



Know Your Rights

Housing Quality Standards and Poor Living Conditions

Rights of Tenants in Florida Under Fla. Stat. 83.51

Tenants should not live in poor housing conditions, and Landlords should make repairs required under the lease. Tenants get into trouble by stopping the payment of rent without following Florida law. Here are a few tips to avoid problems and protect your rights.



1

Poor Living Conditions

Poor living conditions include, but are not limited to, infestations, mold, broken doors/windows, non-working appliances, that are generally the responsibility of the landlord to make repairs. A tenant should notify the landlord of the conditions as soon as problem becomes known.



2

If the Landlord Fails to Make the Repairs

The tenant must provide in writing a 7 Day Repair Demand to the landlord which indicates the specific conditions that need to be repaired, providing for 7 days to complete the repairs upon receipt of the Demand, and if no repairs are completed, the tenant will withhold rent or terminate the lease.



3

Withhold of Rent by the Tenant

If the written repair demand was provided to the landlord, and the landlord failed to make the repairs within 7 days, a tenant may withhold rent for the upcoming month so long as the Demand was provided 7 days in advance of the rent coming due. This withhold is not indefinite for months of not paying rent.



4

Termination of Lease Agreement

A tenant can go directly to termination of lease without withhold of rent or can terminate the lease when the withhold did not force the landlord to make the necessary repairs. If terminating, a tenant must notify the landlord in writing that the lease is being terminated based upon failure to make repairs to the unit.



5

Landlord May File an Eviction

Even where a tenant has acted within the rights afforded under Florida law, a landlord may still file an eviction for nonpayment of rent. A proper withhold of rent under Fla. Stat. 83.51 is a defense to an eviction action for non-payment of rent.



6

Seeking Return of Security Deposit

Even where a tenant has acted within the rights afforded under Florida law, a landlord may impose a claim on a security deposit or report the tenant to collections. A tenant may seek return of the security deposit through a small claims action and dispute any amounts reported to collections.

