

RENTERS FREQUENTLY ASKED QUESTIONS AFTER A NATURAL DISASTER

What are my rights if the unit I rent is not safe to occupy?

If the unit you rent is condemned or considered to be unsafe by code compliance, you may have certain rights as a tenant. If you have a written lease agreement you should review it first to determine if the lease says what happens if the unit becomes unsafe or uninhabitable.

You *may* also have certain rights under Florida Statute 83.63, which says that a tenant can terminate their lease and vacate the premises if a unit is damaged or destroyed. If you do this, the landlord must return the security deposit in compliance with Florida law. This means your landlord will have 15 days to return the deposit or 30 days to impose a claim on the deposit

What if only part of the unit is damaged?

If only part of the unit is damaged or destroyed and you can remain in the unit, the landlord should reduce the rent by the fair rental value of the part of the premises that cannot be used.

What if the landlord is refusing to make repairs to the rental unit?

You may be able to withhold your rent due to the landlord's failure to comply with local housing and safety codes. To legally withhold your rent, you must write to the landlord and tell the landlord about the problems in your unit. Tell the landlord to make repairs within seven days or you will withhold your rent. If you withhold your rent, you must save it and do not spend it. If the landlord files an eviction, you will have to pay it to the court.

As this process plays out, you should work with your landlord to see what arrangements can be made to reduce your rent or to find alternative housing.

I called code enforcement and the landlord is now threatening to evict me. Is that legal?

Note that under Florida Statute 83.64, it is illegal for a landlord to terminate your tenancy or discriminate against you for calling code compliance or complaining about conditions. This retaliation defense can be raised if your landlord tries to evict you for complaints you make about the conditions.

Where do I go for legal assistance?

If you need legal help in Monroe or Miami-Dade County, contact Legal Services of Greater Miami, Inc. To apply for legal help online, visit www.legalservicesmiami.org and click “Get Help” or call: 305-576-0080 or 866-686-2760 (Monroe).

To find a legal aid office in another part of Florida, go to: <https://floridalawhelp.org/find-legal-help>

