

Sample letter to landlord

_____, 20__

To: _____

Notice of intention to withhold rent under the Florida Residential Landlord and Tenant Act Chapter 83.56

Dear _____:

This letter is to advise you that you are in material noncompliance with the _____ requirements of the Florida Residential Landlord and Tenant Act and our rental agreement. The following are defects in the condition of the apartment (house) I rent from you:

- 1.
- 2.
- 3.
- 4.

If every reasonable effort is not made to correct the above deficiencies, I will _____ exercise my legal right to withhold further payment of rent beginning seven (7) days from the date this letter is delivered to you.

(Tenant Name & address)

About FloridaLawHelp.org

FloridaLawHelp.org is administered by Florida Legal Services, Inc. and is produced in cooperation with Pro Bono Net and the legal services organizations and government agencies throughout Florida and the United States.

This brochure is for general education only. It is not intended to be used to solve individual problems.

The Florida Bar Foundation, with Interest on Trust Accounts program funding, provides support for this service.



FloridaLawHelp.org

To locate your local legal aid or legal services office, please visit us on the web at

www.floridalawhelp.org

Your local legal aid or legal services office can be located through either the “Find Local Help” or “Directory” links at the top of the page.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

Special thanks to Community Legal Services of Mid-Florida, Inc.

FloridaLawHelp.org

What Every Tenant Should Know About Withholding Your Rent



What quality housing must landlords provide?

Florida law requires your landlord to comply with the building, housing, and health codes of the city or county where you live. Your landlord must keep your home in good repair. This includes the roof, windows, screens, doors, floors, steps, porches, exterior walls, and the foundation.



Except for a single-family home or a duplex, the landlord also must keep the building free from rodents (mice and rats) and insects (such as roaches, termites, or ants). In addition, the landlord is required to provide garbage removal, plumbing, hot water, and heat. The areas around your building should be kept clean and safe. Your landlord is not required to provide you with A/C.

Please note that the landlord may transfer all or some of these responsibilities to you in the lease. Therefore, it is important that you read your lease.

When a landlord fails to obey housing codes

If the landlord does not follow the law and fails to make needed repairs or provide the things you are entitled to, you have the right to stop paying your rent—if you follow the correct procedures—until the landlord makes a reasonable effort to correct the problems. But first, you must give the landlord a seven-day written notice. This notice should be either delivered to the landlord in person with a witness present or sent by certified mail. The

notice cannot be given to the landlord when you are already behind in your rent. *You must be current with your rent in order to withhold rent after delivering a seven-day notice.* Be sure to keep a copy of your notice. The notice should be delivered 7 days before the rent is due. If mailing, you must add 5 days for mailing, meaning you must mail it 12 days before the rent is due.

If you intend to provide the landlord with a seven-day notice to make repairs, you should first consider calling your city or county housing code enforcement office and request a housing code inspection. There is no charge for this inspection. The inspector will issue a written report detailing any housing code violations. You can attach this report to your seven-day notice. (The landlord may be inclined to fix things quicker if the inspector issues a report.) The landlord might become angry that you reported these problems to an inspector, and he or she may try to evict you. *This can be considered a retaliatory eviction by the court; if so, the eviction would be denied.*

If you follow these procedures, the law says you have the right to stop paying all future rent until the repairs are made or the services are supplied.

You may follow the sample fill-in-the-blank form in this brochure to give notice. Remember: Keep a copy of your notice for your records.

What should be done with the money?

You must not spend your rent money. You must have it and be ready to pay the landlord once the repairs are substantially completed or if the landlord decides to evict you for not paying rent. If the landlord *does* try to evict you, the court will ask for the money to hold until the court makes a decision about the eviction.

If you follow the rules stated above and the landlord tries to evict you, the written notice you gave your landlord will be your defense in court. The court will decide whether you keep the rent money or whether the landlord gets the money. This decision will depend on what the problem was and what the landlord did to fix the problem(s).

What to do if you get an eviction notice

If your landlord does not fix problems and you get an eviction notice, immediately call the local legal services office in your county. They may advise you on how to defend the eviction yourself and how to file a written response to the court. You will have only five working days to file an answer to a complaint, so do not delay.

Where do I file?

Your answer must be filed with the Clerk of the Court for the county in which you reside. Once your original answer is filed (with any attachments), the court will advise you of all hearings so you can present your case. Note that you must also mail one copy of your answer to the landlord or the landlord's attorney. Look at the name and address on the summons to see where to send the landlord's copy. Also, keep your copy in a safe place.

Contact your local legal services office if you have any questions or if you need assistance preparing your defense. Do not delay.



Beware: You will lose your right to defend yourself if you delay filing your response to an eviction notice. Do not delay in preparing your written response. Call the legal services office nearest you if you need assistance understanding the notice or preparing your written response.