

## Sample letter to landlord

\_\_\_\_\_, 20\_\_

To: \_\_\_\_\_

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

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 Community Legal Services of Mid-Florida (CLSMF)

*The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.*

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

CLSMF provides community education seminars and detailed informational brochures on major areas of law we practice.



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



This brochure is for general education only. It is not intended to be used to solve individual problems. If you have specific questions, see an attorney. CLSMF offices are listed on the back in this brochure.

## Community Legal Services of Mid-Florida Offices:

**\*BREVARD: 1-866-469-7444**

**CITRUS & SUMTER**  
106 N. Osceola Ave., Inverness, FL 34450

**(352) 726-6592 – CITRUS**  
**1-800-984-2918 – SUMTER**

**FLAGLER: 1-800-405-1417**

**HERNANDO: 1-866-801-5566**

**LAKE – (352) 343-6351**  
226 West Main St., Tavares, FL 32778

**MARION – (352) 629-6257**  
2300 SE 17th St. Suite 201  
Ocala, FL 34471

**\*ORANGE – (407) 841-7777**  
122 E. Colonial Drive, Suite 200  
Orlando, FL 32801

**OSCEOLA – (407) 933-1791**  
800 North Main St., Kissimmee, FL 34744

**PUTNAM: (386) 385-0928**  
216 S. 6th Street, Palatka, FL 32177

**\*SEMINOLE: (407) 322-6673**

**VOLUSIA – (386) 258-5600**  
128 Orange Ave., Suite 100,  
Daytona Beach, FL 32114

**Client toll-free number: 1-800-363-2357**

**ADMINISTRATIVE OFFICE:**  
**(386)506-5396**

**info@clsmf.org**  
**www.clsmf.org**

**\*Offices currently not offering Family Law services**



**Community Legal Services of Mid-Florida**

# What Every Tenant Should Know About...

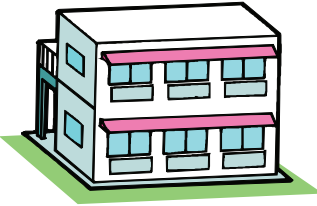


# Withholding



## 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.

*Please note that the landlord may transfer all or some of these responsibilities to you in the lease. Therefore, it is important that you are familiar with 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 **Community Legal Services of Mid-Florida (CLSMF) office in your county** (offices are listed on the back of this brochure). We can 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 Community Legal Services of Mid-Florida 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 CLSMF office nearest you if you need assistance understanding the notice or preparing your written response.***