

Disaster Relief - Renters' Rights

My rented property was damaged in the disaster. What are my rights? Most leases have terms that say what happens if the property you're renting is damaged or destroyed by a disaster. Read your lease. If you don't have a copy, contact your landlord and ask for one. If you don't have a written lease, your landlord is still legally responsible to repair the property. Tell your landlord as soon as possible about the property damage. Ask what repairs needed, how long they will take, and if you have to leave the property while the repairs are being done. If your landlord moved because of the disaster, don't send a rent payment until you are sure that your landlord will receive it. A pending a FEMA application doesn't excuse your obligation to pay rent.

Can I terminate my lease because of property damage? It depends on the terms of your lease and the extent of the damage. Read your lease first. If you don't have a written lease or it doesn't address disasters, the following laws may apply:

- A rental property that is *totally unusable for residential purposes* is considered uninhabitable in its current condition. Either you or your landlord may terminate the lease by giving *written* notice any time before the repairs are completed. If you had to move, you must still pay rent on the property you left. Try to negotiate a suspension or reduction of rent with your landlord. If you terminate your lease, you are responsible only for pro-rated rent due up until the date you moved out. 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 is to be sent. If there is damage to the property not caused by the disaster, your landlord can withhold some or all of your deposit to cover it. If your security deposit is withheld, your landlord must provide a written, itemized accounting of the repairs and cost. If your utilities are separate from your lease, call the utility company to shut them off. Give a forwarding address to send a refund of your utility deposit. You are responsible for utilities up to the date they are shut off.
- A leased property is *partially unusable for residential purposes* if you can still live there while repairs are being made (unless your lease says otherwise). Your landlord does not have to start repairs until it has received money from the property insurance company to make the repairs. As long as you stay on 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, you can sue your landlord to get a court order for reduced rent while waiting on the repairs to be finished.

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 might be able to help replace damaged personal property, such as clothing, household items, furnishings, appliances, tools, and computers. FEMA may also cover your 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.