

Disaster Recovery: Housing Rights



Can I get out of my lease if my home is destroyed?

If you cannot live in your rented home or apartment because it was destroyed by a tornado, you can cancel the lease.

- You must give your landlord written notice that you are canceling your lease and keep a copy for your records.
- You must vacate (leave) the rental home or apartment as quickly as possible and return the keys to your landlord.
- Once you vacate and return the keys, you lose any right to personal property remaining in the rental home or apartment.
- You are NOT responsible to pay the landlord rent that accrued after you gave notice, vacated the rental home or apartment and returned the keys.

Can I get my security deposit back?

- You should ask in writing for a refund of your security deposit and any pre-paid rent from your landlord.
- You must give your landlord an address where you can receive mail.
- The landlord has 30 days to return the security deposit, after you vacate, return the keys and provide a forwarding address.
- Your landlord may keep all, or part of your security deposit for any rent you owe, damage that you or your guest caused and the cost to remove any property you left behind.
- The landlord may not charge you for damage caused by the tornado.
- If the landlord does not return your security deposit after 30 days, you may sue your landlord in small claims court for double the amount of the security deposit that the landlord wrongfully withheld.

Can I stay in my damaged rental home or apartment and pay less in rent?

- You are responsible for full rent if you stay in your damaged rental home or apartment
- You cannot reduce your rent unless your landlord agrees or your lease gives you that right. If your landlord agrees, you need to get any agreement in writing.
- You can also file a rent escrow action and ask the court to reduce the rent amount.
- To file a rent escrow action, you must do the following:
 - Be current in rent
 - Notify the landlord in writing of the damage to the rental home (keep a copy for your records)
 - Give the landlord a reasonable time to make repairs
 - After reasonable period, take your rent and the written notice of damage to the court and file a rent escrow action

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What do I do if I lost my job because of the disaster and can't pay rent?

If you do not pay rent, your landlord can give you a 3-day notice to vacate. Your landlord may later file an eviction case against you. If your rent is subsidized by the government, you are entitled to have your part of the rent reduced. You should contact your landlord right away to get your rent reduced. If you have a voucher, you should contact the agency who gave you the voucher to get your rent reduced.

Can my landlord make me move immediately if I can live in my home?

No. A landlord can only make you move by giving you a notice telling you to get out by a certain date and then filing an eviction after that date. It is unlawful for a landlord to change the locks, turn off utilities or seize your personal property in attempt to get you to move out.

Can my landlord make me move so they can make repairs?

If you can still live in the rental home or apartment, you do not have to move until the lease is over. If you have a written lease, it may cover this situation.

I'm purchasing my home under a land contract and it was damaged/destroyed by the tornado, who is responsible for repairing it?

The buyer of the house ("Vendee") under the land contract is responsible for all repairs to the home. You may be eligible for assistance through FEMA if a disaster is declared by the federal government.

- **If you have homeowner's insurance:** You should contact your insurance company or agent immediately to file a claim.
- **If you do NOT have homeowner's insurance:** You can continue to make payments under the terms of the land contract or you can stop making payments under the land contract. If you stop making payments under the land contract, the seller ("Vendor") can file an action against you to recover the home and any money that is still owed under the land contract.