



# Tidal Wave: The Looming Eviction Crisis

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# Agenda

- Data
- Eviction Process
- COVID-19 Protections
- Policies
- Legal Resources





# COVID-19 LANDSCAPE

- **3.2 Million claims for unemployment assistance from March 15 – July 22**
- **Florida's payment is \$275 per week maximum.**
- **Federal unemployment supplement of \$600 ended on July 25**
- **Federal CARES Act eviction moratorium ended on 7/25 & Florida's eviction moratorium scheduled to end on 8/1.**

# Mortgage Payments

- 10.5% of Florida mortgage borrowers are delinquent
- 5<sup>th</sup> in the US for unpaid mortgages



# U.S. Census Bureau Household Pulse Survey

## July 21 Confidence To Pay Next Month's Rent – All Renters

Level of confidence	U.S	FL	Miami MSA
No Confidence	<b>13%</b>	<b>16%</b>	<b>23%</b>
Slight Confidence	20%	21%	24%
Moderate Confidence	25%	25%	26%
High Confidence	<b>36%</b>	<b>34%</b>	<b>23%</b>



# Evictions

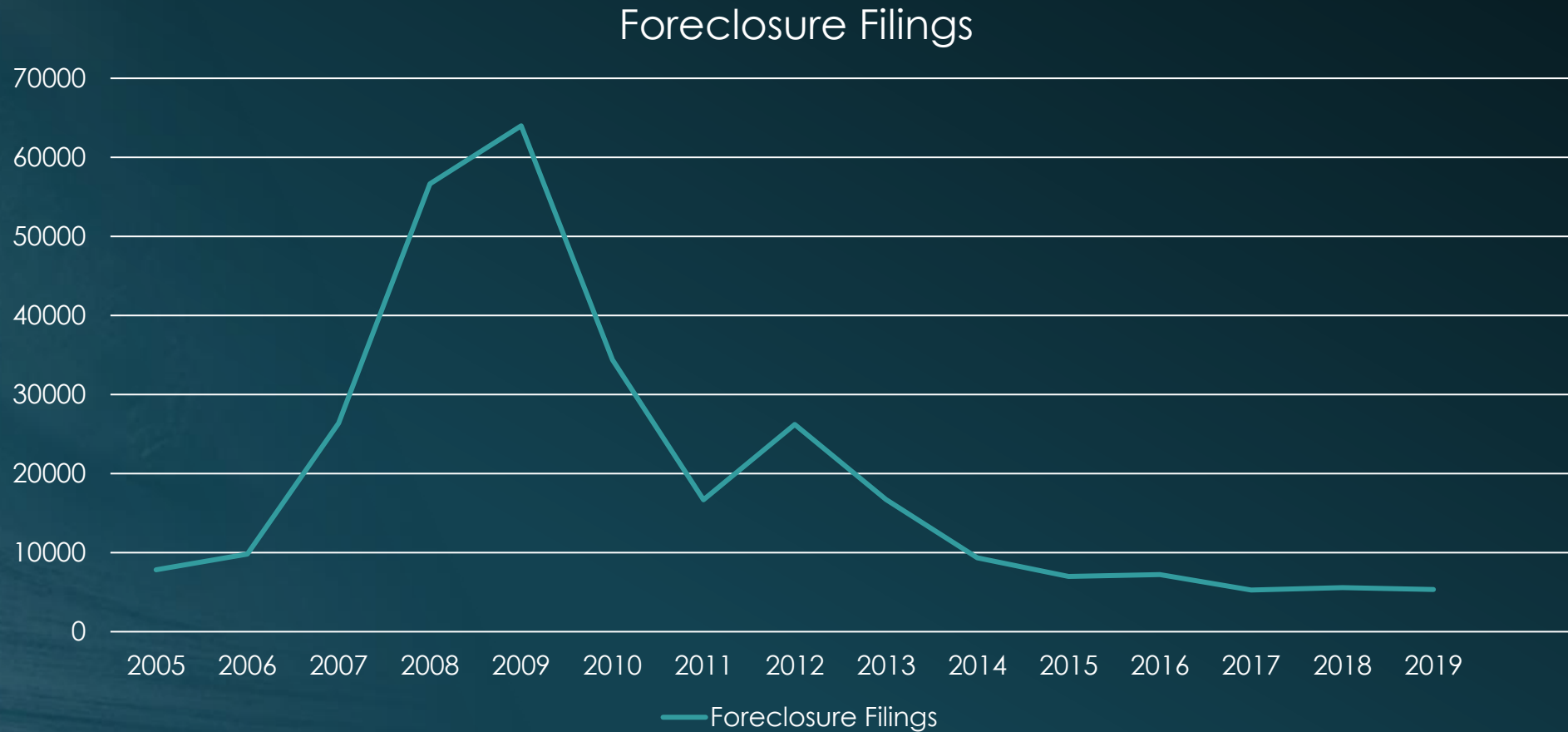
Est. Rental Households Unable to Pay Rent and at Risk of Eviction	Est. Shortfall of Rent	Renter Households Unable to Pay Rent and at Risk of Eviction as a % of Total Renter Households	Est. Potential Total Eviction Filings Over Next 4 Months
1,189,000	\$1,581,000,000	47.77%	803,000

Compare to 71,615 evictions filed in all of 2016.

<https://www.stout.com/en/services/transformation-change-consulting/eviction-right-to-counsel-resources> - Based on 7/22/20 Pulse Survey



# Foreclosure Filings – Miami-Dade



# Evictions



- Economic Crisis
- Public Health Crisis



“Our courts were never intended to serve as rubber stamps for landlords seeking to evict their tenants, but rather to see that justice be done before a man is evicted from his home.”

Justice Thurgood Marshall, *Pernell v. Southall Realty* (1974)



# Florida Eviction Process

## Step 1: Three Day Notice to Pay Rent

From:	
Date:	May 15, 2020

Dear: \_\_\_\_\_  
*Tenant's Name*

You are hereby notified that you are indebted to me the sum of \$ \$1175.00  
*(insert amount owed by Tenant)*

for rent and use of the premises Miami, Florida 33127 (Miami - Dade)  
*(insert address of leased premises, including county)*

now occupied by you and that I demand payment of the rent or possession of the premises within Three (3) days (excluding Saturday, Sunday and legal holidays) from the date of delivery of this notice, to wit: On or before the 15 day of May, 2020 *(insert the date which is three days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday and legal holidays).*

*Reynolds*

(Address) \_\_\_\_\_  
Miami, Florida 33142  
City, State Zip Code \_\_\_\_\_

Note: This notice may be delivered by mail or by delivering a copy to the property.  
This notice must be delivered, and the three day time period must run, before starting suit to evict the tenant or to past due rent.  
SOURCE: Section 83.56(3), Florida Statutes (1990) Approval for use under rule 10-2.1(a) of the Rules Regulating the Florida Bar 2010.

|| This notice was served upon the person owing the rent.  
|| The person owing rent was absent from residence, posted to door.

Date served: May 15, 2020  
Time served: 12:50 P.M. Reynolds

# Florida Eviction Process

- Step 2: Landlord files an eviction lawsuit in County Court
- Step 3: Tenant served with summons and complaint
- Step 4: Tenant must file written response within 5 days and.....

IN THE COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA										
DIVISION <input type="checkbox"/> CIVIL	RESIDENTIAL EVICTION SUMMONS	CASE NUMBER								
PLAINTIFF(S)	VS. DEFENDANT(S)	SERVICE								
TO DEFENDANT(S)	ADDRESS									
<p><b>PLEASE READ CAREFULLY</b>            You are being sued by _____            To require you to move out of the place where you are living for the reason(s) given in the attached complaint.            You are entitled to a trial to determine whether you can be required to move, but you <b>MUST</b> do All of the things listed below. You must do them within FIVE (5) days (not including Saturday, Sunday, or any legal holiday) after the date these papers were given to you or to a person who lives with you or were posted at your home.</p> <p><b>THE THINGS YOU MUST DO ARE AS FOLLOWS:</b>            (1) Write down the reasons why you think you should not be forced to move.            The written reason(s) must be given to the clerk of the court at the court location @ checked below:            "For those unable to pay for an attorney, information on how to seek free legal assistance can be found at <a href="http://www.dadecountyprobono.org">www.dadecountyprobono.org</a>."</p> <p><b>MIAMI-DADE COUNTY COURT LOCATIONS</b></p> <table border="0"> <tr> <td><input type="checkbox"/> Dade County Courthouse (05) Room 138 73 West Flagler Street Miami, Florida 33130</td> <td><input type="checkbox"/> Joseph Caleb Center Court (20) Suite 103 5400 N.W. 22nd Avenue Miami, Florida 33142</td> <td><input type="checkbox"/> North Dade Justice Center (23) Room 100 15565 Biscayne Blvd. North Miami Beach, Florida 33160</td> <td><input type="checkbox"/> Hialeah District Court (21) Room 100 11 East 8th Street Hialeah, Florida 33010</td> </tr> <tr> <td><input type="checkbox"/> Miami Beach District Court (24) Room 200 1130 Washington Avenue Miami Beach, Florida 33139</td> <td><input type="checkbox"/> Coral Gables District Court (25) Room 100 3100 Ponce De Leon Blvd. Coral Gables, Florida 33134</td> <td><input type="checkbox"/> South Dade Justice Center (26) Room 1200 10710 S.W. 21st Street Miami, Florida 33189</td> <td></td> </tr> </table>		<input type="checkbox"/> Dade County Courthouse (05) Room 138 73 West Flagler Street Miami, Florida 33130	<input type="checkbox"/> Joseph Caleb Center Court (20) Suite 103 5400 N.W. 22nd Avenue Miami, Florida 33142	<input type="checkbox"/> North Dade Justice Center (23) Room 100 15565 Biscayne Blvd. North Miami Beach, Florida 33160	<input type="checkbox"/> Hialeah District Court (21) Room 100 11 East 8th Street Hialeah, Florida 33010	<input type="checkbox"/> Miami Beach District Court (24) Room 200 1130 Washington Avenue Miami Beach, Florida 33139	<input type="checkbox"/> Coral Gables District Court (25) Room 100 3100 Ponce De Leon Blvd. Coral Gables, Florida 33134	<input type="checkbox"/> South Dade Justice Center (26) Room 1200 10710 S.W. 21st Street Miami, Florida 33189		CLOCK IN
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<p>(2) Mail or give a copy of your written reason(s) to:            Plaintiff's Attorney _____            Address _____</p> <p>(3) Pay to the clerk of the court the amount of rent that the attached complaint claims to be due and any rent that becomes due until the lawsuit is over. If you believe that the amount claimed in the complaint is incorrect, you should file with the clerk of the court a motion to have the court determine the amount to be paid. If you file a motion, you must attach to the motion any documents supporting your position and mail or give a copy of the motion to the plaintiff's attorney.</p> <p>(4) If you file a motion to have the court determine the amount of rent to be paid to the clerk of the court, you must immediately contact the office of the judge to whom the case is assigned to schedule a hearing to decide what amount should be paid to the clerk of the court while the lawsuit is pending.</p> <p><b>IF YOU DO NOT DO ALL OF THE THINGS SPECIFIED ABOVE WITHIN 5 WORKING DAYS AFTER THE DATE THAT THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU OR WERE POSTED AT YOUR HOME, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.</b></p> <p>(5) If the attached complaint also contains a claim for money damages (such as unpaid rent), you must respond to that claim separately. You must write down the reasons why you believe that you do not owe the money claimed. The written reasons must be given to the clerk of the court at the address specified in paragraph (1) above, and you must mail or give a copy of your written reasons to the plaintiff's attorney at the address specified in paragraph (2) above. This must be done within 20 days after the date these papers were given to you or to a person who lives with you or were posted at your home. This obligation is separate from the requirement of answering the claim for eviction within 5 working days after these papers were given to you or to a person who lives with you or were posted at your home.</p> <p><b>THE STATE OF FLORIDA:</b> To each Sheriff Of The State: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant(s), DATED ON _____, 20__.</p>										
COPY OF THE COMPLAINT AND SUMMONS WAS MAILED ON _____		HARVEY RUVIN Clerk Of The County Court BY: _____ AS DEPUTY CLERK COURT SEAL								
<b>AMERICANS WITH DISABILITIES ACT OF 1990 ADA NOTICE</b> <p>"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2400, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174; Email <a href="mailto:ADA@jud11.flcourts.org">ADA@jud11.flcourts.org</a>; Fax (305) 349-7355 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."</p>										
<small>CLKCT. 141 Rev. 3/19</small>		<small>Clerk's web address: <a href="http://www.miami-dadefclerk.com">www.miami-dadefclerk.com</a></small>								



# Florida's Rent Deposit Requirement

- Step 5: Along with response, tenant **must**:
  - Pay all past due rent into the court, or
  - Dispute the amount of rent owed and ask the judge to determine how much money to pay to the court, or
  - Assert the tenant paid the rent.



If the Tenant does not comply with Step 5 – the tenant loses automatically.

The tenant waives all defenses and landlord is entitled to an immediate judgment without a hearing or mediation.

# Florida Eviction Process

Step 6: If tenant complies with rent deposit, parties go to mediation

Step 7: Trial





# Eviction Process

Final Judgment for Possession

Clerk will issue Writ of Possession

Sheriff (MDPD) will post Writ (24-hour notice) on Door

- Typically 4-7 days after issuance

Sheriff can return in 24 hours to remove tenants

- Typically 4-7 days later

No exceptions for health, weather, children

But, MDPD not executing writs during state of emergency



# Eviction Timeline

Notice to Pay Rent (3 business days)

Landlord files & serves lawsuit (1+ days)

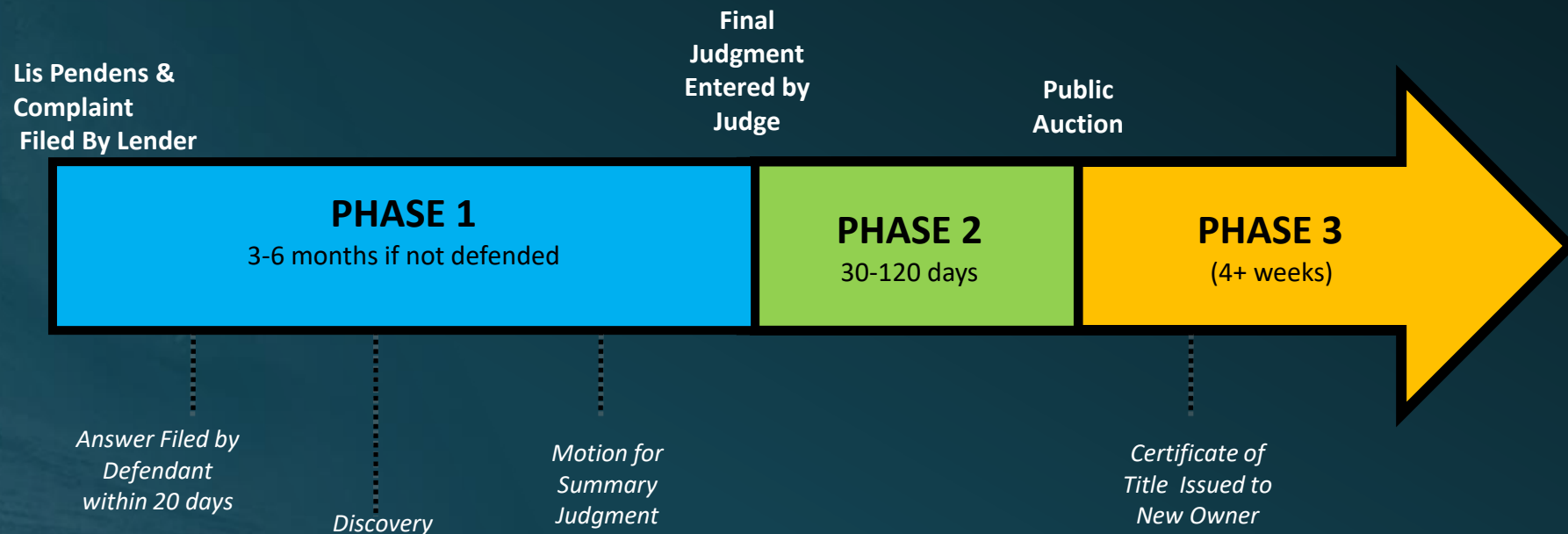
Tenant must Answer (5 business days)

No rent deposit / motion to determine rent, Landlord files motion and judge signs default judgment (1 to 5 days)

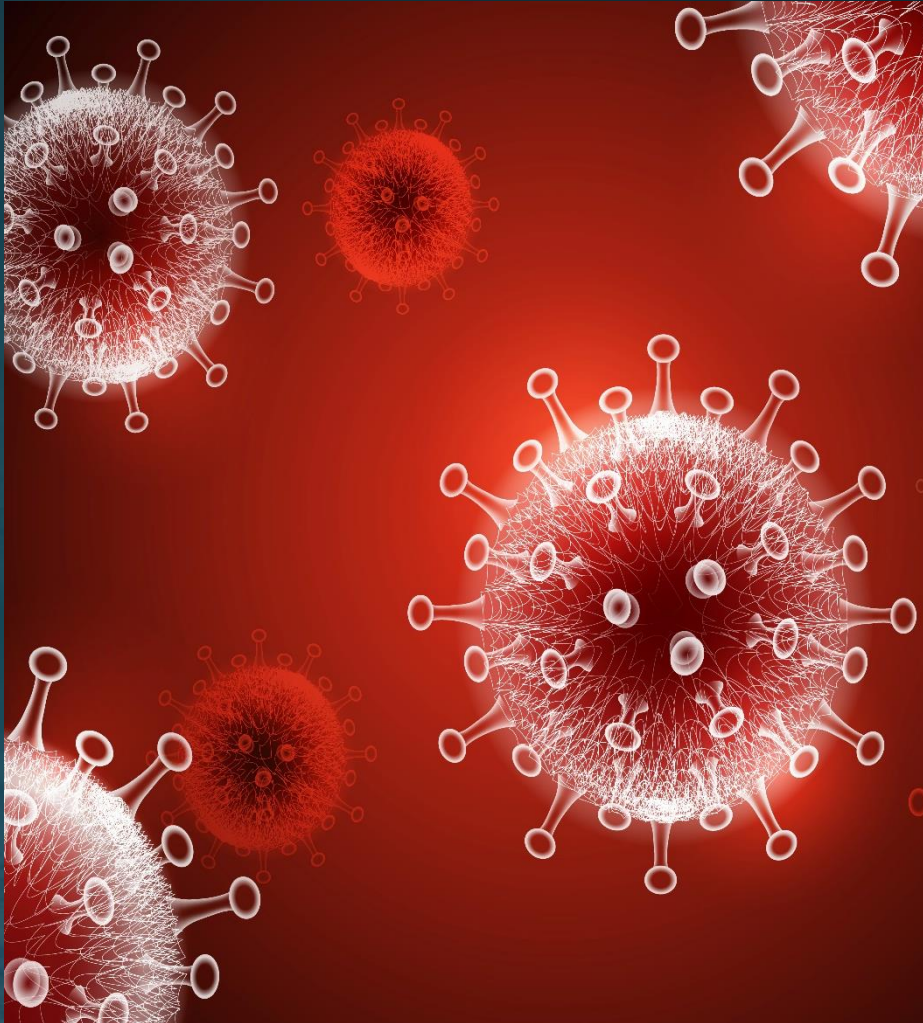
Clerk Issues Writ of Possession – Served & Executed  
(24 hrs. to several weeks)

# Foreclosure Timeline

TOTAL TIME:  
6 to 12 months if not defended



# COVID-19 Protections for Tenants



## Federal CARES Act

- Properties with federal subsidy or federally backed mortgage
- No evictions for non-payment for 120 days (ended 7/25)
- 30 day notices to vacate
- Evictions expected after August 25

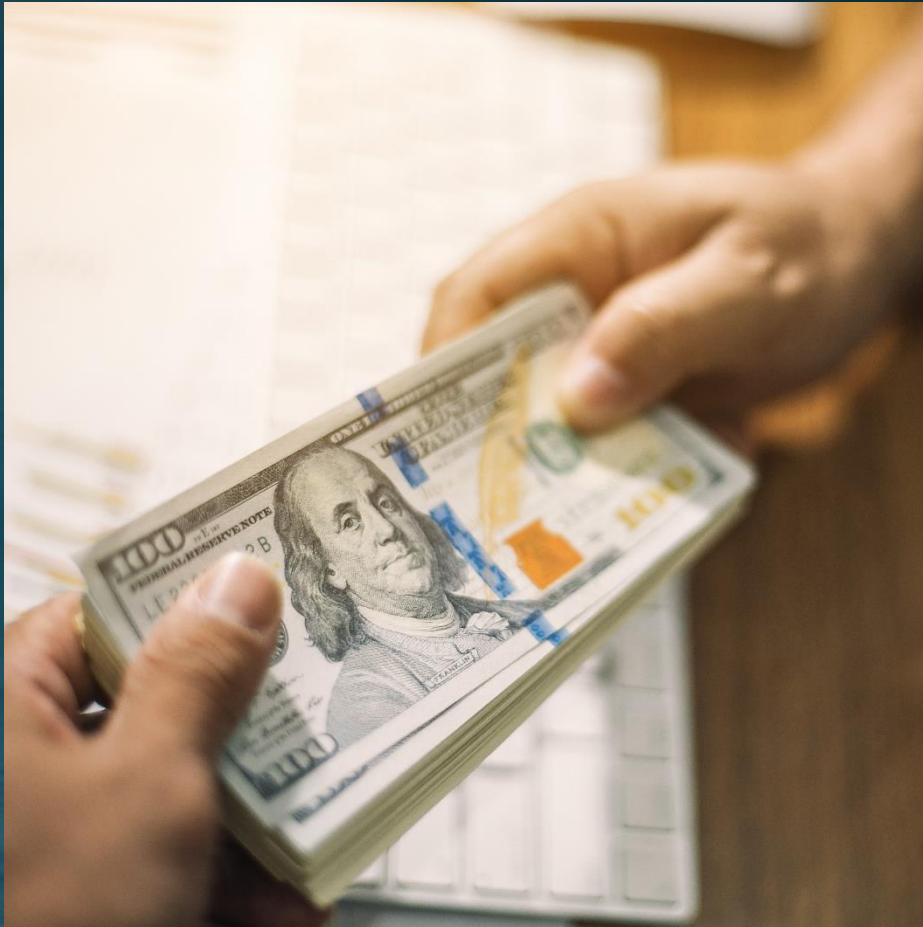
## Governor's Eviction and Foreclosure Moratorium

- Residential evictions for non-payment of rent suspended.
- Foreclosures suspended
- Extended 3 times – now expires on August 1, 2020

## Other limitations (Summons, Writs)



# Three types of delinquent tenants:



- Owes arrearage but can pay current rent
- Cannot afford current housing but could afford some housing
- Cannot afford any housing

# Rental Assistance Policies

Prohibit landlords who accept funds from evicting tenants for rent arrearages that accrued during the declared state of emergency;

Prohibit landlords who accept funds from charging late fees or interest on late rent payments during the state of emergency;

Limit future rent increases for at least 6 months;

Require immediate dismissal of any pending evictions against any tenants for non-payment during the COVID-19 pandemic;

Prohibit landlords who accept funds from filing no-cause evictions

Needs to be fast!

<https://www.nhlp.org/wp-content/uploads/Emergency-Rental-Assistance-Recommendations.pdf>



# Legal Services & Legal Aid

Legal Services of Greater Miami  
(Miami-Dade & Monroe)\*\*\*

[www.legalservicesmiami.org](http://www.legalservicesmiami.org)

Dade Legal Aid

[www.dadelegalaid.org](http://www.dadelegalaid.org)

Legal Aid Service of Broward County\*\*\*

[www.browardlegalaid.org](http://www.browardlegalaid.org)

Coast to Coast Legal Aid

[www.coasttocoastlegalaid.org](http://www.coasttocoastlegalaid.org)

\*\*\*) Primary organization handling evictions/

Statewide online intake:

<https://tinyurl.com/flonlineintake>







# Legal Services/Legal Aid can help with....

- Eviction Defense
- Foreclosure Defense
- Debt collection / garnishment
- Problems with unemployment Assistance
- Problems with food stamps, disability, Medicaid
- Issues with the IRS
- Special projects: Homeless, Veterans, LGBT, Ryan White
- Small business & non-profit assistance
- Family & Domestic Violence

# Resources

- National Low-Income Housing Coalition
  - <https://nlihc.org/coronavirus-and-housing-homelessness>
- National Housing Law Project
  - <https://www.nhlp.org/campaign/protecting-renter-and-homeowner-rights-during-our-national-health-crisis-2/>
- Eviction Lab
  - <https://evictionlab.org/covid-resources/>
- National Consumer Law Center
  - <https://www.nclc.org/special-projects/covid-19-consumer-protections.html>



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