must give the reason for demanding possession. The written notice must give the tenant time to vacate voluntarily. The time to vacate in the notice must be at least three (3) days, unless the landlord and tenant have agreed to a greater or lesser than three day time period in a written lease or agreement.
3. Delivery of the notice must be done by one of the following methods:
 1. **Handed to a tenant in person.** (Or anyone living at the premises who is at least 16 years old.)
 2. **Mailed to the tenant.** (If mailed the landlord must wait an additional two (2) days to allow for the mail to be delivered before filing the eviction.)
 3. **Attached to the inside of the main entry door.**
4. After the notice is delivered, wait until after the notice period expires, then go the Justice of the Peace Court in the precinct where the property is located to file a written "**sworn complaint**" for eviction. The court will determine who has a greater right to possession of your rented property. Forms for filing are available online.

For other types of evictions, comply with notice requirements on Property Code§24.005.