

WHAT FLORIDA RENTERS SHOULD KNOW ABOUT EVICTIONS AND COVID-19

Are evictions stopped in Florida? Is there an eviction moratorium in Florida?

Beginning April 2, 2020, Gov. DeSantis suspended residential evictions for non-payment of rent due to COVID-19. This means that new and existing eviction cases for nonpayment of rent are paused through September 1, 2020, or any extensions ordered by the Governor.

This ONLY applies to evictions for nonpayment of rent due to COVID-19. If you are being evicted for any other reason, there is NO moratorium. Tenants who are not covered by the moratorium and served with an eviction complaint and summons **must** file a response with the court by the deadline stated in the summons (usually **five business days**) to avoid losing their cases. At that time, they **must** also deposit the rent due with the court registry, rather than paying landlords. Tenants who disagree with the landlord about the amount of rent owed, must file a Motion to Determine Rent as part of their response to avoid losing their cases. To create your own eviction answer, visit floridaevictionanswerbuilder.org.

What is the federal eviction moratorium?

The CARES Act created a federal eviction moratorium for certain housing that receives federal funding, such as public housing, Section 8 Voucher rentals, Low Income Housing Tax Credit rentals, USDA rentals, Rural Housing Voucher rentals and more. It prevents landlords that receive federal funding or have a federally-insured mortgage from filing new evictions for non-payment of rent. It also prevents them from charging tenants any fees, penalties or other charges related to that non-payment of rent. The federal eviction moratorium ended July 25, 2020. But tenants in single-family homes with mortgages on them backed by the FHA, Fannie Mae, or Freddie Mac are protected from eviction until September 1, 2020.

Is the Florida or federal eviction moratorium automatic?

None of the eviction moratoriums are automatic. If an eviction is filed against you, you will have to file a written response explaining the reason why you did not pay and how it was related to COVID-19. Each circuit court in Florida will determine how the moratorium will be applied locally.

What should I do if I can't pay my rent because of COVID-19?

You still have to pay your rent. Ask your landlord if he/she will agree to one of the following: (1) forgive rent and waive late fees during the stay-at-home order, (2) agree to a repayment plan to let you pay your past-due rent over time once you go back to work or receive reemployment or other assistance without late fees, (3) reduce the rent during the stay-at-home order. If you reach an agreement with your landlord, confirm it in writing. This can be by sending the landlord or property manager a text, email or letter. Keep a copy of the writing for your records.

Landlords are not required to negotiate with you, but should be understanding during the current pandemic. Tell your landlord why you can't pay your rent: for example, if your work hours have been cut, you got laid off from work or have to stay home with your children because their school is closed. If you have been a good tenant with a good payment history, mention that and that you want to remain in the home. Explain what you are doing to be able to begin paying rent again as soon as you are able (applying for reemployment benefits, expecting a tax refund, other means).

What will happen when the eviction moratoriums end?

If you had an eviction case that was paused by the eviction moratorium, the case will restart where it left off. If you did not have an eviction case and have not paid your rent during the eviction moratorium, your landlord will serve you with a 3-day notice to pay rent. If you do not pay all the rent that you owe within 3 business days of receipt of the notice, your landlord can file an eviction against you.

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What if my landlord locks me out or tells me I have to leave?

Florida law makes it illegal for a landlord to remove a tenant through use of “self-help” eviction, such as changing the locks on the door, terminating utility services, removing the tenant’s personal property, or threatening to do such things. A landlord must go to court to evict a tenant or the landlord can be sued by the tenants for unlawful eviction practices.

If you have questions about your rights, call the Three Rivers Legal Services Legal Helpline.

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Provided by Three Rivers Legal Services, Inc.

LEGAL HELPLINE 1-866-256-8091

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