

MEMORANDUM

Amended
Agenda Item No. 11(A)(3)

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

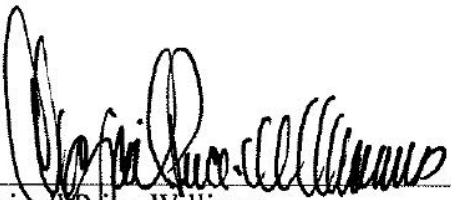
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to collaborate with Legal Services of Greater Miami, Inc. to develop a tenants and landlords rights and obligations education program that focuses on the steps that tenants can take to enforce their rights when their landlords engage in constructive evictions, such as illegal lockouts and utility shutoffs; to identify funding for such program, if needed; and to provide a report

Resolution No. R-668-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


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 _____

Amended
Agenda Item No. 11(A)(3)
7-8-20

RESOLUTION NO. **R-668-20**

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO COLLABORATE WITH LEGAL SERVICES OF GREATER MIAMI, INC. TO DEVELOP A TENANTS AND LANDLORDS RIGHTS AND OBLIGATIONS EDUCATION PROGRAM THAT FOCUSES ON THE STEPS THAT TENANTS CAN TAKE TO ENFORCE THEIR RIGHTS WHEN THEIR LANDLORDS ENGAGE IN CONSTRUCTIVE EVICTIONS, SUCH AS ILLEGAL LOCKOUTS AND UTILITY SHUTOFFS; TO IDENTIFY FUNDING FOR SUCH PROGRAM, IF NEEDED; AND TO PROVIDE A REPORT

WHEREAS, coronavirus disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 1, 2020, the Governor of Florida issued an executive order directing the State Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, also on March 1, 2020, the State Surgeon General declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, the Governor issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 12, 2020, the County Mayor declared a state of local emergency for all of Miami-Dade County; and

WHEREAS, these orders have been extended and remain in place; and

WHEREAS, in conjunction with the County Mayor’s declaration of emergency, the Miami-Dade Police Department (“MDPD”) announced that officers would not assist with evictions during the pendency of the emergency and that MDPD was temporarily suspending all eviction-related activities until further notice, including assisting landlords in removing tenants or serving court papers; and

WHEREAS, on April 2, 2020, the Governor issued Executive Order 20-94, which, in part, suspended and tolled “any statute providing for an eviction cause of action under Florida law solely as it relates to non-payment of rent by residential tenants due to the COVID-19 emergency for 45 days from the date of the executive order, including any extensions”; and

WHEREAS, on May 14, 2020, the Governor issued Executive Order 20-121, which extended Executive Order 20-94 until June 2, 2020; and

WHEREAS, the Chief Justice of the Florida Supreme Court and the Chief Judge of the Eleventh Judicial Circuit of Florida also adopted administrative orders that automatically delayed or stayed the issuances of writs of possession associated with residential eviction actions at the time the Governor and the County Mayor issued their declarations of emergency; and

WHEREAS, the federal government also suspended evictions and foreclosures in public housing until June 30, 2020, and the Board of County Commissioners has taken steps, in accordance with Resolution No. R-1253-19, to direct the County Mayor, Miami-Dade Public Housing and Community Development Department, and the Miami-Dade Police Department to take no actions that would result in the eviction of residents of public housing or other affordable housing; and

WHEREAS on June 1, 2020, the Governor issued Executive Order 20-137, which extends the moratorium on mortgage foreclosure and eviction relief until 12:01 a.m. on July 1, 2020, and thus the last day of the moratorium is June 30, 2020; and

WHEREAS, as result of these declarations of emergency and mandatory closures of non-essential businesses in Miami-Dade County, thousands of workers in Miami-Dade County and throughout this State have been laid off, furloughed, or left with significantly-reduced work hours; and

WHEREAS, as a result, many of Florida's residents and families are struggling to make ends meet, and are unable to pay for basic necessities such as rent and food; and

WHEREAS, notwithstanding the extraordinary steps the federal, state and local governments, including the courts, have taken to protect renters from eviction during the declarations of emergency, there have been reports of landlords taking matters into their own hand to forcibly evict tenants; and

WHEREAS, the Florida Legislature enacted the Florida Residential Landlord and Tenant Act, as codified in chapter 83, part II, Florida Statutes (the "Act"); and

WHEREAS, the Act provides certain protections for tenants, and prohibits certain activities by landlords to force a tenant out of their dwelling unit without first complying with the eviction process set forth in the Act; and

WHEREAS, specifically, section 83.67 of the Act prohibits, among other things, a landlord from: (i) terminating or interrupting any utility service furnished the tenant, including, but not limited to, water, heat, light, electricity, gas, elevator, garbage collection, or refrigeration, whether or not the utility service is under the control of, or payment is made by, the landlord; (ii)

preventing a tenant from gaining reasonable access to their dwelling unit by any means, including, but not limited to, changing the locks or using any bootlock or similar device; (iii) removing the outside doors, locks, roof, walls, or windows of the unit except for purposes of maintenance, repair, or replacement; or (iv) removing a tenant's personal property from their dwelling unit unless such action is taken after surrender, abandonment, recovery of possession of the dwelling unit due to the death of the last remaining tenant or a lawful eviction; and

WHEREAS, section 83.67 further provides that if a landlord violates the law, such landlord shall be liable to their tenant for actual and consequential damages or three months' rent, whichever is greater, and costs, including attorney's fees, and further provides that subsequent or repeated violations that are not contemporaneous with the initial violation shall be subject to separate awards of damages; and

WHEREAS, in order to enforce the provisions of section 83.67, a tenant would need to seek redress in court; and

WHEREAS, in addition to the remedies provided under section 83.67, tenants may be able to seek redress through other agencies or entities, such as Miami-Dade Water and Sewer Department in the event their landlord illegally tampers with the water meter, or Florida Power and Light, if the landlord illegally tampers or shuts off their lights; and

WHEREAS, many tenants are unaware of their rights and landlords of their obligations under section 83.67, other applicable state and local laws, or the steps they can take to seek redress with other agencies or entities; and

WHEREAS, further, many tenants lack the financial means or knowledge to seek redress in court or with such agencies or entities; and

WHEREAS, this Board believes that tenants and landlord should be made aware of their rights and obligations under the law, as well as other means tenants have to protect themselves against landlords who engage in prohibited activities that violate the law or the policies of the agencies or entities that provide services to the tenants' dwelling units; and

WHEREAS, since 1966, Legal Services of Greater Miami, Inc. ("Legal Services") has become one of the largest providers of civil legal services for the poor in Miami- Dade and Monroe counties, and is recognized as one of the most outstanding legal services programs; and

WHEREAS, Legal Services provides a variety of legal assistance to Miami-Dade County residents, including, but not limited to, in the area of housing; and

WHEREAS, this Board believes that the County should collaborate with Legal Services to develop a tenants and landlords rights and obligation education program that focuses on providing information related to the steps that tenants can take to enforce their rights under section 83.67, other applicable state and local laws, or with those agencies or entities that provide services to such tenants' dwelling units,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board directs the County Mayor or the County Mayor's designee to collaborate with Legal Services of Greater Miami, Inc. ("Legal Services") to develop a tenants and landlords rights and obligation education program ("Program") that focuses on the following:

- (a) Tenants and landlords rights and obligations under section 83.67, Florida Statutes, or other applicable state or local laws;

- (b) Steps tenants can take to seek redress with those agencies or entities, such as the Water and Sewer Department, Florida Power and Light, etc., that provide utility services to the tenants' dwelling units;
- (c) Referrals to the appropriate agencies for assistance, including, but not limited to, Legal Services; and
- (d) Such other information that may be required to advise tenants of their rights.

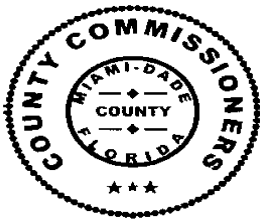
Section 3. This Board directs the County Mayor or the County Mayor's designee to identify a funding source to cover the costs, if any, associated with the Program.

Section 4. This Board further directs the County Mayor or the County Mayor's designee to prepare a report that includes information concerning the development of the Program and identifies the source of funding as set forth in sections 2 and 3 of this resolution, respectively. Such report shall be completed within 60 days of the effective date of this resolution and placed on an agenda of this Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Rebeca Sosa**, 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	absent
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	absent	Sen. Javier D. Souto	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 8th 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 be "TAS", is written over a horizontal line.

Terrence A. Smith