

JUSTICE OF THE PEACE 1-1

WRIT OF RESTORATION OF UTILITIES

A landlord cannot interrupt a residential tenant's utility service unless it is for bona fide repairs, construction or an emergency -- regardless of how the tenant pays for the utility service. A tenant may file a writ of restoration of utilities if the utilities were disconnected by a landlord illegally. The tenant may file with the justice court a writ of restoration of utilities to require the landlord to reconnect the service. Texas Property Code Section 92.0091 is the statute that governs a case for restoration of utilities. If a landlord has interrupted utility service in violation of Texas Property Code Section 92.008 the tenant may obtain relief as provided by this section.

Step 1 - The tenant must file with the justice court in the precinct in which the rental premises are located a sworn complaint specifying the facts of the alleged unlawful utility disconnection by the landlord or the landlord's agent.

Step 2 – The clerk will set an immediate ex parte hearing before the Judge in which the tenant will state under oath the facts of the alleged unlawful utility disconnection.

Step 3- The Judge may issue a writ of restoration which can be served on the landlord or the landlord's management company, on-premises manager, or rent collector in the same manner as a writ of possession in a forcible detainer suit.

Step 4 - The landlord may request a hearing. The Court will give notice to all parties once a hearing is requested. If the landlord does not request a hearing, the Judge may render a judgment against the landlord.

Applicant(s)/Tenant(s) Name

§ IN THE JUSTICE COURT
§
§ PRECINCT 1, PLACE 1
§
§ DALLAS COUNTY, TEXAS

APPLICATION FOR WRIT OF RESTORATION

The undersigned Applicant makes this Application for Writ of Restoration of utilities at a residence at the following location, which Applicant is authorized to occupy ("Residence"):

ADDRESS OF RESIDENCE:

The person who has unlawfully disconnected the utilities at the Residence is _____, who may be given notice of this application at the following address:

Address:

Phone: _____ E-Mail: _____

The following is a statement of facts showing that the utilities have been illegally disconnected at the Residence:

Unsworn Declaration (Texas Civil Practice and Remedies Code, Section 132.001)

My name and address are as follows:

Printed Name Plaintiff

Street Address / City / State / Zip / Country

Phone Number / Fax Number

My date of birth is _____ / _____ / _____

I declare under penalty of perjury that all information in the attached document titled, ***Petition for Writ of Restoration of Utilities***, is true and correct.

Signature

Date