

RENTER'S RIGHTS

In February 2021, the effect of Winter Storm Uri in Texas, during the COVID-19 worldwide pandemic creates a unique challenge for renters of single family and multi-family units. Find out your rights as a renter when a disaster strikes, within a disaster.

Your Rights as a Tenant

As a tenant of a single family (free-standing home) or multi-family unit (apartment/townhome) you have certain rights under the Texas Property Code:

1. The right to live in a dwelling free from conditions that would materially affect your physical health and safety;
2. Repair or remedy of certain conditions by your landlord; or
3. Termination of a lease if the repair or remedy of material conditions affecting the health and safety of an ordinary tenant have not been made within a reasonable time.

If your home was damaged during Winter Storm Uri, your landlord has a duty to repair or remedy certain conditions. Check your lease for specific provisions. To request repair of certain conditions such as burst pipes, heating and cooling (HVAC), or structural damage you should:

1. Contact your landlord immediately. Make a phone call to your landlord and make a request in writing to the place where your rent is normally paid, or where your lease specifies to provide repair requests. Send your written request by a traceable method, certified mail with green return receipt card, UPS or Fed EX with tracking (no texts or emails!);
2. Your rent must be current when the repair request to your landlord is given; and
3. The condition materially affects the physical health and safety of an ordinary tenant.

Your landlord must make the repairs within a reasonable time after the request has been made. A reasonable time period is usually 7 days. Considering the storm's affect and lack of plumbers and supplies, this time period may be longer.

Here are some frequently asked questions about Renter's Rights during the current disaster:

1. *Can I get out of my lease if my home is damaged?*
If your lease says you can or if you cannot live in any part of your rented home because of damage, you can cancel the lease. If you cannot live in any part of your rental unit, you must give your landlord written notice that you are cancelling your lease. You should also ask in writing for a refund of your security deposit and any pre-paid rent from your landlord. You must give your new address to your landlord in writing to receive a refund.
2. *Does my landlord have to lower my rent if my home is damaged?*
No. You cannot reduce your rent unless your landlord agrees or your lease gives you that right.

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Talk to your landlord and work out a deal. If you cannot, then you have the right to file a lawsuit and seek a court order reducing your rent.

3. *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 notice to move. Your landlord may later file an eviction case against you. In September 2020, the President issued a moratorium on evictions through the Center of Disease Control (CDC) to help prevent the spread of COVID-19. If you meet certain qualifications, you may be eligible to sign a declaration to prevent eviction for non-payment of rent during the Coronavirus pandemic. If eligible, you may sign this declaration and provide a copy to your landlord to avoid eviction. As of the time of this update, the moratorium on evictions is valid until March 31, 2021. If your rent is subsidized by the government, you are entitled to have your part of the rent reduced. You should contact the agency that helps you with your rent to get a reduction.
4. *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 a lawsuit after that date. You cannot be evicted without a reason. If your lease is expired, your landlord may be able to legally give you a notice to vacate and then seek a court order if you do not move by the deadline in the notice. If your landlord locks you out and refuses to give you a key, contact your local justice of the peace. The justice of the peace may order your landlord to immediately unlock your door by signing a "writ of re-entry."
5. *Can my landlord make me move so they can make repairs?*
If you can still live in the home, you do not have to move until the lease is over. If you have a written lease, it may cover this situation. If not, your landlord can only make you move if your home is not safe to live in. The landlord can move you temporarily while making extensive repairs but must move you back if your lease is not over.
6. *What do I do if I am served with an eviction lawsuit?*
Carefully read the papers and be sure to show up to tell your side of the story. You have the right to represent yourself. You can also call Lone Star Legal Aid for information or to represent you if you qualify. In some types of eviction cases you can take a friend to help. You have the right to appeal even if you lose in the Justice of the Peace Court.
7. *My furniture and clothes were ruined when my pipes burst. Is my landlord responsible for these items?*
No. Your landlord is not responsible for loss or damage to your personal belongings. You may file a claim against your renter's insurance if you have it, or you may be eligible for disaster assistance to replace damaged personal property through FEMA.
8. *What do I do if my landlord does not refund my security deposit or pre-paid rent?*
Wait until 30 days after you moved and gave the landlord your new address in writing. Then you can contact legal aid for help.
9. *Is there assistance available for Renters who need to relocate or have suffered loss of personal items?*
Renters may be eligible to receive assistance from FEMA during this disaster. The Individuals and Household Program (IHP) provides financial assistance and direct services to those who are uninsured and underinsured. Disaster survivors in need of assistance may apply to FEMA online at www.disasterassistance.gov or by calling 1-800-621-3362.

Disaster Legal Assistance Hotline: 1-800-504-7030

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