

# MEMORANDUM

Agenda Item No. 11(A)(3)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** July 19, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to conduct a community needs assessment evaluating the need among low-income Miami-Dade County residents for legal representation or legal services during landlord disputes and the eviction process for the upcoming fiscal year, and to identify nonprofit legal services organizations capable of providing such legal representation or legal services, and requiring a report; directing the County Mayor to identify and include legally available funding, consistent with the community needs assessment, in the County Mayor's proposed Fiscal Year 2022-23 County budget to assist legal service organizations to provide low-income Miami-Dade County residents with legal representation or legal services during landlord disputes and the eviction process; subject to and in accordance with the Board's approval of the County budget, authorizes the County Mayor to take all actions necessary to effectuate the purpose of this resolution and to negotiate and execute agreements and exercise provisions contained therein

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



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Geri Bonzon-Keenan  
County Attorney

GBK/uw



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(3)

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)(3)  
7-19-22

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

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO CONDUCT A COMMUNITY NEEDS ASSESSMENT EVALUATING THE NEED AMONG LOW-INCOME MIAMI-DADE COUNTY RESIDENTS FOR LEGAL REPRESENTATION OR LEGAL SERVICES DURING LANDLORD DISPUTES AND THE EVICTION PROCESS FOR THE UPCOMING FISCAL YEAR, AND TO IDENTIFY NONPROFIT LEGAL SERVICES ORGANIZATIONS CAPABLE OF PROVIDING SUCH LEGAL REPRESENTATION OR LEGAL SERVICES, AND REQUIRING A REPORT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IDENTIFY AND INCLUDE LEGALLY AVAILABLE FUNDING, CONSISTENT WITH THE COMMUNITY NEEDS ASSESSMENT, IN THE COUNTY MAYOR’S PROPOSED FISCAL YEAR 2022-23 COUNTY BUDGET TO ASSIST LEGAL SERVICE ORGANIZATIONS TO PROVIDE LOW-INCOME MIAMI-DADE COUNTY RESIDENTS WITH LEGAL REPRESENTATION OR LEGAL SERVICES DURING LANDLORD DISPUTES AND THE EVICTION PROCESS; SUBJECT TO AND IN ACCORDANCE WITH THE BOARD’S APPROVAL OF THE COUNTY BUDGET, AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION AND TO NEGOTIATE AND EXECUTE AGREEMENTS AND EXERCISE PROVISIONS CONTAINED THEREIN

**WHEREAS**, the coronavirus disease 2019 (“COVID-19”) pandemic has resulted in an economic crisis, which includes, but is not limited to, record unemployment and the risk of a surge in evictions; and

**WHEREAS**, because of the COVID-19 pandemic, many Miami-Dade County residents and business owners are struggling to make ends meet, and are unable to pay for basic necessities, such as rent and food; and

**WHEREAS**, since the commencement of the COVID-19 pandemic, extraordinary steps have been taken by the federal, state, and local governments and courts system to protect renters from eviction during the declarations of emergency issued by federal, state, and local authorities, including implementing eviction moratoria to prevent certain evictions from proceeding in court; and

**WHEREAS**, since the eviction moratoria have been lifted, the number of evictions that have been filed in the courts has increased; and

**WHEREAS**, according to a February 11, 2021 report entitled “Miami-Dade Evictions Report” (the “report”) that was submitted by the Office of the Commission Auditor to this Board, in 2020 there were 10,945 residential and commercial eviction proceedings filed in Miami-Dade County; and

**WHEREAS**, although the report shows that eviction proceedings are filed throughout the County, the report also highlights the fact that lower-income communities of color have higher incidences of evictions cases filed against renters in these communities; and

**WHEREAS**, this trend has been exacerbated by the recent surge in rental prices throughout Miami-Dade County; and

**WHEREAS**, since the onset of the COVID-19 pandemic and due to the surge in rental prices, this Board has taken steps to strengthen protections for tenants; and

**WHEREAS**, these steps include, but are not limited to, the enactment of the Fair Notice Ordinance, Ordinance No. 22-30, and the Tenant’s Bill of Rights, Ordinance No. 22-47; and

**WHEREAS**, in order to avail themselves of these protections and other protections under applicable law, tenants may require legal representation and services; and

**WHEREAS**, this Board has previously found that tenants are often unaware of their rights and of these protections or lack the financial resources to hire attorneys to enforce their rights or seek redress in court or before other agencies and entities; and

**WHEREAS**, the latest data from the National Coalition for a Civil Right to Counsel, collected from several dozen jurisdictions across the United States, demonstrates that, on average, only three percent of tenants have legal representation during eviction proceedings, compared to 81 percent of landlords; and

**WHEREAS**, Stout, a financial analysis company, has conducted studies estimating the costs and benefits of providing a right to legal counsel for tenants facing eviction; and

**WHEREAS**, Stout's reports suggest that cities and states may save far more money than they spend on providing legal counsel to tenants, due to its collateral impact on funding for homeless shelters, health care, foster care, and other social services; and

**WHEREAS**, Miami-Dade County has a history of providing nonprofit entities with certain funding in order to provide legal assistance to residents facing eviction; and

**WHEREAS**, for example, the County, through the Office of Management and Budget, Grants Coordination division, provides approximately \$63,000.00 in community-based organization grant funds to Legal Services of Greater Miami, Inc. to provide legal advice, brief legal services, and representation for the purpose of helping low-income households with children avoid eviction from private housing and maintain stable housing for their children; and

**WHEREAS**, the demand for legal services like those offered by the Legal Services of Greater Miami, Inc., exceeds the resources that are currently available; and

**WHEREAS**, as a result, self-represented litigants often spend hours in line seeking the most basic guidance and legal assistance; and

**WHEREAS**, this Board believes that providing greater legal assistance to low-income residents facing landlord disputes and eviction proceedings is a meaningful step to address the looming eviction crisis and to protect tenants from unfair practices,

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

**Section 1.** Directs the County Mayor or County Mayor’s designee to conduct a community needs assessment evaluating the need among low-income Miami-Dade County residents for legal representation or legal services during landlord disputes and the eviction process for the upcoming fiscal year, and further directs the County Mayor or County Mayor’s designee to identify nonprofit legal services organizations capable of providing such legal representation or legal services. The County Mayor or County Mayor’s designee shall provide the report to this Board within 45 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

**Section 2.** Directs the County Mayor or County Mayor’s designee to identify and include legally available funding, in an amount consistent with the community needs assessment, in the County Mayor’s proposed Fiscal Year 2022-23 County Budget to assist nonprofit legal services organizations with providing low-income Miami-Dade County residents with legal representation or legal services during landlord disputes and the eviction process. The proposed Fiscal Year 2022-23 County Budget shall identify the nonprofit legal services organizations being recommended for funding and the amount of funding per organization.

**Section 3.** Subject to and in accordance with this Board’s approval of the County Budget, authorizes the County Mayor or County Mayor’s designee to take all actions that may be necessary to effectuate the purpose of section 2 of this resolution and to negotiate and execute

agreements with the recommended nonprofit legal services organizations at their recommended amount of funding, subject to approval for form and legal sufficiency by the County Attorney's Office. This Board further authorizes the County Mayor or County Mayor's designee to exercise amendments, extensions, renewals, termination, waiver, and other provisions set forth in such agreements, following approval for legal form and sufficiency by the County Attorney's Office, and subject to annual appropriation by the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 19<sup>th</sup> day of July, 2022. 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.

LCK

Leigh C. Kobrinski