

ARE YOU TIRED OF PAYING RENT FOR LEAKING ROOFS, RATS AND ROACHES, NO SCREENS, BAD PLUMBING, DOORS WITH NO LOCKS? THEN READ THIS PAMPHLET AND LEARN HOW TO:

MAKE YOUR LANDLORD OBEY THE LAW

Prepared by
**JACKSONVILLE AREA LEGAL AID
A UNITED WAY AGENCY**

The information provided in this brochure is not a substitute for legal advice. The laws described here may change without notice.

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WHAT IS THE LANDLORD'S RESPONSIBILITY TO THE TENANT?

Florida Statutes, Section 83.51, require a landlord to comply with the Jacksonville Building, Housing and Health Codes. This means:

1. The roof must not leak.
2. The walls must be weather-tight, and in good repair.
3. The stairs must be safe for normal use and maintained in good repair.
4. Windows and doors must be basically weather-tight, water tight, rodent-proof, and kept in sound working condition. Outside doors have to have proper locks.
5. Window panes cannot have cracks and holes. Outside windows must have screens.
6. Inside floors, walls, ceilings must be basically rodent-proof and kept in sound condition and good repair, and should be safe.
7. The house or apartment must have hot water, which is connected to the kitchen and bathroom sinks, tub or shower.
8. All houses or apartments must have a flush toilet in good working condition.
9. When cooking and heating equipment are provided by the landlord, they must be safely installed and in good working order.
10. There must be adequate garbage disposal facilities or garbage storage containers.
11. Every habitable room must have at least two separate floor or wall electric outlets and, additionally, every kitchen, bedroom, bathroom and hallway must have a ceiling or wall-type fixture, or an outlet controlled by a wall switch near the entrance to the room.

12. All electrical systems must be in good repair and good working order.

IMPORTANT: The landlord is not responsible for damages created by an intentional act of the tenant, the tenant's family or persons in the house with the tenant's consent.

WHAT IS THE TENANT'S RESPONSIBILITY TO THE LANDLORD?

Florida Statutes, Section 83.51, require a tenant to comply with the Jacksonville Building, Housing and Health Codes. This means that the tenant must:

1. Keep the house or apartment in a clean and sanitary manner.
2. Remove all garbage from the house or apartment in a clean and sanitary manner (for example, use garbage cans).
3. Keep all plumbing fixtures in the house or apartment used by the tenant in a clean and sanitary manner and in good repair.
4. Properly use and operate all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, which are in the apartment or house.
5. Not destroy, damage or in any way misuse the property itself. This includes not permitting any tenant's guests to do so either.
6. Not remove anything from the house or apartment which does not belong to the tenant (for example, cannot remove light fixture which was in the property when tenant moved in).
7. Conduct themselves and require anyone who visits them to act in a way that does not disturb the peace.

WHAT YOU CAN DO IF YOUR LANDLORD WILL NOT FIX THOSE THINGS WHICH ARE THEIR RESPONSIBILITY?

If your landlord will not fix a condition which is in "material non-compliance" with the Housing, Health or Building Code, you may stop paying rent (rent withholding). Material non-compliance means that there are major problems in your house or apartment which your landlord refuses to fix. **BUT YOU MUST BE VERY CAREFUL TO DO WHAT THE LAW REQUIRES FOR A PROPER RENT WITHHOLDING!** Under Florida law, you cannot do the repairs yourself and then deduct that cost from your rent.

HOW DO I DO A RENT WITHHOLDING SO THAT I AM PROTECTED BY THE LAW?

You can do a rent withholding so that you are protected by the law by taking the following steps:

1. Make a complaint to the City's Property Safety Division and request a property inspection. You can do this by visiting their office in person at 1801 Art Museum Drive, Building 3500, Suite 200, Jacksonville, FL 32207; or you can call them at (904) 391-3600. Alternatively, you can call City Link at 630-2489 to make your complaint and get a confirmation number; then your complaint will be forwarded to the Property Safety Division to schedule a property inspection. The city's inspector will check for any violations of the Jacksonville Property Safety and Maintenance Code.
2. Make a list of all the things which are

wrong with your rental unit (for example, plumbing not working, roof leaks, etc.). If the unit has been inspected by HUD OR THE CITY's Property Safety Division, you should get a copy of their inspection report and keep it.

3. Write the landlord this letter:

Date

Dear (name of landlord):

Pursuant with Florida Statutes, Section 83.60, I am notifying you of your material non-compliance with Florida Statutes, Section 83.51(1), and the Jacksonville Housing Code.

Unless the listed repairs are made within 7 days of delivery of this notice, I will not pay rent, because of your failure to maintain the premises.

List all things that are wrong with the rental unit

OR

Attach a copy of the inspection report you obtained from HUD or the City's Property Safety Division showing the things that the landlord needs to correct. Sign your name

Print your name and address.

4. Mail or deliver this letter to your landlord at least seven days before the next rent is due. It is recommended that this letter be sent certified mail, return receipt requested. This is an extra protection. **KEEP A COPY OF THE LETTER.**
5. You must save the rent as it becomes due. Do not spend it, because, if the landlord fixes the house, you must pay him at least a portion of the rent, and, if he tries to evict you, you must deposit

all of the money you have saved with the court until the eviction case is over. It is recommended that you put your rent money in a safe place, such as a bank.

CAN MY LANDLORD EVICT ME FOR WITHHOLDING MY RENT?

If you have properly followed the directions for doing a rent withholding, then it will be very difficult for your landlord to evict you. The landlord may still file an eviction against you but it will be extremely difficult to win this eviction if you have withheld your rent properly. If the landlord does try to evict you and you receive court papers, you must take steps necessary to protect yourself right away.

IF THE LANDLORD TRIES TO EVICT ME, WHAT SHOULD I DO?

You should immediately contact Jacksonville Area Legal Aid, Inc. at the addresses and phone numbers listed in this pamphlet. You should tell them that you have been served with court papers and that you need to see a lawyer as soon as possible. When you come to see the lawyer, you should bring your court papers, your rent withholding letter, and your lease (if you have one). When the lawyer represents you in court, you will have to deposit with the court the rent you have been withholding and keeping in a safe place. If you do not deposit the rent you have been withholding in the court registry, the court can order your immediate eviction.

WHAT IF MY LANDLORD TRIES TO LOCK ME OUT?

It is illegal for a landlord to change the locks or nail shut your door even if you are behind

in your rent. If you are behind in your rent, your landlord must give you a 3 day notice, in writing, allowing you to pay the rent or move within 3 days. If you do not pay the rent or move, your landlord is required by law to file an eviction in court to have you removed. The only legal way your landlord can have you removed is to obtain a signed order from a judge. Many landlords will not follow these procedures and will make threats about putting your property out in the street. If your landlord is not following the proper procedure, contact Jacksonville Area Legal Aid, Inc.

JACKSONVILLE AREA LEGAL AID, INC. serves Baker, Clay, Duval, and Nassau Counties at the following addresses and phone numbers:

BAKER COUNTY

SERVED THROUGH:

Downtown Office
126 W. Adams Street
Jacksonville, FL 32202
(904) 356-8371

INTERVIEW SITES: (904) 356-8371 Ext. 318

Family Service Center
1418 8th Street
Macclenny, FL

Northeast FL State Hospital
Macclenny, FL

CLAY COUNTY
3540 Highway 17
Magnolia Layne Shopping Cntr.
Green Cove Springs, FL 32043
Tel. (904) 284-8410

DUVAL COUNTY
MAIN OFFICE
126 W. Adams Street
Jacksonville, FL
(904) 356-8371

SALVATION ARMY CENTER
705 2ND STREET NORTH
JACKSONVILLE BEACH, FL
BEACHES ONLY

EDWARD WATERS COLLEGE
SCHELL-SWEET COMM. CNTR
1697 KINGS ROAD
JACKSONVILLE, FL

RYAN WHITE CIENTS
Blvd. Comprehensive Care Center
1833 Boulevard, Suite 500
Jacksonville, FL
And
Lutheran Social Services
421 W. Church Street, Suite 314
Jacksonville, FL

NASSAU COUNTY

Served through:
126 W. Adams Street
Jacksonville, FL 32202
(904) 356-8371, ext. 318

INTERVIEW SITES:

Council on Aging
1367 S. 18th Street
Fernandina Beh., FL
(904) 261-0701

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