

START HERE!
 Tenant files a sworn complaint with a justice court alleging that an unlawful utility disconnection has occurred. Civil filing fees must be paid or a sworn statement of inability to pay costs must be filed, unless the JP allows the tenant to defer the costs.

Justice of the Peace places tenant under oath. Tenant states the facts of the alleged unlawful utility disconnection to the JP.

After considering the complaint and the tenant's statement,¹ does the JP reasonably believe the landlord² interrupted utility service in violation of Sec. 92.008, Property Code?³

- Notes
1. Writs of restoration are issued ex parte. Do not contact the landlord.
 2. In this chart, "landlord" may refer to a landlord, a management company, an on-premises manager, or a rent collector.
 3. TJCTC recommends reviewing Sec. 92.008 carefully before issuing a writ of restoration.
 4. Do not award damages to the tenant. The tenant may file a separate action against the landlord to recover damages.
 5. If a hearing on the tenant's complaint and a contempt hearing are both necessary, the hearings may be held on the same day.
 6. Do not award damages to the landlord. The landlord may file a separate action against the tenant to recover damages.

The justice court may issue, ex parte, a writ of restoration of utility service.⁴

A writ of restoration of utility service may not be issued.

The writ must be served on the landlord in the same manner as a writ of possession in an eviction suit. Service fees must be paid at this time unless the tenant has filed an SSIP or the JP allows the tenant to defer the costs.

Does the landlord reconnect utility service?

Has a writ of possession been issued?

The writ of possession supersedes the writ of restoration.

Did the landlord request a hearing on the tenant's sworn complaint within 8 days after the writ was served?

The justice court must hold a hearing not earlier than the first day and not later than the seventh day after the landlord's request.⁵

The justice court may render a judgment for court costs and attorney's fees against the landlord.

Writ of Restoration Flowchart
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Did the tenant file an affidavit describing the disobedient acts and the person who committed those acts?

The court may not hold the landlord in contempt.

The landlord may be committed to jail, without bail, until the contempt is purged.

Does the justice court find that the writ was properly issued?

The justice court shall dissolve the writ, and may render a judgment for court costs (if the JP allowed the tenant to defer the costs) and attorney's fees.⁶

The justice court shall issue a show cause order directing the landlord to appear and show cause for disobedience. Service fees are owed unless an SSIP has been filed or the JP allows the tenant to defer the costs.

Does the court find that the landlord disobeyed the writ?

Did the landlord comply with the writ after receiving the justice court's show-cause order?

The justice of the peace may assess a fine of up to \$100 and/or order the defendant to be confined in jail for up to 3 days.

The justice court's judgment may be appealed. Rule 510.9 of the Texas Rules of Civil Procedure governs the appeal process.