

# Your Legal Services Program Name

## **DISASTER LEGAL INFORMATION** **FREQUENTLY ASKED QUESTIONS – RENTERS**

**1. The apartment I live in is in really bad shape from the hurricane, but the landlord told me that if I want to stay I must pay full rent - what should I do?**

Your landlord may be having a hard time financially until his/her insurance company pays out money for repairs. Talk to your landlord to see if the rent can be reduced until the apartment is repaired. See if the landlord will allow you to move to another unit in the building that is in better shape.

**2. What if my landlord won't negotiate?**

You have the right to reduce your rent in proportion to the damage to the unit. If your apartment is unlivable, you can move out. In either case, you should send a certified letter to your landlord telling him/her what you are doing. Please contact Florida Rural Legal Services for more information on what you can do based on your specific situation.

**3. All my stuff was destroyed when the roof fell in on the place I rent - what help can I get?**

If you had renter's insurance at the time of the hurricane, contact your insurance company. If your situation is desperate, make sure you describe your situation to the insurance company. If the insurance company agrees your loss is covered, you can ask for an advance payment to cover a part of your loss.

**4. What if I do not have any insurance on my property?**

If you did not have renter's insurance, see if your landlord had insurance to cover your belongings. If your losses are not covered by any insurance policy, you may be able to get Individual and Household Program (IHP) money from FEMA to replace necessary items of personal property such as clothing, household items, furnishings and appliances. You may apply for these benefits through FEMA at 1-800-621-3362 (hearing/speech impaired 1-800-462-7585).

**5. My landlord told me to move out the next day because he wants the apartment for his daughter who lost her house in the hurricane, and told me if I wasn't out, he'd change the locks - do I have to move?**

Florida law does not allow a landlord to just lock you out or turn off the utilities or to use any other "self help" means to get you to leave. The landlord must file an eviction action in court and, then you only have to move out after the judge in your eviction case enters a final judgement of eviction. Also, the landlord must first give you some type of written notice to move before filing an eviction case against you in court.

If you get any eviction court papers, you can call Legal Services for information on how to file your answer to the eviction lawsuit. If the landlord does lock you out, you can call the police, and you should consult a lawyer to find out about an action for damages.

*(Continued on reverse...)*

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**6 . My apartment is so bad I cannot live in it and I am going to move. I want my security deposit returned - what are my rights?**

If you have a written lease, read your lease to see what it says. If you do not have a written lease, or your lease does not say anything about deposits, then the landlord must either return your deposit within 15 days after you move out or send you a letter, by certified mail, within thirty (30) days, saying why he will not return your deposit. You then have fifteen (15) days to object in writing, or the landlord will be allowed to keep the security deposit.

Before you leave your apartment, **you must give your landlord your new address.** If you and your landlord disagree about whether you should get your deposit back, you can call Legal Services. We can explain how you can take your landlord to small claims court to get back your security deposit.

If you have additional questions, please call our nearest office for more information.

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