

# MEMORANDUM

Agenda Item No. 11(A)(17)

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

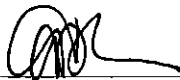

**DATE:** February 4, 2020

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

**SUBJECT:** Resolution urging the Florida  
Legislature to enact Senate Bill  
480, House Bill 321 or similar  
legislation to require a stay on  
residential eviction proceedings  
during a state of emergency and  
for 15 days thereafter

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor  
Commissioner Jose "Pepe" Diaz.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney 

APW/smm



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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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)(17)  
2-4-20

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 480, HOUSE BILL 321 OR SIMILAR LEGISLATION TO REQUIRE A STAY ON RESIDENTIAL EVICTION PROCEEDINGS DURING A STATE OF EMERGENCY AND FOR 15 DAYS THEREAFTER

**WHEREAS**, this Board is concerned about residents being evicted from their homes prior to, during and after a disaster or emergency, such as a hurricane; 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 tenants who are evicted prior to, during and after a disaster or emergency face 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**, this Board adopted Resolution No. R-1097-19 on October 3, 2019, 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; and

**WHEREAS**, at the time this Board considered Resolution No. R-1097-19, it had been reported that Representative Michael Grieco (D - Miami Beach) had submitted a request to draft a bill that would pause all eviction proceedings during emergency situations such as a hurricane, that Representative Anna Eskamani (D - Orlando) had expressed her intent to co-sponsor Representative Grieco's bill, and that Senator Jason Pizzo (D - Miami) would file a Senate companion bill; and

**WHEREAS**, subsequently, Senator Pizzo introduced Senate Bill 480 ("SB 480") and Representative Grieco introduced House Bill 321 ("HB 321"), both for the 2020 legislative session, staying residential eviction proceedings during the "Emergency Declaration Period," which is the period of time stated in an official declaration of emergency and any extensions thereof, and up to 15 days after the expiration of such period of time; and

**WHEREAS**, SB 480 and HB 321 also prohibit the service or execution of a residential eviction during the Emergency Declaration Period; and

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

**WHEREAS**, SB 480 and HB 321 provide the protections this Board in Resolution No. R-1097-19 urged the Florida Legislature to enact,

**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 SB 480, HB 321 or similar legislation which would stay residential eviction proceedings, including the service or execution of residential evictions, during the period of time stated in an official declaration of emergency and any extensions thereof, and up to 15 days after the expiration of such period of time.

**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. 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               |                      |

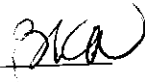
The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> day of February, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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.



Brenda Kuhns Neuman

