

Your Landlord Cannot Punish You

For 6 months after you have made a request for repairs or have called the City Inspectors, **your landlord cannot:**

1. End your lease by sending you a notice to vacate or filing an eviction against you.
2. Raise your rent.

If your landlord files an eviction against you and you think it's because you asked for repairs:

1. Gather your evidence: photos, letters you sent requesting repairs, witnesses, City inspectors' report, receipts for your expenses and your rent, and other proof.
2. Call the city inspectors and ask them to go to your hearing.
3. At the hearing, tell the judge that you believe your landlord is retaliating. Show proof of the date you asked for the repairs and the date when your landlord asked you to move out. Please refer the judge to Texas Property Code §92.331- §92.335.
4. If you lose, you have the right to file an appeal within 5 calendar days of the Judge signing the judgment. If you cannot afford the cost of the appeal, you can file a pauper's affidavit.



For Assistance: 1-888-988-9996
www.trla.org

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How to Request Repairs from Your Landlord

You have the right to live in a healthy and safe rental home. If you are current on your rent and you haven't caused the problems that need to be repaired, your landlord is responsible for providing you with a healthy and safe rental home. Violations can include: roaches, sewage leaks, roof leaks, faulty heaters and air conditioners, and others.



This brochure is meant to provide basic information about the repair request process. Please consult an attorney for legal advice.

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How to Ask Your Landlord to Make Repairs

The Texas Property Code §92.051- §92.061 explains how you should ask for repairs that affect your health and safety. Here is a summary of the steps you should take.

1. **Keep paying the full amount of rent on time.** It may not seem fair, but even if your rental home is in bad condition, you still have to pay the rent.
2. **Write a letter to your landlord that has a date and the list of specific repairs you need.** Telling your landlord that you need the repairs by telephone, in person or by text message is not enough. You have to ask in writing. Make a copy of the letter and send it by certified mail so that you do not have to send a second letter.
3. **Your landlord will have 7 days to make the repairs,** unless the repairs needed are really bad, or the tenants are especially vulnerable because of age or a disability.
4. **If you sent the letter by regular mail or by email, you will have to send a second letter** and your landlord will get another 7 days to make the repairs. If you send an email, you will have to show that your landlord received the email.
5. **At any time during these steps, you can call the City of El Paso's Building Inspectors.** They will contact you to set up a time to inspect the entire rental home, not just the things that you complained about. If they find violations, they will give your landlord a time limit for fixing things. Ask the inspectors for their letters to the landlord.
6. **Take photographs of the repairs that are needed and keep receipts** for any money you have spent because of the repair problems, like a large water bill because of a water leak.

If Your Landlord Does not Make the Repairs

If you have given your landlord notice, have allowed maintenance staff to make the repairs, and more than 7 days have passed, you can do the following:

1. **End your lease.** Write a letter to your landlord stating that you are ending the lease and the date you will leave. You have the right to get a refund of the rent you have paid for days you will no longer be living there and to get your security deposit, minus any damages you have caused.
2. **Repair the damages yourself and deduct the rent.** Talk to an attorney before you use this option. You have to take extra steps and can be responsible for damages you cause while making the repairs.
3. **Sue your landlord** in justice of the peace court or county or district court. The Court can order your landlord to make the repairs, reduce your rent from the days you sent the first notice to your landlord, pay you one month's rent plus \$500, court costs and attorney's fees. You can get the forms for the lawsuit at the Justice of the Peace in your precinct or our office.

If you cannot afford to pay the filing cost, you can file a "pauper's affidavit" showing your income and expenses. The Court will set a hearing date. You should show up on time and take your evidence: photos, receipts, report from the city, etc. To find the justice of the court assigned to your address visit:

<http://www.epcounty.com/jp/>

Call 2-1-1 to get the number to the City's Inspectors.