



# **From Trees to Tenants and Home Repairs:**

**Navigating Legal Issues that Impact Recovery**



**Legal Services**<sup>®</sup>

*of* NORTH FLORIDA

Serving the Florida Panhandle since 1976

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**BAY AREA  
LEGAL SERVICES**

A NONPROFIT LAW FIRM

*Creating pathways to justice*

**Jason Susalla**

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# Legal Aid – An Overview

## It's FREE!

We provide free legal assistance for low and middle income people with civil legal problems.

Legal assistance provided ranges from brief advice to full representation in court.

Some areas where disaster legal aid can help:

- Food Assistance – Replacement, Supplemental SNAP, DSNAP
- Disaster Unemployment Assistance – Eligibility, Application, Appeals
- Housing Issues – Eviction, Foreclosure, Mobile Homes
- Contractor Issues – Scams, Quality and Scope of Work, Timelines
- Insurance – Coverage, Claims, Appeals
- Home Ownership Issues – Title, Documentation
- FEMA Assistance – Eligibility, Common Mistakes, Appeals

# Disaster Relief Team: What We Do - Before and After Disaster

## **Community Outreach:**

- Educational Media
- Community Events and Presentations
- Self-Help Resources

## **Legal Services:**

- Advice and Counsel
- Referral to Legal Aid Partners
- Florida Disaster Legal Aid Helpline

## How to Apply for Legal Services

- Call your local legal aid office. Find the number and counties served at [Florida Legal Aid Programs - FFLA](#)
- Apply at [Florida Online Intake](#)
- Call the Florida Disaster Legal Aid Helpline

# Landlord/Tenant Post-Disaster Basics

- Generally speaking, there are no special provisions in Florida's Landlord and Tenant statute for disaster-specific relief.
- Provisions exist to allow tenants to terminate leases for casualty damage, which often occurs with disasters.
- Generally, rent must still be paid, and landlords reserve the right to evict tenants for failure to pay rent or other noncompliance – with proper notice.
- Tenants may **not** deduct any costs incurred in making repairs without the landlord's consent.
- Landlords do have an obligation to maintain property in a safe and habitable condition, **BUT** tenants must still give the proper notice before withholding rent or terminating the lease.
- Written lease agreements may alter obligations between landlord and tenant, and must be examined before many determinations can be made.

## Housing – Mobile Homes

- If both a mobile home and the lot where the mobile home is situated are rented, then generally residential landlord and tenant law applies.
- If the renter owns the mobile home but rents the lot in a mobile home park, and there are 10 or more lots offered for rent in that park, then the Florida Mobile Home Act applies.
- As with residential tenancies, it is important to review any written lot lease to determine the specific obligations of the landlord and tenant.
- Debris removal on rented lots is often the responsibility of the renter.
- Lot rent is often due even if the mobile home occupying the lot is destroyed.

# Contractor Issues

- Contractors often flood affected areas in the wake of disasters, and disaster survivors desperate for repairs will pay contractors without first checking licenses or sometimes even signing written contracts.
- The trouble caused by these incidents is wide-ranging but almost always presents a legal issue.
- Assuming the scammer is able to be located, the most common solutions are contract and civil theft litigation.
- Criminal penalties often apply as well – contacting local law enforcement and the Florida Attorney General’s office is often advisable.
- In the specific instance where a homeowner has a written contract and has paid more than 10% of the contract price, the contractor is required to apply for a permit within 30 days and begin work within 90 days.
- Homeowners should send a demand letter to any contractor that has not complied with either of the above requirements. A properly written demand letter requires the contractor to begin work within 30 days of the demand or return all money received.

# Homeownership Issues

- Many offered benefits and relief in the wake of a disaster first require homeowners to prove ownership of their property.
- Many homeowners, particularly mobile home owners and multi-generational home owners, discover in the wake of a disaster that they are either unable to prove, or in fact do not, own their home.
- Occasionally this occurs through outright fraud, but more often it is a matter of improper documentation of transfers in ownership or a failure to properly handle the estates of deceased family members.
- Federal agencies and out-of-state aid organizations are also often unfamiliar with local law, and homeowners simply do not know the technical terms of art to explain that they do, in fact, own their property.
- Even solvable problems with homeownership often require court orders, which can take anywhere from weeks to years to obtain depending on the issue.

# FEMA Appeals

- When FEMA denies benefits for any reason, the applicant's time to appeal is 60 days from the date of the decision.
  - 60 days begins from the date of the decision, not the date the applicant receives the denial letter.
  - FEMA will often accept late appeals for good cause – this can include lack of legal counsel.
- Applicants may ask for extensions. These are not required or guaranteed, but in the past FEMA has been generous in granting them.
- Applicants may request copy of their file from FEMA. This file contains correspondence, inspector decisions, and FEMA comments.
- Appeals may be supplemented; if an applicant has already appealed, assistance is often still possible.

# Fallen Tree Damage: Who is Responsible

Responsibility depends on the **condition of the tree** and **cause of the fall**

- **If the tree was healthy:**
  - Fell due to a natural event (e.g., storm)
  - Neighbor is **typically NOT responsible**
- Homeowner handles:
  - Cleanup
  - Repairs
  - Insurance claim (if applicable)
- **If the tree was dead or hazardous:**
  - Tree was **dead, diseased, or dangerous**
  - Neighbor **knew or should have known**
  - Neighbor **may be responsible** for damage

## Scenario 1: The Renter

Stephen was renting a single-family home which was damaged by a hurricane both by flooding and when a tree fell through the roof of one bedroom. Flooding damaged many of Stephen's personal items, as well as his car. The home has been without power for 5 days. Stephen does not have renter's insurance. Stephen was able to evacuate, and has just returned after 5 days to find that a notice to vacate was posted the day after the storm.



## Scenario 2: The Homeowner

Steven owns and lives in a home that was damaged by a hurricane. The local store where Steven worked was destroyed by the storm, leaving him without a job. Steven has both a mortgage and insurance on his property, and he is concerned about being able to pay. A contractor who was making his way through Steven's neighborhood offered to take care of repairs and dealing with his insurance company as long as Steven was willing to sign off.



## Scenario 3: The Homeowner?

Steve lives in a rural community, in the home where he grew up. Steve's parents passed away ten years ago, and since then he has been living there by himself. Steve has been paying the taxes, but does not have insurance on the property. Steve's home was damaged by severe flooding, and he made an application for FEMA relief which was denied.



## Scenario 4: The Mobile Home

Stefan lives in a mobile home that he moved into five years ago with his mother. His mother owned the mobile home, and passed away a year ago. The mobile home is in park, and Stefan has been paying the lot rent since his mother passed. A recent storm caused significant damage to both the mobile home and the park generally. Stefan has been unable to live in the home due to the damage and the difficulty of reaching it through the debris, and has not paid lot rent for this month as a result.



## Scenario 5: A Fallen Tree

Stephanie's neighbor tree has fallen after a storm into her backyard causing damage to her house and fence. Before the storm, Stephanie had some concerns that the tree might be diseased, but she never spoke to her neighbor about the tree. Now she's wondering if she must pay for the damage her neighbor's tree has caused.

Trees: Trees



# Florida Disaster Legal Aid Helpline

Statewide Legal Aid Helpline for Disaster-Related Legal Needs

**(833) 514-2940**

- Survivors of any Florida disaster may call to apply for services
- Survivors with any disaster-related civil legal issue may apply for services
  
- Operational year-round
- Live screener hours: Monday – Friday, 8:30am – 4:30pm
- Message-based system available 24/7
  
- Advice for survivors located anywhere in the State of Florida
- Direct referrals to local legal aid program – survivors do not need to make multiple calls
- Services are not limited to Helene and Milton survivors
- Services are not limited to Federally declared disasters

**Questions?**

# Thank you



## Florida Disaster Legal Aid Helpline

833-514-2940

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