

MEMORANDUM

Agenda Item No. 11(A)(23)

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

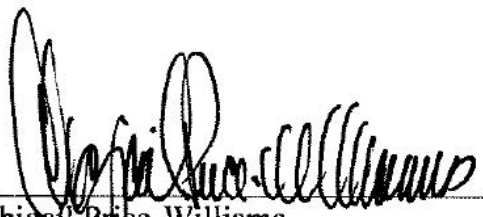
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to create a residential landlord financial assistance program using a certain amount of funds made available through the 2020 coronavirus aid, relief, and economic security act (CARES Act) to alleviate financial hardships caused by coronavirus disease 2019 (COVID-19); setting maximum grant amounts; providing certain qualifications for and imposing certain restrictions on landlords to participate in the program; providing how funds will be distributed; directing the County Mayor to develop and implement the program; and authorizing the County Mayor to negotiate and execute any documents necessary to carry out the purposes of the program

Resolution No. R-686-20

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairwoman Audrey M. Edmonson and Commissioner Jean Monestime.


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

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

DATE: July 8, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

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)(23)
7-8-20

RESOLUTION NO. _____ R-686-20

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CREATE A RESIDENTIAL LANDLORD FINANCIAL ASSISTANCE PROGRAM USING A CERTAIN AMOUNT OF FUNDS MADE AVAILABLE THROUGH THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) TO ALLEVIATE FINANCIAL HARDSHIPS CAUSED BY CORONAVIRUS DISEASE 2019 (COVID-19); SETTING MAXIMUM GRANT AMOUNTS; PROVIDING CERTAIN QUALIFICATIONS FOR AND IMPOSING CERTAIN RESTRICTIONS ON LANDLORDS TO PARTICIPATE IN THE PROGRAM; PROVIDING HOW FUNDS WILL BE DISTRIBUTED; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP AND IMPLEMENT THE PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THE PROGRAM

WHEREAS, in early 2020, the State of Florida and Miami-Dade County began experiencing an outbreak of the infectious disease named coronavirus disease 2019 (COVID-19); and

WHEREAS, in response to COVID-19, Governor Ron DeSantis issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a public health emergency in the State of Florida and directing the State Health Officer take any action necessary to protect the public health and to follow guidelines established by the United States Center for Disease Control and Prevention (CDC) to control the spread of COVID-19; and

WHEREAS, on March 12, 2020, County Mayor Carlos Gimenez declared a state of emergency in Miami-Dade County; and

WHEREAS, in response to the COVID-19 pandemic, public health officials and the CDC encouraged “social distancing” to reduce the spread of the virus; and

WHEREAS, to enforce social distancing, Governor DeSantis and Mayor Gimenez have issued executive and emergency orders restricting businesses’ and residents’ activities in order to prevent the spread of COVID-19; and

WHEREAS, while these precautions were established to keep people safe, they have a negative financial impact on many County businesses and residents; and

WHEREAS, many residential tenants facing financial hardship caused by the effects of COVID-19 have not paid their rent, which puts them at risk of losing their homes; and

WHEREAS, residential landlords experiencing loss of tenant income may be unable to pay their mortgages and face foreclosure or may be unable to pay their living expenses; and

WHEREAS, on April 2, 2020, in acknowledgement of the economic hardship many Florida residents face during the COVID-19 pandemic, Governor DeSantis issued Executive Order 20-94, creating a 45-day moratorium on mortgage foreclosure actions and residential tenant evictions based upon nonpayment of rents due to COVID-19; and

WHEREAS, Governor DeSantis subsequently extended the mortgage foreclosure and residential eviction moratorium in Executive Orders 20-121 and 20-137, such that the moratorium expires at 12:01 a.m. on July 1, 2020, unless further extended by the Governor; and

WHEREAS, while the moratorium may have created some reprieve for tenants behind on their rent payments and landlords behind on their mortgage payments, it did not relieve them of their obligations to make these payments; and

WHEREAS, this Board desires to assist landlords who have suffered loss of rental income due to nonpayment of rent by tenants due to COVID-19; and

WHEREAS, this Board desires to ensure that the financial benefit of this program is passed along to the tenant in the form of rent forgiveness; and

WHEREAS, this Board desires to direct the County Mayor or County Mayor's designee to use funding made available through the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to help residential landlords who are experiencing financial losses caused by COVID-19 and cannot make their mortgage payments or pay other living expenses,

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

Section 1. This Board directs the County Mayor or County Mayor's designee to develop a residential landlord financial assistance program using \$10 million of funding made available through the CARES Act. The program shall provide grants to residential landlords who can demonstrate nonpayment of rent by their tenants due to COVID-19. Each grant shall be in an amount up to three months' tenant rent, with a maximum grant amount of \$5,000 per unit. Grants shall be limited to landlords who own no more than five rental units and who provide rent forgiveness to tenants in the same amount of the grant received as part of this program. The County Mayor or County Mayor's designee in administering the program shall ensure that those receiving these grants are not "double dipping" and have not made up their financial losses through other assistance, such as assistance already received through county, city, state, or federal tenant rental assistance programs. Funding for this program shall be equally distributed among the County's 13 commission districts.

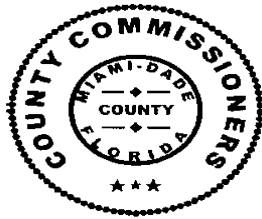
Section 2. The County Mayor or County Mayor's designee is directed to develop and implement the program and appoint staff to administer and monitor the program.

Section 3. This Board further authorizes the County Mayor or the County Mayor’s designee to negotiate and execute any documents necessary, following approval by the County Attorney’s office, to carry out the purposes of the program.

The Co-Prime Sponsors of the foregoing resolution are Chairwoman Audrey M. Edmonson and Commissioner Jean Monestime. It was offered by Commissioner **Jean Monestime** , who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 9th day of July, 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "BKN", is written over a horizontal line.

Brenda Kuhns Neuman