

Frequently Asked Questions for Floridians Facing Economic Hardship Because of COVID 19

As a result of the COVID-19 pandemic, millions of Floridians are now unemployed and facing financial uncertainty. The Attorney General has put together this list of resources available to assist Floridians in these tough times.

Nothing contained herein should be construed as legal advice or establishing a lawyer-client relationship. The information below is intended to provide general, summary information for use by Floridians. Please consult with a lawyer if you have legal questions about your specific situation. We will periodically update these frequently asked questions to provide Floridians with as much information as we can.

RENT, RENTAL AGREEMENTS, RESIDENTIAL LANDLORD-TENANT RELATIONSHIPS

We have received inquiries regarding rental issues, including issues related to missed rent payments and issues regarding renewing expiring or expired leases. If you are having issues with your landlord with respect to your rental property, your first call should be to your landlord to tell them about your situation and attempt to work out a resolution. If that fails, the following answers and links to resources may provide you with additional information:

State Resources

Q. Has the State taken any action with respect to protecting renters?

A. Yes. On April 2, 2020, Governor DeSantis issued an Executive Order, 20-94, and the Florida Supreme Court has entered several orders that affect evictions as to residences.

Q. What does the Governor's Executive Order do?

A. The Executive Order tolls any statute providing for an eviction cause of action under Florida law solely as it relates to non-payment of rent by residential tenants due to COVID-19 for 45 days from the date of the Order (April 2, 2020) including any extension. A copy of the Executive Order can be found [here](#).

Q. What does the Florida Supreme Court’s Order do?

A. Through multiple orders the Florida Supreme Court has suspended the requirement that Clerks of Court issue writs of possession “forthwith” and has limited many court proceedings. Both will likely affect the timing and timeline for any eviction. A copy of the latest Florida Supreme Court Order can be found [here](#). Please consult a lawyer as to how the Supreme Court’s Orders may impact your specific situation.

Q. My lease is expiring. Can my landlord increase my rent?

A. Maybe, but, depending on the facts, doing so during this crisis may come at a price for the landlord. Landlords should be aware that, barring any recognized exception or justification, the price gouging laws can apply to rent increases substantial enough to trigger the law. Governor DeSantis declared a state of emergency. A copy of that Executive Order can be found [here](#). The declaration triggered Florida’s price gouging statute, Florida Statute § 501.160. Leases of dwelling units and storage units are covered by the law. The price gouging law compares the reported price during the state of emergency to the average price charged over the 30-day period prior to the declared state of emergency. If there is a “gross disparity” between the prior price and the current charge, it could be considered price gouging. However, every case must be evaluated on its own merits as lease terms differ and other factors may apply. It is important to note that the statute specifically excludes price increases in rent that are approved by a government agency or are attributable to additional costs incurred in connection with the rental of a dwelling unit or to regional, national or international market trends. If you suspect price gouging, obtain as much information as possible (documents preferred). Report this information to the Attorney General’s Price Gouging Hotline at 1-866-966-7226. You may also report violations on the Attorney General’s No Scam app or online at MyFloridaLegal.com or mail documents to the following address:

Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050

Federal Resources

Q. Has the Federal government provided any relief to renters?

A. Yes. On March 27, 2020, President Trump signed the CARES Act into law. Under the CARES Act, Floridians, like all Americans, received certain limited relief with respect to landlord-tenant relationships.

Q. What kind of relief is provided for renters under the CARES Act?

A. For renters living in “covered dwellings,” the CARES Act provides a temporary moratorium on evictions as well as late fees for nonpayment of rent or other charges for a period of 120 days starting on March 27, 2020. Further, landlords would not be allowed to issue a notice to vacate until after this temporary moratorium and they would not be allowed to require a tenant to actually vacate the unit until 30 days after the notice is given. The relief provided by the CARES Act only applies to evictions for nonpayment of rent, not for other causes. Renters should also be advised that although they may be protected from eviction proceedings temporarily under this law, the law does not treat nonpayment of rent during this period as forgiven and these unpaid amounts will accrue during this period even if fees are not assessed.

Q. What is a “covered dwelling” under the CARES Act?

A. The CARES Act has a somewhat limited effect. It applies to “covered dwellings,” which can generally be defined as a rental home that is receiving federal subsidies or a property with a federally backed mortgage. Specifically, this includes rental housing supported by the following federal housing programs:

- Public housing;
- Section 8 Housing Choice Vouchers;
- Section 8 Project-

- Section 236 Preservation program;
- HOME investment partnerships;
- Rural Development multifamily housing (Section 516 Farm Labor Housing Grants, Section 542 Rural Development Vouchers, Section 521 Rural Rental Assistance, Section 533 Housing Preservation grants); or
- Low Income Housing Tax Credit (LIHTC) program.

It also includes rental housing with a single-family or multifamily mortgage that is:

- purchased or securitized by Fannie Mae or Freddie Mac;
- insured by the Federal Housing Administration (FHA);
- guaranteed, directly provided by, or insured by the Department of Veterans Affairs (VA);
- guaranteed, directly provided by, or insured by the Department of Agriculture (USDA); or
- guaranteed under HUD's Native American or Native Hawaiian Home Loan Guarantee programs.

If you're not sure whether your rental unit is included or want additional information about whether the CARES Act applies to your situation, you can search the [National Preservation Database](#).

Other Resources

It is important that you continue to take any and all steps to protect your legal interests, which may include your need to consult a private attorney. A private attorney can provide the legal advice which our office may not be able to provide to individuals. If you need legal help but cannot afford a private lawyer, the Florida Courts Administrator has a [comprehensive list](#) of providers and local legal aid websites that may be able to help you. A link to the website is here.

You may also find an attorney through the Florida Bar Association at www.floridabar.org or by calling their Legal Referral Service toll-free at 1-800-342-8011. Verify your attorney is in good standing and has no disciplinary actions against them. If you cannot afford an attorney, you may be eligible for low-cost or

pro bono assistance through a legal aid office in your area. To locate an office in your area, visit www.floridalawhelp.org/find-legal-help. Finally, you may also seek legal help through Florida Legal Services at www.floridalegal.org.

Information on finding affordable housing and rentals in Florida is available from the Florida Housing Finance Corporation [here](#).