

Renters Education and Advocacy Legal Lines (REAL)

Tenant's Remedies For Violations by the Landlord



Legal Services of Greater Miami, Inc.
www.lsgmi.org
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The Landlord Has A Legal Duty To Maintain the Rental Property

The landlord must maintain the rental property so that it meets the standards in state and local law, and as required by the rental agreement. At a minimum the rental property must meet the following standards:

- ▶ The roof must not leak.
- ▶ The walls must be weather-tight, water tight and in good repair.
- ▶ Inside floors, walls and ceilings must be rodent-proof, in good repair and safe.
- ▶ The stairs must be in good repair and safe for normal use.
- ▶ Windows and doors must be weather-tight, water tight, rodent-proof and work. They cannot have cracks and holes.
- ▶ Outside doors must have proper locks, handles and keys.
- ▶ Outside windows must have screens.
- ▶ The rental unit must have hot water, which is connected to the kitchen and bathroom sink, tub, or shower.
- ▶ The rental unit must have a flush toilet that works.
- ▶ When cooking and heating equipment is provided by the landlord, it must be safely installed and work.
- ▶ There must be adequate garbage disposal facilities or storage containers.
- ▶ Every room that people live in must have at least two separate floor or wall electric outlets, and a ceiling or wall lighting fixture, or an outlet controlled by a wall switch near the entrance to the room.
- ▶ All electrical systems must be in good repair and work.

What Should I Do If My Landlord Does Not Maintain The Rental Property?

1. Gather Evidence of the Landlord's Violations

- Get evidence that your landlord does not properly maintain the rental property. Your word alone may not be enough proof. You can get additional proof by contacting the local code enforcement agencies, and asking them to inspect your rental property.
- If you rent in a building with five or more units in Miami-Dade County, call the Florida Department of Business and Professional Regulation - Division of Hotels and Restaurants and ask for a housing inspection. The telephone number is 850-487-1395, dial 0 for an operator to assist you.
- Additionally, you can submit a complaint form online at www.myfloridalicense.com. Once on the site you can click on Direct to Our Divisions, and select Hotels and Restaurants. On this page you will be able to select the File a Complaint link. For your convenience, a copy of the complaint form is enclosed and can be mailed to: Department of Business and Professional Regulation, 1940 North Monroe St., Tallahassee, FL 32399-0183
- If you rent a single home or a duplex, or in a building with four units or less, call Miami-Dade County Team Metro Minimum Housing for an inspection. The telephone number is 305-375-4845.
- If there are no local housing agencies to inspect your rental property, gather other evidence of the condition of the property by taking pictures, gathering physical evidence, and obtaining statements from persons who have seen the bad conditions.
- If you are a participant in the Section 8 voucher program, contact your housing agency for an inspection.

2. Get The Landlord to Fix the Problems

If you have proof that the landlord has not maintained the property as required by law or by your

lease, and you did not cause the problems, you have two choices:

- **If You Want To Move**

- ▶ If the violations are significant and substantial and you want to move if they are not fixed right away, write the landlord a letter telling him what the problems are, and that if they are not corrected in 7 days from the day the landlord receives the letter, you will consider the rental agreement to be ended, and you will move.
- ▶ Send this letter to the landlord by certified mail, return receipt requested and also by U.S. first class mail. Keep a copy for your files.
- ▶ If the repairs are not made in 7 days, you may move

- **If You Want To Stay**

- ▶ If the violations are significant and substantial, and yet you want to continue living in the property, write the landlord a letter telling him what the problems are, and ask that they be corrected in 7 day from the day the landlord receives the letter. Tell him that if the problems are not fixed in 7 days you will withhold a part or all of your rent.
- ▶ The letter must be received by the landlord at least 7 days before the next rent payment is due.
- ▶ If the problems have not been fixed on the day rent is due, you may keep a portion of your rent. If the problem is taken to court, a Judge will decide the exact amount you may keep.

It is extremely important that you not spend the unpaid rent. You must set it aside in a place you can get it quickly and easily. If instead of making repairs the landlord sues you for nonpayment of rent, you will need to pay the withheld rent money into the Court Registry so you can defend yourself in an eviction action. If you win, the Court may give you all or a portion of the money you withheld from the landlord.

If You Want to Be Paid for the Injury Done To You

- ▶ If the landlord does not fix the rental property even after you begin to withhold rent, you may file a lawsuit against him in County Court to enforce the law. You may ask the Court to order the landlord to pay you money for the harm caused to you by the landlord's failure to maintain the rental property as required by law and the rental agreement.

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