



OFFICE OF THE COMMISSION AUDITOR

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

MIAMI-DADE COUNTY EVICTIONS REPORT



FEBRUARY 11, 2021

Report produced by the Office of the Commission Auditor

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The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary, and operational issues before the Miami-Dade Board of County Commissioners (BCC). The Commission Auditor's duties include reporting to the BCC on the fiscal operations of County departments, as well as whether or not the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented.

This report, prepared in collaboration with the Miami-Dade County department(s) as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on the objectives; accordingly, OCA does not express an opinion on the data gathered by the subject matter expert(s).

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I. INTRODUCTION

a. Purpose

The Office of the Commission Auditor (OCA) produced this report on countywide eviction data as required by Miami-Dade BCC Resolution No. R-58-21, which was adopted on January 21, 2021. Pursuant to the resolution, OCA shall provide the BCC monthly reports on countywide evictions statistics to assist the BCC as policymakers in establishing metrics to devise a macro solution to the evictions crisis resulting from the COVID-19 pandemic. The resolution also requires the report to be shared with the Miami-Dade County Homeless Trust.

b. Scope

In this initial report, OCA reports on both residential and commercial evictions data from January 1, 2018 to December 31, 2020 with a focus on March 1, 2020 to December 31, 2020 data, depicting trends on the quantity of cases filed and pending as well as the number of writs of possession issued and executed during the COVID-19 pandemic. The data also reviews the quantity of COVID-related eviction declarations filed with the Eleventh Judicial Circuit of Florida in accordance with the court's administrative orders as well as the CARES Act. It is important to note that there were certain data limitations. Namely, prior to October 1, 2020, the Odyssey Case Manager, the Clerk of Court's case management system capturing evictions cases, did not distinguish between commercial and residential evictions. Therefore, OCA reports on evictions data by property type only from October 1, 2020.

c. Methodology

OCA collaborated with the Clerk of the Courts (COC) and the Miami-Dade Police Department (MDPD) to obtain detailed data on eviction cases throughout the County, including the address of each subject property, property type, the disposition of each case, whether the case resulted in an issued writ of possession pursuant to a Final Judgment of Eviction, and whether that writ has been executed by MDPD. The information collected was reviewed and vetted to aid the BCC in establishing accurate quantitative and qualitative macro data; this included quality review meetings with both the COC and MDPD to ensure consistency of data interpretation and resolution of any anomalies. Additionally, OCA collaborated with the Information Technology Department to present countywide evictions data, highlighting the number of pending eviction cases by zip code and Commission District.

II. BACKGROUND

a. COVID-19 Evictions Moratorium

In Florida, Governor Desantis' Executive Order 20-94, signed April 2, 2020, suspended eviction of residential tenants for non-payment of rent due to being adversely affected by COVID-19. The Executive Order was subsequently extended by Executive Orders 20-121, 20-137, 20-159 until August 1, 2020. On July 30, 2020, Executive Order 20-180 was issued, providing an extension and clarification to previous eviction moratorium orders, suspending final action in non-payment eviction cases where the non-payment is the result of a loss of employment, loss of hours or income, or other monetary loss due to COVID-19. The Order was effective until September 1, 2020 and extended by Executive Order 20-211 until 12:01 am on October 1, 2020.

On the federal level, the Center for Disease Control and Prevention's Agency Order, in effect since September 4, 2020, temporarily halts residential evictions of covered persons for nonpayment of rent through March 31, 2021.¹ In order to be deemed covered and thus afforded this temporary protection from

¹ Centers for Disease Control and Prevention, Department of Health and Human Services, Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, Temporary Halt in Residential

eviction, the tenant must provide his or her landlord a declaration under penalty of perjury that the qualifying income and hardship criteria are met.² Filing a CDC Tenant Declaration with the Court temporarily halts eviction proceedings that have commenced.

Additionally, the Chief Judge of the Eleventh Judicial Circuit, in order to ensure judicial compliance with the requirements of the "Coronavirus Aid, Relief, and Economic Security Act (CARES Act), issued Administrative Order No. 20-10, mandating that all Plaintiffs in residential eviction cases for nonpayment of rent or other fees or charges, filed on or after March 27, 2020, file a declaration under penalty of perjury verifying whether or not the property which the eviction case is seeking to recover possession of has a federally backed mortgage loan, a federally backed multifamily mortgage loan, or is otherwise a "covered dwelling" under section 4024 of the CARES Act (Verification of Applicability of Section 4024 of the CARES Act (VACA)).³ The Order further states that no judgment, including a default judgment, shall be issued in an eviction case in favor of the Plaintiff until a VACA declaration is filed with the Court.⁴

b. Eviction Process

The forthcoming data analysis highlights action taken at various points in the eviction process: case filing, writ of possession issuance, and writ of possession execution. For purposes of this report, a writ of possession has been *executed* if the tenant vacated or was removed from the property as a result of the writ of possession being issued, and possession was returned to the landlord, irrespective of whether MDPD enforcement was ultimately required. Figure 1 depicts the eviction process for nonpayment of rent in Miami-Dade County, in accordance with Florida Statutes, Florida Rules of Civil Procedure, and County procedures. This process is distinguished from removing a criminal trespasser in violation of Florida law.⁵

Evictions to Prevent the Further Spread of COVID-19 (2021), <https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDC-Eviction-Moratorium-01292021.pdf>.

² The individual (tenant, lessee, or resident of a residential property) must declare that he or she (1) has used best efforts to obtain all available government assistance for rent or housing; (2) expects to earn no more than \$99,000 in annual income for Calendar Year 2020-2021 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2020 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act; (3) is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses; (4) is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and (5) eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options. Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19. 86 Fed. Reg. 8020 (February 3, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-02-03/pdf/2021-02243.pdf>.

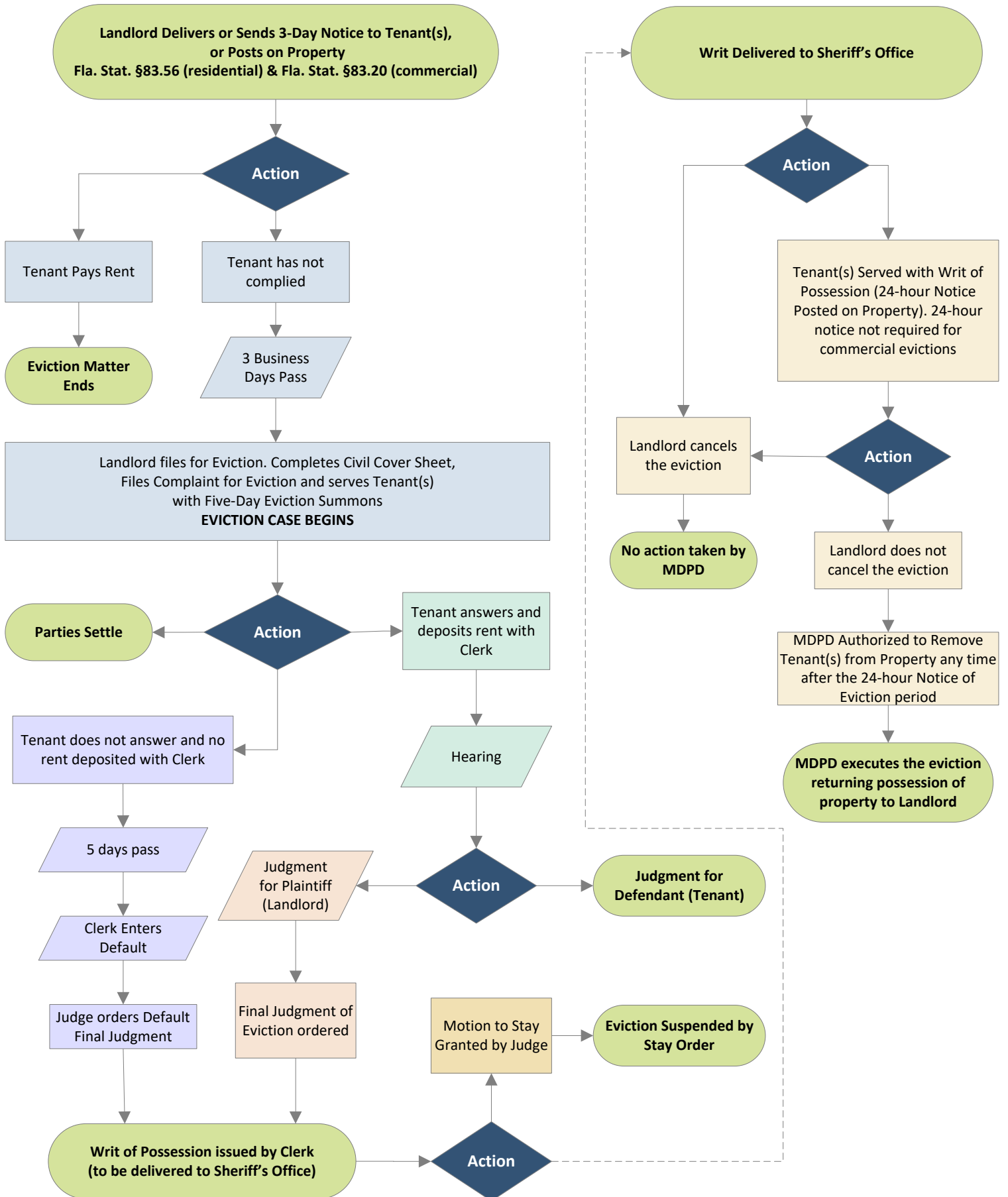
³ The term "covered dwelling" means a dwelling that is occupied by a tenant pursuant to a residential lease or without a lease or with a lease terminable under State law, and is on or in a covered property. The term "covered property" means any property that participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a))), or the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), or has a federally backed mortgage loan or federally backed multifamily mortgage loan. Coronavirus Aid, Relief, and Economic Security Act (The CARES Act), Public Law 116-136, Sec. 4024.

⁴ Admin. Order No. 20-10, Eleventh Judicial Circuit, Miami-Dade County, Fla., In re: Evictions Under the "Coronavirus Aid, Relief, and Economic Security Act" (The CARES Act), <https://www.jud11.flcourts.org/Render?fileid=%7B7E75A551-B3BA-4795-9104-734DB1586524%7D>.

⁵ A person occupying, or attempting to occupy, a residential structure solely by claim of adverse possession but without complying with the statutory prerequisites for filing a return for adverse possession with the property appraiser commits a criminal trespass under § 810.08, Fla. Stat. § 95.18, Fla. Stat.

Figure 1

Miami Dade County Eviction Process



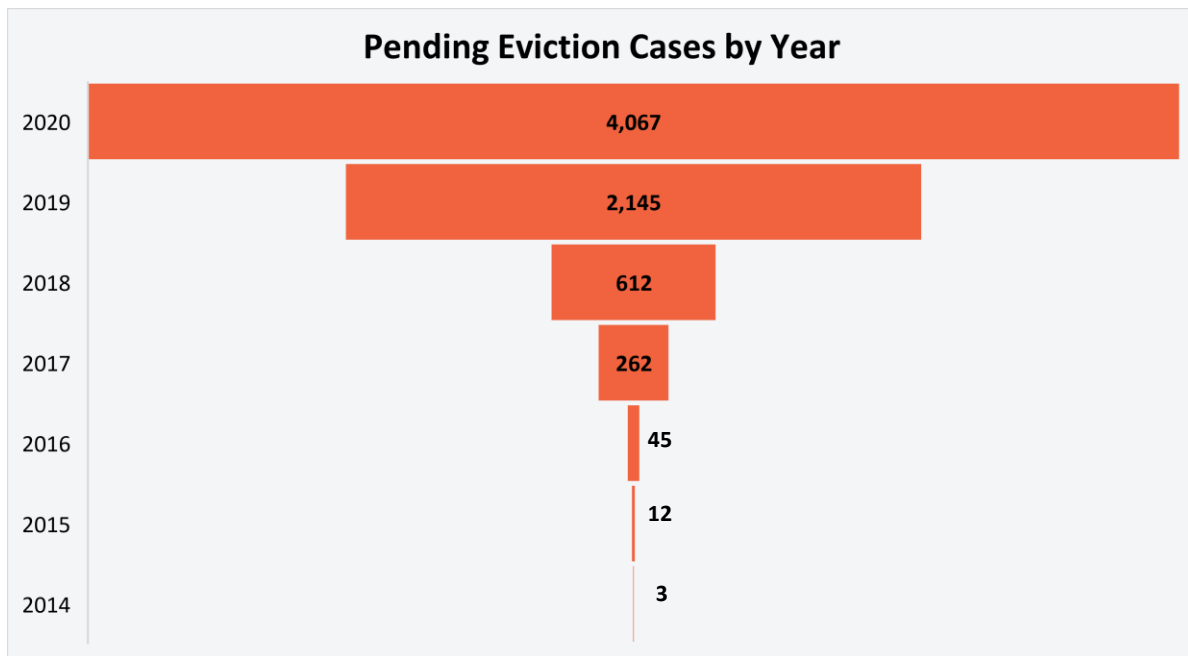
III. EVICTIONS DATA

a. Evictions by Year

To allow for comparison of evictions data, OCA collected data on eviction cases filed since January 1, 2018 through December 31, 2020, as well as data on all pending cases irrespective of file date.

The current total number of pending eviction cases as of December 31, 2020 is 7,146. Figure 2 depicts the number of pending cases by year filed.

Figure 2

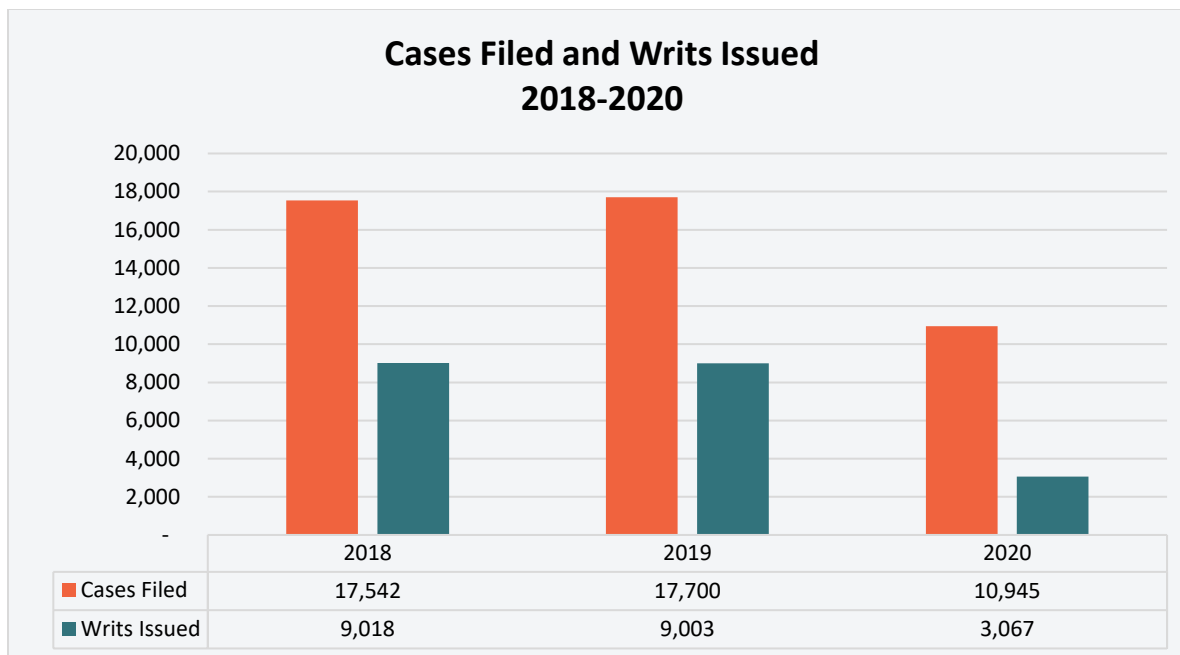


Source: Odyssey Case Manager System (Clerk of Courts)

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Figure 3 depicts the year-to-year data comparison, showing a CY 2020 decrease in both total number of cases filed and writs of possession issued during that year.

Figure 3



Source: Odyssey Case Manager System (Clerk of Courts)

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b. Evictions by Property Type (Residential or Commercial)

Section 4(a) of BCC Resolution No. R-58-21 directs OCA to report on the total number of pending residential and commercial evictions that were filed on or after March 1, 2020—the date the State Health Officer and Surgeon General declared a Public Health Emergency due to the discovery of COVID-19 in Florida.⁶ There were 7,998 residential and commercial evictions filed on or after March 1, 2020 through December 31, 2020. Of these, 3,432 are pending cases.⁷

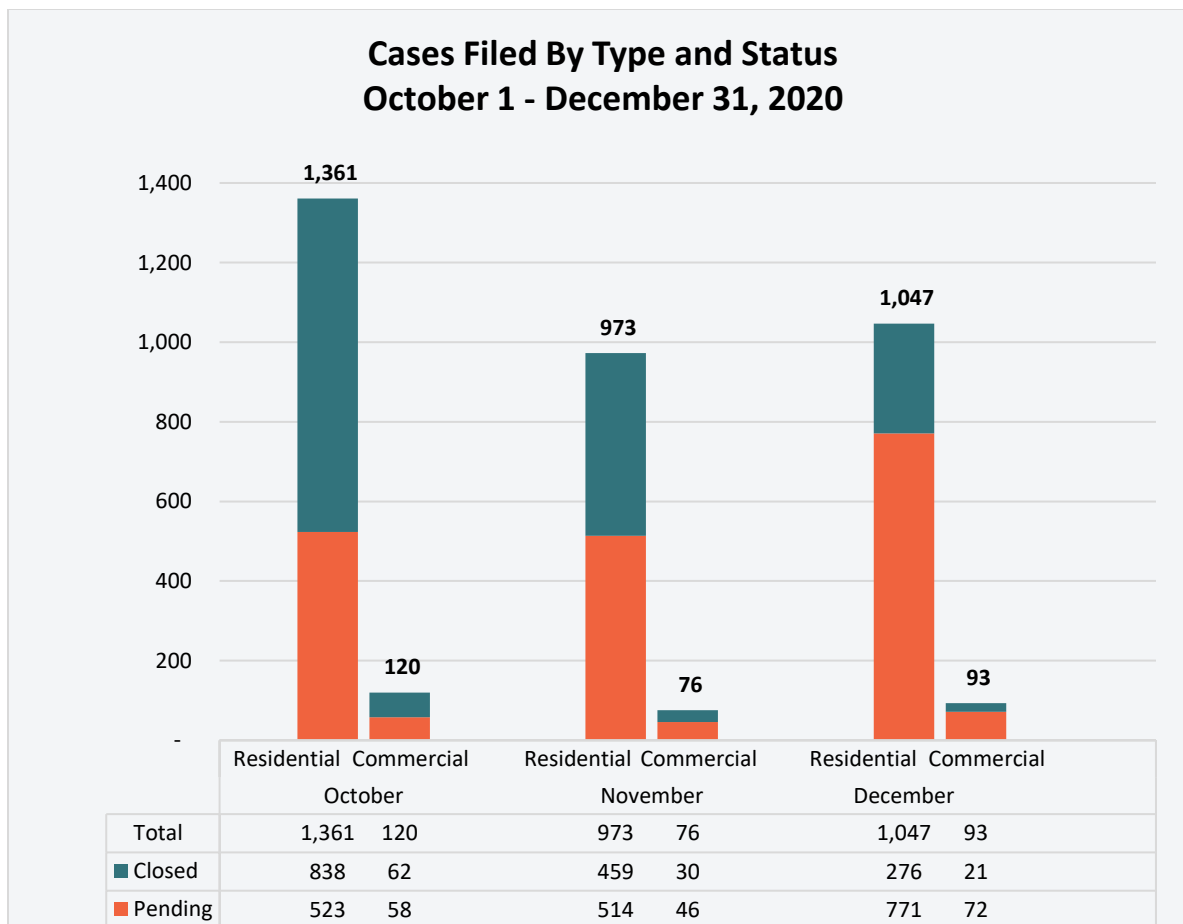
Sections 4(b) and 4(c) of Resolution No. R-58-21 direct OCA to report on the total number of pending residential evictions and the total number of commercial evictions that were filed after April 2, 2020—the date Governor DeSantis issued Executive Order No. 20-94 providing a moratorium on residential evictions. There were 7,176 residential and commercial evictions filed from April 3, 2020 through December 31, 2020. Of these, 3,145 are pending (open and reopened) cases. The number of residential evictions that were filed on or after October 1, 2020—the date the Odyssey Case Manager began distinguishing between commercial and residential evictions—through December 31, 2020 is 3,381. Of these, 1,808 are pending. From October 1, 2020 to December 31, 2020 there were 289 commercial evictions filed. Of these, 176 are pending commercial eviction cases.

⁶ Exec. Order No. 20-51, State of Florida, Office of the Governor, https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-51.pdf.

⁷ “Pending” eviction cases include open eviction cases, i.e., eviction cases without a disposition, and reopened cases, i.e., cases with outstanding post-judgment court action.

Figure 4 depicts the totals of cases filed in October 2020, November 2020, and December 2020, classified by property type (residential or commercial) and case status as of December 31, 2020 (pending or closed).

Figure 4



Source: Odyssey Case Manager System (Clerk of Courts)

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c. VACA and CDC Tenant Declarations

Section 4(d) of Resolution No. R-58-21 directs OCA to report on the total number of pending residential evictions in which declarations were filed with the court in accordance with the court's administrative orders and the CARES Act. Through December 31, 2020, there are 399 pending residential eviction cases with filed declarations. There were 339 VACA declarations filed by the Plaintiff-Landlord and 60 CDC Tenant Declarations filed by the Defendant-Tenant.

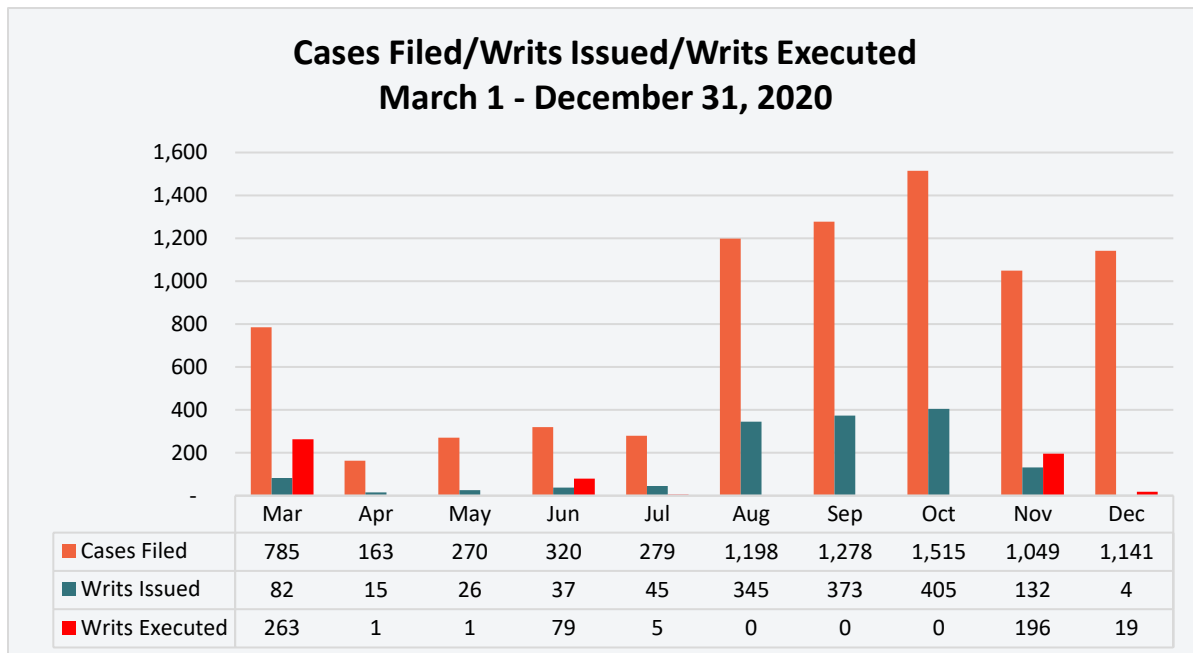
Section 4(e) of the resolution directs OCA to report on the total number of pending residential evictions in which declarations were not filed with the court. From October 1, 2020—the date the Odyssey Case Manager began distinguishing between commercial and residential evictions—through December 31, 2020, there were 332 residential evictions filed without attendant declarations. Of these, three (3) are pending cases.

d. Writs Issued and Executed

Section 4(f) of Resolution No. R-58-21 directs OCA to report on the total number of residential and commercial eviction cases that resulted in the court issuing writs of possession after the expiration of the Governor's Executive Order 20-180 (12:01 a.m. on October 1, 2020). From October 1, 2020 through December 31, 2020, there were 1,464 writs of possession issued. Of that number, 34 were for commercial properties and 503 for residential. 927 were not classified by property type.

Since March 1, 2020, through December 31, 2020, there have been 564 writs of possession executed. This total of writs executed includes instances where the tenant vacated the property pursuant to an issued writ of possession as well as those where MDPD enforcement was required to return possession to the landlord. The total number of writs executed relative to the number of cases filed and number of writs of possession issued during the same time frame is captured in Figure 5, by month.

Figure 5



Sources: Odyssey Case Manager System (Clerk of Courts)
and Teleosoft CountySuite (Miami-Dade Police Department)

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According to MDPD, the department halted enforcement of writs of possession, on all eviction cases, from March 13, 2020 to November 12, 2020 based on a mayoral directive. Beginning November 13, 2020, MDPD began enforcing evictions on cases that were filed on or before March 12, 2020.⁸ Note that since the total of writs executed, as seen in Figure 5, is representative of evictions where possession was returned to the landlord (pursuant to a writ of possession) with or without MDPD enforcement being necessary, the data depicts executed writs during the period where MDPD halted enforcement (March 13, 2020 – November 12, 2020). The number of writs of possession executed by MDPD (MDPD Enforced) relative to

⁸ Press Release, Miami-Dade County Office of the Mayor, Miami-Dade County to Resume Enforcement of Evictions in Limited Cases (November 13, 2020), [Miami-Dade County to resume enforcement of evictions in limited cases](#).

those where possession was returned to the landlord without MDPD enforcement being necessary (Non-MDPD Enforced) is depicted in Figure 6.

Figure 6

Total Number of Writs of Possession Executed

Eviction Event	March	April	May	June	July	August	September	October	November	December	Total
MDPD Enforced	197	0	0	0	0	0	0	0	87	17	301
Non-MDPD Enforced	66	1	1	79	5	0	0	0	109	2	263
Total Writs Executed	263	1	1	79	5	0	0	0	196	19	564

Source: Teleosoft CountySuite (Miami-Dade Police Department)

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e. Evictions by Location

Figure 7 is a heatmap detailing the number of pending eviction cases (filed on or after March 1, 2020 to December 31, 2020) by zip code and Commission District. Figure 8 is a table denoting the total number of cases filed in each zip code from March 1, 2020 through December 31, 2020.

Number of Pending Eviction Cases (Filed on or after March 1, 2020)

Figure 8

Number of Pending Eviction Cases (Filed on or after March 1, 2020)

Zip Code	Pending Eviction Cases	Zip Code	Pending Eviction Cases
33010	41	33146	7
33012	46	33147	126
33013	21	33148	1
33014	54	33149	5
33015	52	33150	86
33016	42	33154	12
33018	17	33155	24
33023	1	33156	15
33030	23	33157	57
33031	6	33160	86
33032	42	33161	147
33033	50	33162	69
33034	21	33165	18
33035	19	33166	53
33054	92	33167	19
33055	29	33168	41
33056	39	33169	97
33122	11	33170	16
33125	93	33172	48
33126	94	33173	10
33127	90	33174	20
33128	17	33175	14
33129	10	33176	23
33130	121	33177	30
33131	83	33178	63
33132	114	33179	81
33133	18	33180	31
33134	42	33181	60
33135	87	33182	3
33136	71	33183	15
33137	108	33184	15
33138	80	33185	10
33139	57	33186	49
33140	11	33187	12
33141	78	33189	4
33142	144	33190	11
33143	14	33193	21
33144	27	33194	5
33145	32	33196	31

TOTAL PENDING EVICTION CASES - 3,432

IV. REPORT SUMMARY

As required by Resolution No. R-58-21, the following was addressed in this report:

- (a) There are 3,432 pending residential and commercial evictions that were filed on or after March 1, 2020 through December 31, 2020;
- (b) There are 3,145 pending residential and commercial evictions that were filed after April 2, 2020 through December 31, 2020. The number of pending residential evictions that were filed on or after October 1, 2020—the date the Odyssey Case Manager began distinguishing between commercial and residential evictions—through December 31, 2020 is 1,808;
- (c) There were 7,176 residential and commercial evictions filed after April 2, 2020 through December 31, 2020. From October 1, 2020—the date the Odyssey Case Manager began distinguishing between commercial and residential evictions—through December 31, 2020, there were 289 commercial evictions filed;
- (d) Through December 31, 2020, there are 399 pending evictions in which declarations were filed with the court in accordance with the court's administrative orders and the CARES Act. Of that number, 339 were VACA declarations filed by the Plaintiff-Landlord and 60 were CDC Tenant Declarations filed by the Defendant-Tenant;
- (e) From October 1, 2020—the date the Odyssey Case Manager began distinguishing between commercial and residential evictions—through December 31, 2020, there were 332 residential evictions in which declarations were not filed with the court, three (3) of which are pending cases; and
- (f) After the expiration of the Governor's Executive Order 20-180 at 12:01am on October 1, 2020 through December 31, 2020, there were 1,464 writs of possession issued. Of that number, 34 were for commercial properties and 503 for residential. 927 were not classified by property type.