

## **Legal Services of Greater Miami - FAQ**

### **I don't have enough money for this month's rent, can my landlord evict me?**

Congress passed the CARES Act to address the COVID-19 crisis. As of March 27, 2020, if you are a tenant living in federally subsidized housing or your landlord has a federally backed mortgage loan (FHA, VA, Fannie Mae, Freddie Mac, etc.), the landlord cannot file an eviction for non-payment of rent or charge you late fees for the next 120 days (through July 25, 2020). After the 120 days, if you still owe rent to the landlord, the landlord must give you a 30-day notice to pay any outstanding rent before filing an eviction. For more information about CARES:

<https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>

### **If I am protected from a non-payment eviction, do I still have to pay the rent?**

Yes. Even if you live in federally subsidized housing or your landlord has a federally backed mortgage loan, you still owe the rent and will eventually have to pay it. The new law gives you time to get caught up with the rent. During this time, you can also apply for rental assistance from the programs listed on our resource page: <https://www.legalservicesmiami.org/covid-19>

### **How do I know if my landlord has a federally backed mortgage loan?**

Unfortunately, right now there is not an easy way for you to determine whether your landlord has a federally backed mortgage loan. We know that most mortgages in the United States are federally backed and would have this protection. For now, you can ask your landlord about the mortgage, but housing advocates are working to develop an online tool to help tenants figure out whether a landlord has a federally backed mortgage. You can also contact Legal Services to help you figure this out: <https://www.legalservicesmiami.org/contact-hours>

### **My housing isn't covered by these new protections, can my landlord evict me?**

If your housing isn't covered under the CARES Act and you do not pay next month's rent, your landlord can serve you with a 3-day notice to pay rent. You should talk to your landlord to see if you can work out a payment plan. After the deadline on the notice passes, the landlord can file an eviction in the court. In Miami, all deadlines in evictions are extended through April 20, 2020. If you have an eviction, contact Legal Services: <https://www.legalservicesmiami.org/contact-hours>  
To learn more about the eviction process, read our brochure on evictions: <https://www.legalservicesmiami.org/self-help>

### **My landlord filed an eviction before the COVID-19 crisis started. What happens to my case?**

In Miami, all court deadlines are extended through April 20, 2020. If the court already entered a judgment against you and ordered you evicted, you will not be removed by the police. Miami-Dade Police Department will not evict tenants during a state of emergency.

**I have a Section 8 voucher, public housing, or some other subsidized housing and I lost my job. What should I do?**

Immediately report your loss of income so your rent can be adjusted. The next month's rent should be based on your new income. If there is a delay in adjusting your rent because of the COVID-19 crisis, you should receive a retroactive rent adjustment.

**The conditions in my property are terrible and my landlord will not fix anything, what can I do?**

The COVID-19 crisis may delay a landlord's ability to make repairs. For non-urgent repairs, tell your landlord and give your landlord time to make repairs. If the problems in your unit affect your health and safety, ask the landlord to make repairs right away. If the landlord won't make repairs, send a letter to the landlord through certified mail demanding that the repairs are made within 7 days of the letter or you will withhold your rent. Also, review your lease for any other rights you may have. For more information about the rent withholding process, read our brochure on repairs: <https://www.legalservicesmiami.org/self-help>

**My landlord wants to enter my home, but I do not want people in my home during this crisis. Can I stop my landlord from entering?**

Maybe. If there is an emergency, like a burst pipe, your landlord can enter the home at any time. In other situations, like minor repairs, to show the property to new tenants, or for inspections, you cannot unreasonably withhold consent for the landlord to enter. Whether it is reasonable depends on the specific facts. However, with the COVID-19 crisis, it seems reasonable to tell the landlord to wait to enter your home, especially if you are in a self-quarantine. In all circumstances other than urgent emergencies, the landlord should give you at least 12-hours' notice and only enter between 7:30 am and 8 pm. And, always review your lease to see if you any other protections.

**The landlord is telling me I cannot use some of the common areas because of the COVID-19 crisis, what can I do?**

Review your lease to see if it addresses what happens when common areas are not open. However, it is important to remember that we are going through an unprecedented public health crisis. Under these circumstances, many landlords may limit access to common areas such as pools. During this crisis, it is unlikely that courts would require your landlord to reduce your rent or require the landlord to give you access to those common areas.