SB38, Evictions, and Federally Subsidized Housing:
Information and Resources for JPs and Staff

Summary of some things that affect Justice Courts on and after January 1, 2026:

- Computation of time now applies to notices to vacate (last day cannot be a Saturday, Sunday, state or federal holiday) **TPC 24.0042**
- Notice to pay or quit (right to cure) required for nonpayment of rent where tenant not previously late (resets each lease term) **TPC 24.005**
- Summary disposition process for squatter cases **TPC 24.005106**
- Appeals:
    - Every tenant must pay rent into the court registry to stay in possession during appeal **TPC 24.0053**
    - Every tenant must swear a good faith belief they have a defense and appeal is not for delay **TPC 24.005107**

Subsidized housing basics:

	Public housing	**Project-based voucher program**	**Project-based Section 8 program**	**Section 8 voucher program**	**Low Income Housing Tax Credit program (LIHTC)**
Rent based on income of tenant?	Yes	Yes	Yes	Yes, for portion paid by the tenant	No, but required to accept tenants with vouchers
Rent of tenant decreases if income decreases?	Yes	Yes	Yes	Yes	No, unless tenant has a voucher
Good cause requirement to non-renew lease or evict?	Yes	Yes	Yes	Yes to evict No to nonrenew lease, but tenant gets voucher to move	Yes
Formal grievance procedure for complaints	Yes, but evictions for violent & drug related criminal activity excluded	If RAD-converted (housing authority manages/owns)	No, but right to meet with owner on evictions, rejections, subsidy terminations	Yes for housing authority No for landlord	Not required, but some landlords do
Opportunity to cure?	30 day opportunity to cure for nonpayment	No	30 day opportunity to cure for nonpayment	No	No