

# SB 38: EVICTION LAW UPDATES

EFFECTIVE JANUARY 1, 2026

The 89th Texas Legislative Session introduced Senate Bill 38, which updates several aspects of Texas' civil eviction process. Here's what MetroTex members should know:



## Notice Delivery Simplified

Pre-suit notices (Notice to Pay Rent or Vacate and Notice to Vacate) can now be delivered by:

- ✓ First Class, Registered, or Certified Mail
- ✓ Delivery service
- ✓ Hand delivery inside the unit in a conspicuous location
- ✓ Hand delivery to a resident age 16 or older
- ✓ Email or other electronic method, if agreed to in writing

If the resident receives the notice, the delivery method cannot be disputed.



## When to Use NPRV vs. NTV

1. **First-time nonpayment:** Must issue NPRV
2. **Repeat nonpayment or combined violations:** NPRV or NTV allowed
3. **Nonmonetary breaches:** Use NTV



## CARES Act and Federal Rules

Texas law now satisfies the CARES Act 30-day notice requirement, as long as the writ of possession is not served until at least 30 days after delivering the notice to vacate.

**Note:** HUD and FHFA notice requirements may still apply. Legal guidance is recommended.



### Faster Citation and Writ Service

- ✓ Constables must serve eviction citations within 5 business days
- ✓ If they cannot, property owners may hire qualified law enforcement officers, such as off-duty officers with ID and training
- ✓ The same timeline applies for Writs of Possession



### Summary Disposition for Squatters

A new expedited process allows property owners to remove unauthorized occupants without going to trial, if facts are not in dispute and all procedures are followed.

**Note:** There must be no lease or agreement in place. Legal consultation is advised.



### Court Timelines Streamlined

- ✓ JP and County Court eviction trials must occur within 21 days of filing or appeal
- ✓ Appeals must be heard within 21 days of the transcript reaching the court



### Rent Must Be Paid During Appeal

Tenants who appeal an eviction judgment must continue paying rent. If there is no lease, the court will set the amount based on whichever is higher: \$250 or fair market rent.



### No Local Modifications to Procedure

Only the Texas Legislature, or the Texas Supreme Court during a declared statewide disaster, may modify eviction procedures.

Local courts may not:

- ⊗ Require information beyond what is outlined in the Texas Rules of Civil Procedure (TRCP)
- ⊗ Mandate mediation or pretrial events
- ⊗ Dismiss petitions that meet, or can be amended to meet, TRCP requirements