

Eviction Law Comparison – Filed Before vs. On or After Jan. 1, 2026

| Topic | Filed Before 1/1/2026 | Filed On or After 1/1/2026 |
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| Notice to Pay or Vacate | May be given at landlord's option | If tenant has never been delinquent in rent, must give a "notice to pay or vacate" rather than a "notice to vacate" |
| Method of NTV Delivery | Mail; delivery in person; or posting on outside of door in certain situations with restrictions | Mail; delivery to the inside of the premises in a conspicuous place; hand delivery to any tenant at least 16 years of age; electronically if the parties have agreed in writing |
| Calculation of NTV Period | Day notice is given is Day 0, then count all days | Day notice is given is Day 0, if day ends on any weekend or state or federal holiday, extends to the next day that isn't a weekend or holiday |
| Effect of Actual Receipt of NTV | None | If shown that defendant received notice, delivery method doesn't matter, notice is valid |
| Application of Other Rules | If the judge determines is necessary | May not apply Rules of Evidence or other Rules of Civil Procedure in eviction cases |
| Petition Contents | Needed to say how and when presuit notice was given | Now must contain information about whether presuit notice was an NTV or a notice to pay or vacate, as well as if the tenant had been delinquent in rent before |
| Who May Serve Citation | Constable or sheriff | If not served within 5 business days, plaintiff may ask another LEO trained in civil process to serve |
| Days Before Trial for Service | At least six | At least four |
| Summary Disposition in Squatter Cases | Doesn't exist | May make a sworn motion, only if defendant is squatter, to receive judgment without trial if defendant doesn't file a response within 4 days disputing facts. Citation must warn defendant. |
| Immediate Possession Bonds | Only change the time for a writ in event of default. | Plaintiff may get writ 7 days after service of notice of the possession bond as long as defendant was either at trial or served with j/m by plaintiff and has not appealed. Citation must warn defendant. |
| Fair Trial Venue Change | Must be made at least 7 days before trial, unless good cause shown | Must be made at least 3 days before trial or 3 days after service, whichever is later, unless good cause shown |
| Jury Request | Must be made at least 3 days before trial | Must be made at least 3 days before trial or 3 days after service, whichever is later |
| Amount of Appeal Bond in Judgment | Only in nonpayment of rent cases | In all residential eviction cases |
| Rent Must Be Paid Into Registry | Only in nonpayment of rent cases appealed by appeal bond or Statement of Inability | In all residential eviction cases, regardless of method of appeal |

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| Counting Days for Filing w/Court or Paying Rent Into Registry | Extends to next day if court closes before 5 | Extends to next day if final day is a holiday (even if court open) or court closes for all or part of the day. |
| Determining Amount of Rent Paid Into Registry | Rental agreement | Rental agreement, or if there isn't one, greater of \$250 or fair market value |
| Tenant Affirmation to Appeal | None | Must swear a good faith belief in a meritorious defense and that is not for purpose of delay (court does not determine if this is true or not) |
| When to Transmit Case to County Court | Law is silent | As soon as rent is paid into registry, or if not paid then no earlier than 4p on the 6 th day and no later than 4p on the 10 th day after appeal |
| Pay County Court Filing Fees on Appeal | Within 20 days of notification by county clerk | Within 7 days of notification by county clerk |
| Plenary Power to Modify/Vacate Judgment | Law is silent | Until an appeal is perfected or the day after the appeal is due. |
| Who May Execute Writ of Possession | Constable or sheriff | If not served within 5 business days, plaintiff may ask another LEO trained in civil process to serve |

This is a summary of changes made by SB 38, and the changes to the Texas Rules of Civil Procedure, which go into effect for eviction suits filed on or after January 1, 2026.