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Honorable Charles T. Canady
Chief Justice
Florida Supreme Court of Florida
500 S Duval Street
Tallahassee, FL 32399

Dear Chief Justice Canady:

Today, we write to you with fear and unease in light of the COVID-19 pandemic. We recognize and commend the Florida Supreme Court for its important action in issuing Administrative Order No. AOSC20-13, which suspends certain deadlines for criminal, juvenile, and civil jury trial proceedings. However, while this order will certainly alleviate some of the negative effects of the COVID-19 crisis, it does not go far enough concerning many non-jury civil trial proceedings. Specifically, the Florida Supreme Court must take decisive action to assist millions of households in our state to avoid eviction during this public health crisis. We desperately need more protective measures for the incredibly vulnerable renter households across the state of Florida.

In order to achieve that aim, we respectfully request that, pursuant to Fla. R. Jud. Admin. 2.205(a)(2)(B)(v), the Florida Supreme Court enact an eviction moratorium suspending time deadlines in eviction proceedings during the pendency of the declared state of emergency. This will limit public exposure, protect public health and help ensure community safety. According to Fla. R. Jud. Admin. 2.205(a)(2)(B)(v), the administrative powers of the Chief Justice of the Florida Supreme Court include “the power, upon request of the chief judge of any circuit or district, or sua sponte, in the event of a public health emergency that requires mitigation to the effects of the emergency on the courts and court participants, to enter such order or orders as may be appropriate: to suspend, toll or otherwise change time deadlines or standards, including, without limitation . . . suspend the application or modify other requirements or limitations imposed by rules of procedure. . . .”

On March 1, 2020, Governor Ron DeSantis issued an executive order directing the Florida Department of Health to issue a Public Health Emergency stating that “it is necessary and appropriate to take action to ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure.”¹ About a week later, on March 9, 2020, Governor DeSantis declared a state of emergency for all of Florida.² Natural disasters and health crises alike aggravate and intensify an already unjust and unequal distribution of power and resources in our communities.

¹ Fla. Exec. Order No. 20-51 (Mar. 1, 2020)

² Fla. Exec. Order No. 20-52 (Mar. 9, 2020)

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Gone unchecked, these public emergencies can end up further catalyzing the rental housing crisis that Floridians all across the state have been struggling to overcome. An eviction moratorium will help to, in the words of Governor DeSantis, “ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure,” while also protecting some of our most vulnerable residents – low- and middle-income tenants whose precarious work and housing arrangements render most likely to face potential eviction for their inability to pay rent in this climate.

Courts and local governments in other impacted areas have acted swiftly and decisively to enact protections for tenants. In Kentucky, the Supreme Court took action to support the health of Kentucky citizens by requiring, among other things, that all domestic violence hearings, evidentiary hearings in criminal cases, in-person appearances for civil and criminal dockets be canceled; that all civil trials, hearings, and motions shall be postponed and rescheduled for a later date; and that show cause dockets for payment of fines and court costs be continued for 60 days.¹ The Justices of Peace of Travis County, Texas, where the city of Austin sits, issued a standing order on Friday stating, “No eviction setting will be held until after April 1, 2020. No writs of possession will be issued by a Justice Court for 60 days after the date of this order.”² And finally, the Justices of Peace of Delaware suspended all, “landlord/tenant, debt, replevin and trespass proceedings scheduled for in-court appearance, and all evictions currently ordered.”³ The State of Florida, as one of the largest states in the country, should not only follow suit, but act as a leading example in this time of need. As we know all too well, low- and middle-income renters are particularly vulnerable to evictions in times of crisis. While supplies are running low in grocery stores, schools are closing, and fears about how to protect your family and loved ones from a potentially deadly disease are top-of-mind, receiving an eviction notice subject to the summary process deadlines becomes an overwhelming and unnecessary stressor.

The Center for Disease Control and Prevention (CDC) released its “Coronavirus Disease 2019 (COVID-19) Situation Summary,” in which it states (on three separate occasions) that those who believe themselves to be even mildly ill with COVID-19 must be able to isolate at home.⁴ Similarly, on March 4, 2020, the Florida State Court System issued the “Coronavirus Disease (COVID-19) Outbreak Bulletin” which, in addition to providing background and best practices to deal with the virus, urges the public to, “stay home while you are sick.” Clearly, one of the most fundamental mechanisms of defense against the coronavirus is for people to stay in their homes and socially distance. However, the eviction process moves swiftly. Without an eviction moratorium from the Court tolling these actions, a tenant served with an eviction will be forced to physically travel to the courthouse within five days and respond in writing. If the tenant does not respond appropriately within those five days, the landlord will be entitled to an immediate judgment for possession. Enacting an eviction moratorium would not only be in line with guidance issued by Governor DeSantis but would also allow the public to implement one of

¹ Kentucky Court of Justice Response to Covid-19 Emergency, Mar. 13, 2020, Supreme Court of Kentucky, Order No. 2020-08

² Temporary Standing Order Regarding Coronavirus Disease (COVID-19) Mitigation and All Justices of the Peace in Travis County, Mar.13, 2020, Travis County Justice of the Peace, Order No. 01

³ Standing Order Concerning COVID-19 Precautionary Measures, Mar.13, 2020, Justice of the Peace Court for State of Delaware

⁴ *Situation Summary*, Center for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>

the most basic and effective forms of public health management as directed by the CDC and by the Florida State Court System itself – “self-quarantining.” Cancelling hearings during this time is insufficient to address these concerns. Evictions are often resolved without hearings due to summary procedure; without a moratorium to suspend all deadlines in evictions during this emergency, low- and middle-income tenants will be forced to leave their homes to respond and deposit rent with the court within five days of service.

Finally, an eviction moratorium will avoid the direst outcome – thousands of Floridian renters displaced without a home in which to “self-quarantine” or socially distance from others, thereby furthering the public health crisis. An eviction moratorium will assist our state tremendously in “flattening the curve” of infections and reduce the overall burden on our limited healthcare resources in a time of the greatest need. It will avoid placing undue burdens on our judicial system during a time of public health crisis, and will help free law enforcement of administrative burdens associated with enforcing dispossession writs when they have higher priority tasks with which to assist our state.

Therefore, we hope that you will consider our request and use your powers pursuant to Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv) to impose an eviction moratorium and toll the short time deadlines in eviction proceedings during Florida’s declared state of emergency.

Sincerely,

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