

## Have You Experienced Flooding in Your Rental Unit Due to Recent Summer Storms?

### Here's some information to help renters.

*This resource is intended to provide general information only and is not a substitute for thorough and specific advice on an individual case. Depending on the complexity of your legal problem you may need to consult an attorney for advice or representation.*

### DO NOT WITHHOLD 100% OF YOUR RENT - EVEN IF YOUR PROPERTY FEELS UNINHABITABLE.

It is very important to know that Wisconsin law does NOT allow tenants to stop paying all their rent, even in the event of a weather emergency or natural disaster.

If the floodwater damages the property in a way that affects your or your family's health (e.g., mold) or safety (e.g., structural damage) OR if you cannot use certain parts of your property, you may pay less than the full amount of your rent. You are able to pay this amount of rent until the property is safe and livable again. If this happens, contact your landlord immediately. If your landlord does not respond, contact the Department of Neighborhood Services at (414) 286-2268.

If the floodwater makes the property completely uninhabitable, you can vacate the unit unless your landlord promptly makes repairs, or if any necessary repairs make it hard for you to live there. You cannot stop paying rent until after you vacate the unit, remove your belongings, and return your keys.

#### IMPORTANT!

Each case is different and needs individual analysis. There is no specific amount under the law that a tenant can withhold from their monthly rent, nor conditions that make a property uninhabitable. It is crucial to document the damage to the property with pictures, videos, and a paper trail of emails, texts, and calls to your landlord about the damage to the property.

#### IMPORTANT!

It is against the law for your landlord to raise your rent, shut off your utilities, or evict you because you complain about the flood damage to your landlord or the Department of Neighborhood Services. Keep DNS updated about the status of the property, because they can order your landlord to fix the property and refer you to temporary housing if the flooding has made it unsafe for you to continue living there.

You can visit the Marquette Volunteer Legal Clinics for free assistance from an attorney on an appropriate amount of that you can take off your full monthly rent.

(<https://law.marquette.edu/mvlg/>)

You can find more information on the DNS Code Violation Process and the opportunity to pay your rent to the City until your landlord makes repairs by calling (414) 286-2268.

(<https://city.milwaukee.gov/DNS/About-Us/CodeViolationProcess>)

### YOUR LANDLORD IS NOT RESPONSIBLE FOR DAMAGE TO YOUR PERSONAL PROPERTY AS A RESULT OF FLOODING.

Just as a landlord cannot blame you for damage to the property caused by floodwater, you cannot blame your landlord either. If you have renters' insurance, you can file a claim to recover the value of your personal property. It is crucial to document the damage to your personal property with pictures, videos, etc.

#### IMPORTANT!

Make sure that your lease does not say that you are responsible for damage to the property because of flooding or other natural disasters. If your lease does say that, it may be void and unenforceable, meaning your landlord may not be able to charge you for rent, and in some instances, may owe YOU rent that you previously paid under the lease.

**Legal Action has limited resources. We are not able to represent tenants with flooding issues unless it relates to an eviction. If you are facing eviction, or the threat of eviction, visit the Eviction Defense Project on Mondays, Wednesdays, and Fridays at the Milwaukee County Courthouse, Room 406, starting at 12:30PM. For more information about the Eviction Defense Project, call (414) 278-7722.**