

## **JUSTICE OF THE PEACE 1-1 WRIT 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.

CAUSE NUMBER: JS \_\_\_\_\_ H

§ IN THE JUSTICE COURT

§ PRECINCT 1, PLACE 1

Applicant(s)/Tenant(s) Name

§ 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 / Email \_\_\_\_\_

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 Dallas County, State of Texas

\_\_\_\_\_  
Sign in (County of Signature) County, State of (State of signature)

\_\_\_\_\_  
Date