

FIVE TIPS for HOMEOWNERS AND TENANTS DURING PANDEMIC 2020

These are tips for you to consider as a homeowner, renter of your apartment, house, condominium or mobile home, referred below as a dwelling. Many of these tips DO NOT apply to room rentals. Tips regarding mobile homes may require more explanation. These tips are not legal advice. If you need legal advice for your specific question/circumstance, you should consult with an attorney. Each case has specific responses.

NOTE:

Per the 15th Judicial Circuit Order: Administrative Order 12.510 Mitigating Measures in Response to COVID-19*:

- All scheduled foreclosure sales are hereby cancelled up to and including May 1, 2020.
- Non-essential court proceedings will be suspended beginning March 18, 2020 through the end of business on May 1, 2020, unless the presiding judicial officer determines that the matter may be effectively conducted remotely with all parties using communication equipment. For more information, see AO 12.510.
- Please note that pursuant to the Clerk's information, new eviction matters are being accepted, however the writ of possession (a court order that allows the owner of the property to take physical possession) are not being issued by the court or served by PBSO until the end of the month (presumably March 31, 2020).
- **This Administrative Order (AO) is not to be misinterpreted as a time to not pay your mortgage or rent, if you can. There are legal consequences that will eventually be enforced.*

TIP #1: If you have loss income, or you will likely lose income, and you know that you will not be able to pay your mortgage or rent, then you should put your mortgage company or landlord on notice now so that you can prepare for the worst case scenario.

For Homeowners: inquire about whether there is a **forbearance** (in the context of a mortgage process, a forbearance is a special agreement between the lender and the borrower to delay a foreclosure. When mortgage borrowers are unable to meet their repayment terms, lenders may opt to foreclose. To avoid foreclosure, the lender and the borrower can make this type of agreement.) or another option. But, do not wait until you are months behind in paying.

Re: Homeowner's or Condo Associations- please inquire on what options are available if you cannot pay. Do not wait until you're 1-month delinquent, or the association can file a foreclosure.

For Renters: discuss your financial situation with your landlord now, so that you can make incremental payments, where applicable.

TIP #2: Pay your mortgage/rent on time and always have proof of payment, e.g., pay by personal check; pay by cashier's check or money order with the "pay to" portion filled out and keep the proof stub. It is recommended that you do not pay in cash, but if you pay by cash, get a receipt always and pay to the authorized person.

TIP #3: Foreclosure/Eviction demands must be in writing. If you receive written notice from your mortgage company, or your landlord, please immediately seek legal advice and counsel from a Florida licensed attorney.

TIP #4: FOR RENTERS ONLY: The landlord is required to rent a dwelling that is fit to be lived in. It must have working plumbing, hot water and heating, be structurally sound and have reasonable security, including working and locking doors and windows, and it must be free of pests. The landlord also must comply with local health, building and safety codes. If the landlord has to make repairs to make the dwelling fit to live in, the landlord must pay. During this time of a pandemic, and orders of closures from Gov. Ron DeSantis, you should take all the precautions of someone coming inside your home to make repairs, however, if the repairs needed are essential to your survival, then you should do what is needed. *If your landlord does not make the necessary repairs within 7 days*, please contact a Florida licensed attorney.

TIP #5: Do not miss paying your mortgage and/or rent if you **can** make the payment. During this time of delay, if you are currently behind, you should attempt to communicate with your mortgage company/landlord about getting caught up. But, do not receive notice and not take action. You should always open your mail and/or read correspondence received from your mortgage company and/or landlord.

PLEASE DO NOT MISINTERPRET THESE TIPS AS LEGAL ADVICE ON YOUR CASE. EACH CASE AND THE SURROUNDING FACTS HAVE DIFFERENT LEGAL CONSEQUENCES. PLEASE ALWAYS CONSULT WITH A FLORIDA LICENSED ATTORNEY WHEN YOU ARE FACED WITH LEGAL ISSUES.