



RENT ABATEMENT

If you are a tenant and you have been displaced by fire or flood as a result of the March storm, you may be entitled to return of part of the rent you paid for March. You also may not have to pay your rent for April and the months after that if you are not able to go back into your apartment. Finally, if you are able to return to your apartment, but it is not completely habitable, you may not have to pay all the rent.

The landlord has a duty to provide habitable shelter. If the apartment is totally uninhabitable, the tenant does not have to pay any rent. If the tenant has already paid the rent and does not intend to return to the apartment, the tenant may sue for the return of the rent. Most of those types of lawsuits can be filed at the County Courthouse in Small Claims Court. There is a small fee to file a Small Claims lawsuit. You will need to know the name and address of your landlord to file the suit. If you have a copy of your receipt for the rent for March, you should include a copy with your complaint.

If you intend to return to the apartment, you may try to negotiate with the landlord to give you credit against future rent for the rent you paid for the second half of March. If the landlord refuses to give you a credit, you can sue the landlord in Small Claims Court for return of the rent you paid for the second half of March.

If you have returned to the apartment, but the apartment is not completely habitable, you may not have to pay as much rent. For example, you may not owe all the rent if you have not had utility service or you were not able to use all the rooms of the apartment or the landlord has not yet replaced the stove or other appliances. If the landlord and you can not reach an agreement about how much rent you should pay, you may withhold all your rent. You will have to deposit all the rent in an account at the court when the landlord sues you for eviction. The court will then hold a trial and determine how much rent is due to the landlord and how much of the rent should be returned to you.

Prepared by Legal Services of Northwest Jersey. If you live in Somerset County and have questions about tenancy or other legal issues, you may contact LSNWJ, 34 West Main Street, Suite 301, Somerville, NJ 08876; 908-231-0840. If you live in another part of New Jersey, contact your local legal services provider.

Date: March 17, 2010



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