

MEMORANDUM

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

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

Resolution No. R-711-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Commissioner Kionne L. McGhee.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: July 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

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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	Amended
Veto	_____		Agenda Item No. 11(A)(3)
Override	_____		7-19-22

RESOLUTION NO. R-711-22

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. The report shall include a list of the nonprofit legal services organizations that can provide free legal representation or legal services, information regarding whether such organizations are overwhelmed and cannot handle the volume of the eviction cases, and information related to use of the Eleventh Judicial Circuit of Florida's online case resolution tool for evictions called "courtHELP." The County Mayor or the County Mayor's designee shall 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.

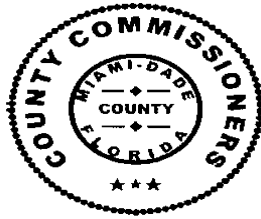
The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsor is Commissioner Kionne L. McGhee. It was offered by

Commissioner **Eileen Higgins** , who moved its adoption. The motion was seconded by

Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 19th 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

LCK

Leigh C. Kobrinski