



Renters' Rights

My rented property was damaged in the disaster. What are my rights? Most leases have terms that say what happens if rental property is damaged by a disaster. If you don't have a copy of your lease, ask your landlord for one. Even if the lease is oral, your landlord still has legal responsibilities regarding repairs. Immediately tell your landlord about the property damage and mail a *written* repair request by certified mail return receipt or a service that tracks delivery (UPS or FedEx). Ask how long repairs will take. Make sure and pay your rent; that should be done before you make your repair request. A pending FEMA application doesn't excuse your obligation to pay rent. *If you do not vacate (for example, you disagree that the property is uninhabitable), the landlord must go through a court process to evict you.*

Can I terminate my lease because of property damage? It depends on the extent of the damage. Also, read your lease to see if it addresses disasters. The following are your rights:

- **Unusable property.** A rental property that is *totally unusable for residential purposes* is uninhabitable in its current condition. Either you or your landlord may terminate the lease by giving *written* notice any time before repairs are completed. Try to negotiate a suspension or reduction of rent, but unless your lease allows this **or you live in public housing**, you can only get reduced rent when the landlord fails to make repairs you properly requested and you sue your landlord. (Public housing tenants can get reduced rent or available alternative housing if the housing authority can't or doesn't make repairs in a reasonable time.) Get any agreement in writing. If you terminate your lease, you are responsible only for pro-rated rent due up until the date you move. You will still owe any charges that accrued up to that point, including past-due rent. Make a *written, dated* request for return of your security deposit with a forwarding address where it can be sent. If there is damage to the property not caused by the disaster and not normal wear and tear, your landlord can withhold some or all of your deposit. If your security deposit is withheld, your landlord must provide a written, itemized accounting of the repairs cost. If your utilities are separate from your lease, call the utility company to shut them off. Give a forwarding address for your utility deposit refund. You are responsible for utilities up to the date they are shut off.
- **Partially usable property.** A leased property is *partially unusable for residential purposes* if you can still live there while repairs are being made. If the property was insured, your landlord does not have to start repairs until the landlord receives money from the insurance company. As long as you live at the property, you must keep paying rent according to your lease. You can ask your landlord to reduce your rent because you are not getting full use of the property. This includes common areas like walkways, pools, parking, and laundry rooms. If your landlord agrees to a temporary rent reduction, get a written, signed agreement. If you can't agree to a reduction and the lease doesn't prohibit rent reductions, you can sue your landlord to get a court order for reduced rent.

What about my personal belongings? Your landlord is *not* responsible for loss or damage to your personal belongings. If you have renter's insurance, call your insurance company. If there is a disaster declaration, apply to the Federal Emergency Management Agency (FEMA) within 60 days of the declaration. Call 800.621-FEMA; go to www.fema.gov, or go to a FEMA Disaster Assistance Center. FEMA may help replace damaged personal property, such as clothing, household items, furnishings, appliances, tools, and computers. FEMA may also cover moving and storage expenses related to the disaster. If you misuse FEMA funds, you may have to pay FEMA back. *Be sure to keep your purchase and expense receipts for at least 3 years to prove that you spent FEMA money according to FEMA rules.*

Can I get a loan to make repairs? The Small Business Administration (SBA) provides low-interest disaster loans to homeowners, renters, and businesses entities to repair or replace real estate, personal property, machinery and equipment, inventory, and business assets. Reach the SBA at 1.800.FED.INFO or www.sba.gov/category/navigation-structure/loans-grants/small-business-loans/disaster-loans.