

WHEN THE LANDLORD WON'T FIX IT

Trap

Nancy rents a two bedroom apartment in West Palm Beach. Every time it rains, water leaks from the ceiling into her bedroom. She has spoken to the landlord about the problem for the last three months, but he hasn't made any repairs. The more it rains, the more damage is done to her possessions. Her friend told her not to pay the rent until the landlord fixes the roof, but is that the right thing to do?

Tips

Here are some legal steps that can be taken to remedy this landlord-tenant issue:

- Florida Law (F.S.S. 83, Part 2) requires the landlord to keep the dwelling up to building and health codes. This includes the roof, windows, exterior walls, doors, plumbing and electrical system. Additionally, the landlord must provide keys, locks and garbage receptacles. Common areas must also be clean and safe.
- Always notify the landlord by certified mail of repairs that are needed, and keep a copy for your records. Just verbally telling the landlord is not sufficient.
- If code violations are suspected, contact the city or county building department and ask for an inspection. Ask to receive a copy for your records. This report will be needed if eviction is threatened.
- If the problem ("material non-compliance") has not been fixed by the landlord, a Seven-Day Notice to "cure" letter can be sent. This letter formally advises the landlord that the tenant considers the lease broken since a "good faith" effort was not initiated to make the needed repairs in this time period. This notice should be received by the landlord at least seven days prior to the beginning of the next rental period and states you will either withhold rent or vacate the premises.
- If rent is withheld and you choose to stay in the apartment, do not spend the money. The landlord may file an eviction action, and the court may require you to place the rent money into the court registry. Failure to pay into the court registry may lead to the judge ruling in the landlord's favor and you being evicted.

**For more detailed information, contact Consumer Affairs at 561-712-6600
(Boca/Delray 888-852-7362 toll free)**