

# MEMORANDUM

Agenda Item No. 11(A)(27)

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**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners


**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to enact legislation  
that would require a moratorium  
on residential evictions at the  
time the Governor, the County  
Mayor or other public official  
declares a state of emergency due  
to a disaster or emergency and  
during the pendency of the state  
of emergency

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Daniella Levine Cava and Vice Chairwoman Rebeca Sosa.

  
Abigail Price-Williams  
County Attorney

APW/smm



**MEMORANDUM**  
(Revised)

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(27)  
10-3-19

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD REQUIRE A MORATORIUM ON RESIDENTIAL EVICTIONS AT THE TIME THE GOVERNOR, THE COUNTY MAYOR OR OTHER PUBLIC OFFICIAL DECLARES A STATE OF EMERGENCY DUE TO A DISASTER OR EMERGENCY AND DURING THE PENDENCY OF THE STATE OF EMERGENCY

**WHEREAS**, the Atlantic hurricane season is between June 1 and November 30 of each year and is a time when most tropical cyclones are expected to develop across the northern Atlantic Ocean; and

**WHEREAS**, according to a report from the Insurance Information Institute, from 1999 to the 2018, hurricanes have been the cause of approximately 2,135 deaths in the United States; and

**WHEREAS**, according to an article in The Washington Post, dated September 12, 2017, “direct deaths, as defined by the National Weather Service, result from a product of the storm such as flooding, rip currents or the storm surge....”; and

**WHEREAS**, the article further states that “for the 10 deadliest hurricanes since 2000 (Katrina, Sandy, Rita, Ike, Frances, Irene, Isabel, Ivan, Charley and Gustav), indirect deaths outnumbered direct deaths for 7 of 10 storms”; and

**WHEREAS**, more recently, deaths associated with Hurricane Dorian have occurred in The Bahamas and Puerto Rico; and

**WHEREAS**, in order to address the immediate needs prior to and after a storm, other disaster or emergency, the Florida Legislature enacted the State Emergency Management Act, which is codified in chapter 252, Florida Statutes (“Act”); and

**WHEREAS**, the Act's intent is to facilitate the planning for and response to both natural and man-made disasters through the coordinated efforts of federal, state and local governments and agencies; and

**WHEREAS**, the Act further states: "It is further declared to be the purpose of [sections] 252.31-252.90 and the policy of the state that all emergency management functions of the state be coordinated to the maximum extent with comparable functions of the Federal Government, including its various departments, agencies of other states and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of the workforce, resources, and facilities of the nation for dealing with any emergency that may occur;" and

**WHEREAS**, whenever an emergency or disaster poses a threat to Florida, the Governor, acting under their authority under the Florida Constitution and the Act, has declared states of emergencies, such as the declaration made in light of Hurricane Dorian; and

**WHEREAS**, the County Mayor, in accordance with the Act and chapter 8B of the Code of Miami-Dade County, has made declarations of local states of emergency in times of dangerous storms approaching Miami-Dade County; and

**WHEREAS**, in the event of such declarations by the County Mayor, extraordinary and immediate actions may be required to protect the public health, safety and welfare of the residents of Miami-Dade County, including, but not limited to, the mobilization of emergency response personnel, such as the police department; and

**WHEREAS**, prior to, during and after a storm or other emergency event, such emergency response personnel may not be available to carry out their other functions that do not involve the protection of the public health, safety and welfare of the residents of Miami-Dade County, including, but not limited to, assisting landlords to remove tenants who have been evicted from their residential rental units; and

**WHEREAS**, in Florida, a landlord can evict a tenant for a variety of reasons, including, but not limited to, the failure to timely pay rent or other lease violations; and

**WHEREAS**, however, prior to taking possession of a rental unit, a landlord must comply with the requirements set forth in chapter 83, part II, Florida Statutes, which is also known as the Florida Residential Landlord and Tenant Act; and

**WHEREAS**, such requirements include, but are not limited to, providing a tenant with the required written notifications of the lease violation; and

**WHEREAS**, if the tenant does not comply with the written notice, then the landlord can file an eviction action against the tenant; and

**WHEREAS**, in the event the tenant does not prevail in the eviction action, the court will enter a judgment for possession in favor of the landlord in accordance with the Florida Rules of Civil Procedure; and

**WHEREAS**, in accordance with the Florida Rules of Civil Procedure the court will also direct the clerk of the court to issue a 24-hour notice known as a "writ of possession," which advises a tenant that they must move out of the rental unit after 24-hours and further directs the sheriff of the county in which the rental unit is located to place the landlord in possession of the rental unit; and

**WHEREAS**, after 24 hours, the sheriff, or in the case of Miami-Dade County, the Miami-Dade Police Department, can forcibly evict the tenant, which may include in some instances, the removal of the tenant's personal property from the rental unit by the landlord or the landlord's agent and placing such personal property on or about the exterior of the property; and

**WHEREAS**, this Board believes that prior to, during and after a disaster or emergency, law enforcement should focus only on protecting the health, safety and welfare of the residents of Miami-Dade County; and

**WHEREAS**, this Board is concerned that oftentimes tenants who are evicted are impoverished, lack the resources to timely move their personal belongings, and have nowhere else to go after being evicted, thus facing the possibility of becoming homeless; and

**WHEREAS**, this Board believes that the removal of tenants and their personal property, and the placement of a tenants' personal property outside of the rental unit prior to, during and after a disaster or emergency not only endangers the tenants' lives, but the placement of such tenants' personal property outside of their rental units endangers the public health, safety and welfare because such personal property can become projectiles in a wind event; and

**WHEREAS**, it has been reported that Representative Michael Grieco (D - Miami Beach) submitted a request to draft a bill that would pause all eviction proceedings during emergency situations such as a hurricane; and

**WHEREAS**, it also has been reported that Representative Anna Eskamani (D - Orlando) has expressed her intent to co-sponsor Representative Grieco's bill, while Senator Jason Pizzo (D - Miami) will file a Senate companion bill; and

**WHEREAS**, this Board believes that a moratorium on residential evictions would greatly assist the County to fulfill its goal of protecting the public health, safety and welfare prior to, during and after a disaster or emergency; and

**WHEREAS**, accordingly, this Board wishes to urge the Florida Legislature to enact legislation that would require a moratorium on residential evictions at the time the Governor, the County Mayor or other public official declares a state of emergency due to a disaster or emergency and during the pendency of the state of emergency,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to enact legislation that would require a moratorium on residential evictions at the time the Governor, the County Mayor or other public official declares a state of emergency due to a disaster or emergency and during the pendency of the state of emergency.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Jason Pizzo, Representative Michael Grieco, Representative Anna Eskamani, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the legislative action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz, and the Co-Sponsors are Commissioner Daniella Levine Cava and Vice Chairwoman Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                |                      |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman |                      |
| Rebeca Sosa, Vice Chairwoman   |                      |
| Esteban L. Bovo, Jr.           | Daniella Levine Cava |
| Jose "Pepe" Diaz               | Sally A. Heyman      |
| Eileen Higgins                 | Barbara J. Jordan    |
| Joe A. Martinez                | Jean Monestime       |
| Dennis C. Moss                 | Sen. Javier D. Souto |
| Xavier L. Suarez               |                      |

The Chairperson thereupon declared this resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Terrence A. Smith