

COMMUNITY JUSTICE PROJECT

September 1, 2019

Honorable Bertila Soto
Chief Judge
Eleventh Judicial Circuit of Florida
175 N.W. 1st Ave.
Miami, FL, 33128
via e-mail bsoto@jud11.flcourts.org

Dear Chief Judge Soto:

In light of Miami-Dade County's proximity to the path of Major Hurricane Dorian, we write this letter to respectfully ask that pursuant to Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv), you request from Chief Justice Charles T. Canady of the Florida Supreme Court that an eviction moratorium, suspending time deadlines imposed by Fla. Stat. §§ 83.59 and 51.011, be instituted if Hurricane Dorian impacts Miami-Dade County. According to Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv), 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 natural disaster . . . to enter such order or orders as may be appropriate to suspend, toll or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure . . ."

As you know, Governor DeSantis has declared a state of emergency for all of Florida.¹ Natural disasters exacerbate existing pressures on our community. An estimated 40% of American households would not be able to cover an emergency if faced with an unexpected expense of \$400.² As we unfortunately learned during Hurricane Irma, Miamians, many of whom are low-income renters, are particularly vulnerable to evictions in this period. Right now, many families are working to secure their homes, gathering the recommended 2-week supply of nonperishable food, protective supplies, extra medication, and preparing for potential evacuation.³ In this flurry of activity, receiving notice and adhering to the summary process deadlines is particularly challenging. The requirement to deposit rent in the court registry presents an extra layer of hardship for low-income tenants. If the tenant cannot make it to the courthouse to deposit her rent in time, she loses all potential defenses and will be evicted without a hearing.⁴

As late as Friday, August 30, 2019, with Hurricane Dorian looming from the east, residents of Miami-Dade County were being evicted from their homes. In one particularly troubling story, an

¹ Fla. Exec. Order No. 19-190 (Aug. 29, 2019).

² THE FEDERAL RESERVE, REPORT ON THE ECONOMIC WELL-BEING OF U.S. HOUSEHOLDS (2018), <https://www.federalreserve.gov/newsevents/pressreleases/other20180522a.htm>

³ *What Do You Need In A Survival Kit?*, AMERICAN RED CROSS, <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/survival-kit-supplies.html> (last visited Sept. 1, 2019).

⁴ Fla. Stat. § 83.60(2)

elderly woman on Miami Beach was evicted from her home as a major hurricane approached the region.⁵ Her belongings were forcibly removed and left on the street.

An order instituting a moratorium on evictions in Miami-Dade County during the pendency of the state of emergency for any hurricane would allow Miamians to focus on protecting lives and property from the extreme conditions following what is expected to be a Category 4 hurricane. Courts and local governments in other impacted areas have provided this protection. In Houston after Hurricane Harvey in 2017, the mayor called on landlords to be “sensitive and flexible.”⁶ However, that call to action was not a panacea, as the mayor noted, “some landlords have accepted September rent payments and then evicted the residents.”⁷ Similarly in Chicago, a county circuit court general order is sometimes used to prohibit the sheriff’s office from carrying out residential evictions when “extreme weather conditions endanger the health and welfare of those to be evicted.”⁸ Lastly, states like Kansas,⁹ Missouri,¹⁰ and Minnesota¹¹ have a cold weather rule, “preventing utilities from cutting natural gas or electric service when temperatures fall below 35 degrees.”¹²

Therefore, we respectfully ask that pursuant to Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv), you request from Chief Justice Charles T. Canady of the Florida Supreme Court that an eviction moratorium, suspending time deadlines imposed by Fla. Stat. §§ 83.59 and 51.011, be instituted in the event that Hurricane Dorian affects Miami-Dade County, or in the event of any future storm. In the event, as we are all hoping, that our community evades the impact of Hurricane Dorian, we would appreciate the opportunity to speak with you further about plans for future storms.

Sincerely,

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⁵ Roy Ramos & Andrea Torres, *With days away from Hurricane Dorian, landlord kicks out elderly woman in Miami Beach*, LOCAL 10 NEWS, Aug. 31, 2019, <https://www.local10.com/news/florida/miami-beach/with-days-away-from-hurricane-dorian-landlord-kicks-out-elderly-woman-in-miami-beach>

⁶ Aaron Barker, *Houston Mayor Asks Landlords to be Sensitive, Flexible*, CLICK 2 HOUSTON, <https://www.click2houston.com/news/houston-mayor-to-discuss-post-harvey-evictions>

⁷ *Id.*

⁸ *Eviction Schedule*, COOK COUNTY SHERIFF, <https://www.cookcountysheriff.org/eviction-schedule/>

⁹ Nick Viviani, *Cold Weather Rule for natural gas and electric utilities starts Wednesday*, WIBW, Oct. 30, 2017, <https://www.wibw.com/content/news/Cold-Weather-Rule-for-natural-gas-and-electric-utilities-starts-Wednesday-454161093.html>

¹⁰ James Long, *MO Cold Weather Rule takes effect Nov. 1*, KFVS, Oct. 25, 2017, <https://www.kfvs12.com/story/36684086/mo-cold-weather-rule-takes-effect-nov-1/>

¹¹ Pioneer Staff, *State’s cold weather rule heating assistance starts Sunday*, THE BEMIDJI PIONEER, Oct. 11, 2017, <https://www.bemidjipioneer.com/news/4342126-states-cold-weather-rule-heating-assistance-starts-sunday>

¹² Nick Viviani, *Cold Weather Rule for natural gas and electric utilities starts Wednesday*, WIBW, Oct. 30, 2017, <https://www.wibw.com/content/news/Cold-Weather-Rule-for-natural-gas-and-electric-utilities-starts-Wednesday-454161093.html>