

The background of the entire page is a grayscale photograph of the St. Louis Gateway Arch and the surrounding city skyline. The Arch is the central focus, curving from the bottom left towards the top right. Various city buildings are visible in the background, some with lights on. The entire image is framed by a thick red border.

HOLLAND LAW

**ST. LOUIS  
TORNADO  
VICTIMS:  
KNOW YOUR  
RIGHTS**

PRESENTED BY  
HOLLAND LAW FIRM, LLC  
314-912-2159

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## Our Mission

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At the Holland Law Firm at The Hub, we are committed to ensuring that individuals facing legal challenges have access to quality legal support, regardless of their financial circumstances. Our team provides free consultations and representation to help people navigate their legal matters. By working alongside community partners at The Hub, we take a holistic approach to legal assistance, empowering individuals and families with the knowledge and resources they need to protect their rights and to build a more secure future for their family.

## Contact Us

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Holland Law Firm at The Hub  
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# Know Your Rights: Renting Property

## **AM I STILL RESPONSIBLE FOR PAYING RENT IF MY HOME WAS DESTROYED BY A TORNADO?**

- No. In Missouri, if a rental property becomes uninhabitable due to a disaster like a tornado, tenants are generally not required to continue paying rent. If the property is destroyed or significantly damaged, the lease may be terminated, and the tenant is typically no longer responsible for rent from that point forward.
- However, it is important to:
  - Notify your landlord in writing as soon as possible.
  - Document the condition of the property.
  - Check your lease for any clauses regarding destruction or “Acts of God” which will address what happens if a tornado prevents you and/or the landlord from fulfilling the lease.
  - Consider other housing options since your landlord does not have a legal obligation to put you in a different property.

## **IF I RENT MY PROPERTY, AM I RESPONSIBLE TO REPAIR DAMAGES CAUSED BY A TORNADO?**

- No. As a renter, you are not liable for damage caused by a tornado. Please promptly notify your landlord of any damage to the property and allow the landlord to inspect the property and make necessary repairs.

## **IF I RENT MY PROPERTY, WHAT DO I DO IF MY PERSONAL ITEMS WERE DAMAGED BY A TORNADO?**

- If your personal items were damaged in a tornado, please promptly contact your renter’s insurance if you have it and make a claim.
- If you did not have renter’s insurance at the time of the tornado, you may apply for governmental assistance through FEMA or SEMA. This process will involve written paperwork that you will need to complete and turn in in order to get paid.

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## **IF MY RENTAL PROPERTY IS DESTROYED BY A TORNADO, DOES MY LANDLORD HAVE TO RETURN MY SECURITY DEPOSIT?**

- Your landlord must return your security deposit within 30 days after termination of the lease, unless:
  - You owed unpaid rent before the tornado
  - You caused unrelated damage to the home (Landlord must provide an itemized list of the deductions within 30 days of the lease termination)

## **WHAT IF THE PROPERTY I RENT IS STILL HABITABLE (LIVEABLE) BUT IS DAMAGED?**

- Tenants must continue to pay rent
- Tenants must notify the landlord in writing of the damages
- Landlord is required to make repairs within a “reasonable time”
- Make a paper trail by text message, email or letter to document your requests in case the landlord doesn’t make the repairs

## **WHAT IF MY LANDLORD FAILS TO MAKE REPAIRS?**

- **Repair and Deduct:** A tenant may “repair and deduct” the cost of repairs from their rent if a landlord fails to make necessary repairs after being notified in writing. This remedy is available when the landlord fails to correct the condition within 14 days of the tenant's notice, or as promptly as required in case of an emergency. The cost of the repairs must be less than \$300 or half of the monthly rent (whichever is greater). A tenant may not deduct in the aggregate more than the amount of one month's rent during any twelve-month period. The tenant must have resided on the premises for at least six consecutive months and have paid all rent and charges due. The tenant must not have received any written notice from the landlord regarding any lease violations during the six-month period that were not corrected.
- **Report Code Violations:** You can contact your local housing or building department if the issue violates local codes.
- **Terminate the Lease:** If the issue makes the property uninhabitable (i.e. dangerous or unsanitary conditions on the premises that materially affect the life, health, and safety of the tenant), tenants may break the lease and move out after giving proper written notice.
- **Seek Legal Help:** Consult with an attorney to better understand your legal rights.



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# Know Your Rights: Owning Property

## WHAT SHOULD I DO IF MY PROPERTY IS DAMAGED?

- If your property is damaged, please contact your homeowner's insurance company to promptly make a claim if you are insured.
- Here are some best practices to follow when preparing to file a claim:
  - Read your insurance policy (request a copy from the insurance agent if you are unable to locate it) or have a lawyer help you
  - Have your mortgage documents ready
  - Take detailed photos and videos of the damage
  - Create an inventory of damaged items
  - Have a copy of any recent appraisals

## SHOULD I STILL PAY MY MORTGAGE IF MY HOME IS DAMAGED AND I CAN NO LONGER LIVE THERE UNTIL THE REPAIRS ARE MADE?

- Yes. You are still responsible for your mortgage payments. If you can no longer afford to pay your mortgage, please check with your lender to determine if you can delay your payments. Failure to pay your mortgage could result in fees, penalties and even foreclosure.

## AM I REQUIRED TO USE THE INSURANCE MONEY TO REPAIR MY PROPERTY IF I STILL OWE A MORTGAGE ON IT?

- Yes, if you still owe a mortgage on your property, you are generally required to use the insurance money to repair the damage because:
  - Your lender has a legal interest in the property.
  - The lender is typically listed as a loss payee on your homeowner's insurance policy.
  - As a result, any insurance check for property damage is usually made payable to both you and your lender.
  - The lender will likely hold the insurance funds in escrow.
  - Funds are generally released in stages as the repairs are completed and verified.
  - The lender expects the insurance money to be used to restore the property's value and not for other purposes.

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## **IF IT IS NOT SAFE TO LIVE IN MY HOME WHILE REPAIRS ARE BEING MADE, WILL MY INSURANCE HELP ME PAY FOR A PLACE TO LIVE?**

- Yes, in most cases, your homeowner's insurance will cover hotel costs (and other necessary living expenses) while your home is being repaired, if the damage was caused by a covered event like a tornado.

## **DO I HAVE THE RIGHT TO CHOOSE MY OWN CONTRACTOR TO MAKE REPAIRS?**

- Yes. You have the right to select the contractor who will perform repairs on your property. If you need help finding a reputable contractor, your insurance adjuster can provide recommendations or guidance.

## **WHO CAN BE PRESENT WHEN AN INSURANCE COMPANY SENDS AN ADJUSTER OUT TO ASSESS THE DAMAGE AND ESTIMATE REPAIR COSTS?**

- You have the right to have a contractor and an attorney of your choice present during the adjuster's inspection.

## **SHOULD I ACCEPT THE INSURANCE COMPANY'S SETTLEMENT OFFER? HOW DO I KNOW THE OFFER IS FAIR?**

- You should be sure the offer fully accounts for what your policy covers. Insurers often base initial offers on their own adjuster's report, which may undervalue repairs or personal property.
- Before signing any release or accepting a settlement check, ensure the offer fully reflects the value of your claim by:
  - Getting independent estimates
  - Request a line-item estimate from your insurer showing:
    - What's being covered
    - Depreciation (if any)
    - Items excluded or limited
    - How they calculated the payout
- Understand you do not have to accept the first offer. You can provide your independent estimates and receipts to push back.
- Consult a Public Adjuster or Attorney
  - Public adjusters work for you (not the insurance company) and can independently evaluate the damage and negotiate on your behalf.
  - A property damage attorney can review your policy and advocate for a fair settlement.

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### **WHAT SHOULD I DO IF MY INSURANCE COMPANY DENIES MY CLAIM?**

- If your claim is denied, please reach out to an attorney.
- You can also apply for government assistance and relief through FEMA and SEMA. This process will require you to complete and turn in paperwork to get paid.

### **WHAT IF I DID NOT HAVE ANY HOMEOWNERS INSURANCE?**

- If you did not have insurance at the time of the tornado, you can apply for government assistance/relief through FEMA, SEMA, and other funding that is available.

### **CAN THE CITY TAKE MY PROPERTY IF IT IS DAMAGED AFTER A TORNADO?**

- No. The City cannot automatically take your property just because your property is destroyed or seriously damaged by the tornado. The rumors about the red and yellow stickers that the City put on sidewalks are not true. Mayor Spencer has confirmed that if you have a legal right to be in the property, you are not prohibited from being on or in the property. However, under certain limited circumstances, the City could take legal actions to take your property through specific legal processes. If you receive any legal papers regarding your property, contact a lawyer right away.

### **HOW CAN THE CITY LEGALLY ACQUIRE MY PROPERTY DUE TO DAMAGE CAUSED BY A TORNADO?**

- The city may acquire your property through the following methods:
  - **Condemnation for Safety Reasons:** If your home is severely damaged, poses a safety hazard, and violates building codes, you are responsible for making the necessary repairs. If you fail to do so, the city may begin the legal process to condemn your property.
  - **Abandonment:** If you abandon your property for 6 months, fail to pay property taxes, or have code violations that pose a nuisance, your property may be taken.
  - **Property Tax Foreclosure:** If you do not pay property taxes/special tax bill, the City can foreclose on your property and take ownership. However, the City has announced a moratorium on tax sales until October so you have a short grace period.

## HOW WILL I KNOW IF MY HOME IS SAFE TO ENTER?

- Currently, the city is not condemning properties and has instead created a system to inform people whether their properties are safe. You will receive a tag on your home using the following system:
  - Green Tag: Your property is safe to enter
  - Yellow Tag: You should use caution when entering your property and should not enter the premises alone
  - Red Tag: Your property is not safe to enter. Please note that the City has confirmed that it isn't kicking anyone out. Misinformation has spread on social media about the tags, apparently leading some residents to think they would not be access their own residences. According to Mayor Spencer, "Right now it is not our intent, nor are we going to be punishing residents in any way, shape or form, for entering your property." She also confirmed that the notices are "purely informational" rather than punitive. The City's Deputy building commissioner further clarified, "These aren't condemnations. They're not violations or anything like that, we don't want to revictimize people."

## IF MY PROPERTY MUST BE DEMOISHED, WHO IS RESPONSIBLE FOR COVERING THE COST?

- You, as the property owner, are generally responsible for the cost of demolishing your property. This includes hiring a licensed contractor, obtaining the necessary permits, and covering all related expenses.
- Be sure to check your insurance policy as some policies cover this cost.
- If your insurance does not cover this cost, you will need to use the proceeds from your insurance claim to demolish your property and clear debris.
- Be careful of offers from people or companies to do the demolition in exchange for you signing paperwork. This paperwork could transfer the title to the home and you should consult with a lawyer before signing anything.

## WHAT IF I CANNOT AFFORD TO REPAIR OR DEMOLISH MY HOME?

- There may come a time after sufficient time has passed that the City may someday begin condemning properties that aren't repaired or demolished. The factors involved include:
  - Unsafe for the public,
  - Violates an ordinance or code, and
  - You are unable to afford repairs or demolition to get your property up to code
- **Code Enforcement & Unsafe Building Demolition:**
  - If you do not repair or demolish your property, the City can do it for you and bill you for it
  - The city will then place a lien on your property for the unpaid demolition costs
  - If the lien remains unpaid, the City may initiate foreclosure proceedings, which could lead to the loss of your property.
- Please note that the City has made no statements or even any indication that the above processes are being considered at this time.

## DO I STILL OWN MY LAND IF MY PROPERTY IS CONDEMNED AND/OR DEMOLISHED?

- Yes. Even if your property is condemned and/or demolished, you still own the land and are still responsible for maintenance, paying taxes, and ensuring legal compliance. You will continue to own the land unless it is later taken through a lien or tax foreclosure.





## WHAT IS THE PROCESS FOR CONDEMNATION?

- **Notice of Intended Acquisition:** You will receive a 60 day written notice of the city's intention to condemn your property. This notice will include the reason for the condemnation and your rights.
- **Formal Offer & Good Faith Negotiations:** A written offer, including an appraisal, must be made to you at least 30 days before the City can file the petition for condemnation and it must remain open for 30 days, during which good-faith negotiations are required.
- **Petition for Condemnation:** If you and the city cannot agree on a sale price for your property, a petition is filed in Circuit Court to proceed with the matter.
- **Court Hearing & Decision:** A court determines if the taking of the property is lawful, necessary for public use, and authorized.
- **Payment & Just Compensation:** You are entitled to fair compensation for your property, often set by court-appointed commissioners, which can be challenged by you.
- **Appeal & Finalization:** You may appeal the condemnation order.







## WHAT DO I DO IF MY VEHICLE WAS DAMAGED DURING THE TORNADO?

- **Check Your Auto Insurance Coverage:** Tornado damage is only covered if you have comprehensive coverage on your auto policy. Liability insurance does NOT cover tornado damage.
- **File a Claim:** Contact your auto insurance company right away to file a claim and confirm the amount of your deductible.
- **Document the Damage:** Before moving the vehicle, take wide and close-up photos of all visible damage, pictures of debris, tree limbs, and/or other objects that hit the car.
- **Get Repair Estimates:** Some insurers have preferred shops, but you are allowed to get an estimate from a repair shop of your choice. The adjuster may inspect the car or request photos.
- **If the Vehicle is a Total Loss:** If repairs cost more than your car's value, the insurer will declare it a total loss and offer actual cash value (ACV) minus your deductible. You can negotiate this amount if it seems too low by providing documentation of your car's pre-storm condition, mileage, and value.
- **Ask About a Rental Car:** If you have rental reimbursement coverage, the insurer may cover a temporary vehicle while yours is being repaired or evaluated.
- **Check Homeowners or Renters Insurance (if applicable):** If you had belongings in the car (e.g., tools, laptops, personal items), these are usually not covered by auto insurance but may be covered under your homeowners or renters policy.

# How Can We Help?

Holland Law Firm (HLF) has an office in The Hub located at 3000 Prairie Avenue, St. Louis, MO 63107, with an attorney on-site and available to help. Here are some of the ways Holland Law Firm is serving the community and helping people achieve sustainability:

## Accident Cases

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We represent individuals injured in car accidents to help them navigate the complex insurance system to seek justice and the compensation they deserve:

- Injury Claims
- Uninsured/Underinsured Motorist Claims
- Insurance Disputes

## Outstanding Traffic Tickets & Warrants

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We assist individuals who are facing issues related to unpaid traffic tickets and outstanding warrants by providing access to legal resources and support services

- Traffic Ticket Representation
- Warrant Resolution

## Civil Rights Cases

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We help individuals by connecting them with nonprofit organizations dedicated to upholding individuals' rights and combating discrimination for the following:

- Discrimination Based on Race, Gender, Disability, or Sexual Orientation
- Voting Rights Advocacy

## Elder Law & Disability Rights

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We assist seniors and disabled individuals to ensure they receive the care and benefits they are entitled to by assisting with the following:

- Social Security and Disability Benefits Applications
- Elder Abuse Protection
- Estate Planning (Wills, Powers of Attorney)
- Medicaid and Medicare Assistance

## Consumer Rights & Debt Relief

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We help individuals who need protection from predatory financial practices, fraud, and overwhelming debt. We handle cases involving bank overdraft fees, home loan modifications, mortgage credit errors, and much more.

- Debt Collection Defense
- Credit Report Disputes

## Family Law

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- Divorce and Separation
- Child Custody and Visitation Rights
- Protection Orders for Domestic Violence Survivors

## Housing & Tenant Rights

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We assist low-income individuals struggling with housing-related legal issues including the following:

- Eviction Defense
- Landlord-Tenant Disputes
- Housing Discrimination Cases
- Assistance with Section 8 or Subsidized Housing
- Injuries or Death due to Unsafe Conditions

## Expungement (Low-Income Defendants)

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We assist individuals who need assistance expunging their criminal record and obtaining protective orders.

- Expungement and Record Sealing
- Assistance for Victims of Crimes

## Employment Law

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- Workplace Discrimination and Harassment Cases
- Wrongful Termination Claims
- Wage and Hour Disputes
- Unemployment Benefits Assistance
- Work Injuries under Workers' Compensation, Federal Employers' Liability Act (FELA), Jones Act (maritime), and Asbestos-related diseases



HOLLAND LAW

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