

Renters, landlords both get new protections



Alachua County Sheriff's Deputy Scott Caley tapes an eviction notice on the front door an a home.)

MATT STAMEY/Special to the Guardian

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If you're among the roughly 38 percent of Alachua County residents who rent their homes, you might want to do a quick check of your rental agreement.

On Monday, significant changes to Florida's Landlord-Tenant Act went into effect.

One major change is that tenants could pay partial rent and still be evicted within days if they fail to pay the balance.

The revisions also state that if a tenant breaks a rule in the rental agreement twice in one year, the landlord can file for eviction after the second occurrence without posting a second notice or giving the tenant an opportunity to fix the problem. Rule-breaking could be having unauthorized guests or pets, or parking in the wrong place.

But the changes protect renters, too.

The changes include new provisions against landlords retaliating against tenants and clarifies language that ensures renters get their security deposits back in a reasonable amount of time.

Lt. Alice Lee of the Alachua County Sheriff's Office Civil Bureau said her deputies served about 760 eviction notices in 2012, averaging between 60 and 70 notices a month.

So far in 2013, Lee said her office has posted between 80 and 90 notices each month.

A few of the notices are stayed or don't get carried out, "but we execute more than 90 percent of them," she said.

Although the law will make it significantly easier for landlords to evict, which is generally a lengthy and costly process, Alachua County landlords and property managers say they doubt they'll use the provision very much.

Public housing is likely to see the most impact from the law.

Pamela Davis, executive director of Gainesville Housing Authority, said she was pleased to see a clarification of the 45-day rule in the new law.

The rule states that a landlord has 45 days to evict a tenant for a reason such as criminal activity or drug activity, but previous language was unclear about when the 45 days begin.

Davis said the new law states landlords now have 45 days from the time they become aware of illegal activity, not from the time the activity happens. It won't matter if the landlord finds out about the incident more than 45 days after it happened, which in the past meant the landlord couldn't evict.

"That's going to help us," Davis said. "Sometimes there's a lag from when we get the information and when the incident actually occurred."

The 45-day rule applies to all rental units, but the process of eviction works a little differently for public housing.

Gainesville Housing Authority posts a three-day notice of late rent payment like a property manager would for any other residence, but the housing authority also must post a 14-day notice as required by federal law. The housing authority can't file for eviction until the 14 days are up.

In the year that Davis has been with Gainesville Housing Authority, she said about 20 evictions have been filed. Her agency oversees 735 residences.

Like privately owned residences, evicting tenants from public housing can be a lengthy process, she said. Some evictions have taken as long as 120 days to carry out.

Though Davis said the housing authority still prefers to work out a payment plan or another agreement with tenants who fall behind on their rent, the new law will “absolutely streamline the process” when an eviction is necessary.

Lea Knezevich, a property manager with Campus Realty, said the company hasn’t evicted any tenants in the four years she has been there.

“We would much rather try and work with them than evict them,” she said.

Campus Realty has about 75 properties in Alachua County, and the majority of them are rented by students.

The two main issues the company has with renters, Knezevich said, are late or missing rent payments and not taking care of the rental property.

With student renters, the company requires a guarantor, usually a parent, who is responsible for paying the rent if the student can’t.

“(The students’) income is never going to show enough to meet the standards of rentals we set,” Knezevich said.

An eviction would be reflected in the guarantor’s credit score, as well.

If a tenant starts to fall behind on rent, Campus Realty tries to work out a payment plan, or sometimes will find another person to sublease the property.

Especially with a guarantor, this usually works, Knezevich said.

But when an eviction is necessary, it can be difficult for landlords to get tenants out and still recover the rent payments.

Under the current laws, landlords must file a three-day notice demanding rent, then a five-day notice. If the tenant still does not pay up, the landlord must turn the case over to civil court, and the eviction process can go on for weeks or months.

“If they’re not paying their rent, they could possibly live there for months and months with no rent payment coming in,” Knezevich said.

The new law would make it easier to kick out renters who are derelict on their payments, but she said Campus Realty is unlikely to start evicting people as soon as they start falling behind — it’s hard to recover back rent payments after the tenant is evicted, and disgruntled tenants might do more damage to the property than their security deposit will cover, she said.

“Again, your first choice is always try and work with the tenant,” she said.

As an attorney and a landlord, Jacob Rush agreed. Posting notices can make matters worse, he said.

“It’s a last resort, but it’s also a legal necessity,” he said.

To maintain good rapport with his tenants, Rush said he follows up a three-day non-payment notice with an email to find out what’s going on.

In five years as a landlord, he said he has never had to evict.

“When you have such a good relationship with the tenants, you don’t have to be such an aggressive landlord,” he said.

Rush said he didn’t think the changes to the law would affect him at all.

However, he said, the quick-eviction provision will help landlords whose tenants wreck the property or squat in residences while not paying rent. It also helps clear up civil courts that are burdened with a high case load, he said.

Most importantly for renters, Rush said, the law prevents dishonest landlords from keeping security deposits without providing an itemized bill.

Erin Jester is a Gainesville Sun staff writer.

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