



Community Action and Human Services Department Office Of Housing Advocacy

NOTICE OF TENANT RIGHTS

Pursuant to Miami-Dade County Board of County Commissioners' Ordinance No. 22-47 ("Tenant's Bill of Rights Ordinance"), which was enacted on May 3, 2022, with an effective date as of May 14, 2022, landlords in Miami-Dade County are required to provide this Notice of Tenant Rights ("Notice") to all tenants whether they have a lease. For purpose of this Notice, a tenant is any person entitled to occupy a dwelling unit under a rental agreement, whether the agreement is written or oral. A tenant is not a squatter.

Disclaimer: This Notice is not exhaustive and is intended to only provide you with an overview of your basic rights as a tenant in Miami-Dade County under applicable federal, state, and local laws. **This Notice is not intended to modify your lease or waive any rights thereunder. This Notice is also not intended as legal advice. If you have any questions pertaining this Notice you should consult with an attorney.**

The Landlord's Responsibility: A landlord is required to provide to you with this Notice, which has been prepared and published by the Office of Housing Advocacy, **no later than 10 days after the commencement or renewal of your tenancy,**

- (a) You are required to review, acknowledge, sign and date this Notice.
- (b) You must return this Notice to your landlord **within 7 days of receipt** and be provided with a copy for your records.
- (c) The landlord shall maintain the most recent Notice in your file until **at least 60 days after the end of your tenancy.**

Notwithstanding the foregoing, in the event you do not timely sign the Notice, the landlord shall make two attempts to acquire your signature and document the attempts in your file. **Your failure to sign the Notice shall not be deemed to constitute a waiver of your right to file a civil action in a court of competent jurisdiction to enforce your rights under applicable laws, including the Tenant's Bill of Rights Ordinance.**

KNOW YOUR RIGHTS

The following are the list of rights you have under existing law and the Tenant's Bill of Rights Ordinance:

1. **NOTICE REQUIREMENTS:**

- (a) **MONTH-TO-MONTH TERMINATION OF TENANCY:** Your landlord must provide you with a minimum of 60 days' fair notice, in writing, of termination for month-to-month tenancy (e.g., you do not have a written lease).
- (b) **RENT INCREASE:** Your landlord must provide a minimum 60 days' fair notice, in writing, if your landlord intends to increase your rent by more than 5% either at the end of a lease for a specific term or during a tenancy without specific duration.
- (c) **CHANGE IN OWNERSHIP:** Your landlord must provide you with 60 days' notice if you are a month-to-month tenant and there will be a change in ownership that might result in the termination of your tenancy.



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- (d) **UNSAFE STRUCTURES:** If the residential building that you live in is determined to be unsafe, your landlord must notify you **within 14 days** of having received a notice from either a government entity or condominium association that a residential building may be unsafe.
- (e) **RELOCATION ASSISTANCE:** If a Building Official (1) declares that a residential building that you are living in must be vacated and (2) determines that the actual or immediate danger presented by the condition of the building is the result of the owner's negligence, intent, or failure to act, the owner must make all necessary arrangements, within 8 hours of having received the notice to vacate, to relocate you and all displaced residents into safe, sanitary, and secure housing until the building is safe to re-occupy. Section 8-5(f)(2) of the Miami-Dade County Code of Ordinances.
2. **REPAIRS:** You may make reasonable repairs to their unit for health and safety reasons only and deduct the cost of the repair from your rent if:
- (a) You provide the landlord with 7 days-notice, in writing, of the need for repairs;
 - (b) Your landlord fails to make the repairs;
 - (c) You have obtained two estimates from licensed professionals;
 - (d) You have evidence of such repairs (e.g., receipts, photographs, and similar documentation); and
 - (e) You have withheld rent or any portion of your rent and provided the 7-day' notice to your landlord, who has failed to maintain your dwelling unit in compliance with Florida law.
- YOU CANNOT WITHHOLD YOUR RENT OR MAKE REPAIRS IF THE DAMAGE TO YOUR UNIT WAS CAUSED BY YOU, A MEMBER OF YOUR FAMILY, OR ANYONE ON THE PREMISES WITH YOUR CONSENT.**
3. **BUILDING CONDITIONS:** A unit must generally include working plumbing and heating, be free from pests and have locking doors and windows, among other requirements. Fla. Stat § 83.51. Structures in Miami-Dade County must also meet all applicable building, housing and health codes.
4. **SECURITY DEPOSIT RETURN:** Your landlord is required to let you know if the security deposit you paid to your landlord will be placed in an interest bearing or non-interest-bearing account. You are entitled to the return of your security deposit once you vacate your dwelling unit if your landlord **does not** intend to impose a claim on it. Your landlord is required by law to return your security deposit in 15 days together with any accrued interests, if any. If the landlord **does intend** to impose a claim on the security deposit (for example because you have damaged the dwelling unit), the landlord shall have 30 days to give you written notice by certified mail to your last known mailing address of their intention to impose a claim on the deposit and the reason for imposing the claim. Fla. Stat § 83.49(3)(a).
5. **DISCRIMINATION:** The Miami-Dade County Human Rights Ordinance prohibits your landlord from discriminating against you on the basis of your race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, actual or perceived status as a victim of domestic violence, dating violence or stalking, or source of income. You also have additional rights under the Federal and Florida Fair Housing Acts which prohibit discrimination on the basis of gender, national origin, religion, color, disability, familial status, or race.
6. **EVICTION HISTORY:** A landlord may not inquire about or require disclosure of a prospective or current your eviction history on the initial application or an application for renewal. However, a landlord may use other means to access information about your eviction history.



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7. **PROHIBITED ACTIONS:** Your landlord cannot force you out of your dwelling unit by directly or indirectly terminating or interrupting of your utility service, including, but not limited to, water, heat, light, electricity, gas, elevator, garbage collection, or refrigeration, whether or not the utility service is under the control of, or payment is made by, the landlord. Your landlord also cannot prevent you from gaining reasonable access to your dwelling unit by any means, including, but not limited to, changing the locks or using any bootlock or similar device. Fla. Stat § 83.67.

8. **FREEDOM FROM RETALIATORY CONDUCT:**

- (a) If you rent a condominium unit, your landlord may not attempt to collect rent payments from you or take any adverse action against you in violation of section 83.64(1)(e), Florida Statutes and the Tenant’s Bill of Rights Ordinance if:
 - i. You currently occupy a dwelling unit located in a condominium; and
 - ii. You are directed by the condominium association to make rental payments to the condominium association (after a proper written demand, section 718.116(11), Florida Statutes) until all monetary obligations of your landlord related to the dwelling unit have been paid in full to the association or the association releases you from making such payments, or you discontinue tenancy in the dwelling unit.

- (b) Your landlord may not take any adverse action against if you use of the Housing Advocacy Hotline (or any agency to which you might be referred by the Hotline).

- (c) Your landlord may not coerce, intimidate, make threats, or harass you, or anyone who helps you when you exercise any of the rights contained herein or if you exercise any other rights afforded to you by law, including those rights afforded to you under the Tenant Bill of Rights Ordinance.

I/We, _____, confirm that I/We have received a Notice of Tenant Rights Form on:

(Insert Date)

Landlord/Agent Signature	Printed Name	Date
Tenant Signature	Printed Name	Date
Tenant Signature	Printed Name	Date



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About the Office of Housing Advocacy (OHA)

OHA will be working to address issues of affordable housing and landlord and tenant rights in addition to, assisting families and individuals seeking housing related resources. Often, when residents experience housing instability, it can be difficult to navigate available resources.

OHA will act as a clearinghouse and coordinator to ensure that residents have the right tools in hand. OHA also understands that housing solutions require a collaborative effort - this is why the Office will work with County departments, community organizations, developers, and other community stakeholders to develop policies aimed at increasing the supply of housing and preventing the displacement of residents in Miami-Dade County.

This Office is now open to support all residents within Miami-Dade County. For those residents who need OHA's assistance now, please complete a Housing Advocacy Intake Form by:

- Visiting: OHA's County Webpage at www.miamidade.gov/housingadvocacy
- Calling: Housing Advocacy Hotline
786-469-4545
Available in *English, Spanish, and Creole*
Monday – Friday, 8 a.m. – 5 p.m.
Closed on weekends and County holidays
- Emailing: housingadvocacy@miamidade.gov

It is the policy of Miami-Dade County to ensure equal opportunity without discrimination or harassment on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking, or source of income. Miami-Dade County provides equal access and equal opportunity in its programs, services and activities and does not discriminate on the basis of disability. To request materials in accessible format, a sign language interpreter, and/or any other accommodation to participate in any County meeting, please contact Charles Brown at 786- 469-4723 or Ameiyt Morales (backup) at 786-469-4609 or send an email to: charles.brownjr@miamidade.gov and ameiyt.morales@miamidade.gov. TTY users may also call 711 (Florida Relay Service).



**Community Action and Human Services Department
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RESOURCES	
Rental and other assistance are available for Tenants that are homeless or facing eviction:	
<p>Community Action and Human Services Department (CAHSD) – Housing Assistance Services</p> <p>First-Month Assistance</p> <ul style="list-style-type: none"> • The tenant must be homeless or evicted from a prior residence. The maximum assistance offered is \$1,000. • The tenant must provide a lease agreement stating the terms of occupancy. <p>Rental Assistance</p> <ul style="list-style-type: none"> • The tenant must submit the three-day notice, court eviction (5-day notice) or 24-hour notice to the caseworker. The maximum assistance offered is \$1,000 for rental assistance. • Checks are paid to the landlord or management company. If the maximum payment does not satisfy the payment requirements of the landlord, the tenant must pay the balance and security deposit (payment receipt required). <ul style="list-style-type: none"> - The tenant can only receive one type of assistance per year. Visit one of twelve Community Resource Centers to apply or visit: www.miamidade.gov/global/socialservices/home.page <p>Miami-Dade County Homeless Trust</p> <p>If you or someone you care about is homeless in Miami-Dade County, call the Homeless Helpline at 1-877-994-4357, select your language of choice and press #1 for more information. Outreach team members will assess the situation and discuss possible next steps. Information on homeless prevention assistance can also be obtained by visiting https://www.homelesstrust.org/homeless-trust/homeless-about/home.page</p>	<p>Miami-Dade County (MDC) Emergency Rental Assistance Program 2.4 (ERAP 2.4)</p> <p>The Emergency Rental Assistance Program (“ERAP”) 2.4 provides rental payment assistance for up to 18 months, if you meet certain income qualifications and are experiencing financial hardship during or as a result of the COVID-19 pandemic. In addition, ERAP 2.4, will now accept applications from MDC residents that are unable to pay an increase in rent. ERAP can help pay the difference between your current rent and the new rent for a period of 3 future months.</p> <p>For more information, to learn the eligibility criteria, or if you have any questions, you can send an email to ERAP@miamidade.gov or by calling 305-723-1815. Landlords are encouraged to contact the program at LandlordsERAP@miamidade.gov or call 786-688-2440 to refer tenants who are behind in their rent. Visit https://www.miamidade.gov/global/housing/emergency-rental-assistance-program.page</p> <p>City of Miami Emergency Rental Assistance (ERA)</p> <p>The City of Miami ERA program 2021 is aimed at stabilizing rental households by helping income-eligible renters within City of Miami limits who are past due in rent (arrear) and/or have suffered financial hardship caused by the COVID-19 pandemic. For more information and to check eligibility criteria, City of Miami residents can dial the Call Center at 305-330-1508. Visit https://www.miamigov.com/Housing-Assistance-Recovery/Housing-Assistance/ERA-Program</p>



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ADDITIONAL RESOURCES	
<p>Tenants needing legal assistance or to file a complaint are encouraged to contact an attorney or local legal aid or program:</p> <p>Legal Services of Greater Miami Address: 4343 W Flagler St #100, Miami, FL 33134 Phone: (305) 576-0080 Website: https://www.legalservicesmiami.org/ Online Intake: https://www.legalservicesmiami.org/self-help</p> <p>HOPE Fair Housing Center Address: 11501 NW 2nd Ave, Miami, FL 33168 Phone: (305) 651-4673 Website: https://hopefhc.com/</p> <p>Dade Legal Aid Address: 123 NW 1st Ave, Miami, FL 33128 Phone: (305) 579-5733 Website: https://www.dadelegalaid.org/</p> <p>Florida Bar Lawyer Referral Services Phone: (800) 342-8011 Website: https://lrs.floridabar.org/</p>	<p>Agencies that can assist with discrimination complaints:</p> <p>United States Department of Housing and Urban Development If you believe your rights may have been violated, HUD encourages you to submit a complaint. Because there are time limits on when a complaint can be filed with HUD after an alleged violation, you should submit a complaint as soon as possible. You can speak with an FHEO intake specialist by calling 800-669-9777 or 800-877-8339 (TTY). You can file a complaint with FHEO online by visiting: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint.</p> <p>Florida Commission on Human Relations Phone: (850) 488-7082 Website: https://fchr.myflorida.com/fair-housing</p> <p>Miami-Dade Commission on Human Rights Phone: (305) 375-2784 Website: https://www.miamidade.gov/global/humanresources/fair-employment/human-rights-commission.page</p>
Other State and Local Agencies and Organizations	
<p>Community Justice Project, Inc. (Miami) Address: 3000 Biscayne Boulevard, Suite 106, Miami, FL 33137 Phone: (305) 907-7697 Email: info@communityjusticeproject.com Website: http://communityjusticeproject.com/mission</p> <p>Florida Department of Agriculture and Consumer Services (Consumer Complaints) Phone: 1-800-HELP-FLA (1-800-435-7352) or 1-800-FL-AYUDA (1-800-352-9832) Website: https://www.fdacs.gov/Contact-Us/File-a-Complaint</p> <p>Miami-Dade Regulatory and Economic Services Department, Neighborhood and Building Enforcement (Code Enforcement) Main Phone: (786) 315-2000 Voice response: (305) 591-7966 Website: https://www.miamidade.gov/building/code-compliance.asp</p>	