

Miami Tenant Bill of Rights



FEBRUARY 2022

MIAMI HOUSING

"We are tired of paying more
for less. We are tired of
living in rat-infested slums...
Now is the time to make real
the promises of democracy.
Now is the time to open the
doors of opportunity to all of
God's children."
DR. KING, 1966



STATE OF EMERGENCY

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MIAMI WORKERS CENTER

The Miami Workers Center is a multiracial, multigenerational organization that organizes towards dignity, power, and self-determination with workers, tenants, women, and families across Miami, FL. We believe in a Miami in which all of us have access to a safe, affordable home that our children can grow up in; a Miami that we can find peace, joy, and comfort in. We believe housing is not a luxury but a human right. After knocking on thousands of doors throughout the course of the COVID-19 pandemic to build with our neighbors facing evictions, abuse, and displacement, we decided to launch a campaign to win a Tenant Bill of Rights, written for the people who are closest to the problem. **We believe that the safest community is an organized one.**

COMMUNITY JUSTICE PROJECT

Community Justice Project supports grassroots organizing for power, racial justice and human rights. Community Justice Project is made up of movement lawyers and researchers in South Florida who collaborate closely with community organizers to provide innovative lawyering and creative strategy tools. Community Justice Project is proud to support Miami Workers Center's campaign to win a Tenant Bill of Rights through policy analysis, research and legal representation.

TENANT BILL OF RIGHTS LEGISLATIVE PACKAGE

The Miami Workers Center's Tenant Bill of Rights legislation is directly informed by the lived experience of tenants fighting to stay housed in our communities. Tenants makeup 68% of the City of Miami's residents, ranking third in the country for the largest proportion of renters to homeowners. The City of Miami is the most rent-cost burdened city in the nation. Around 50% of residents of Miami-Dade County are renters. Our Bill of Rights package aims to address the housing issues we as tenants face, especially related to affordability, access, health, and landlord accountability. We want to see these protections guaranteed to all renters across Miami-Dade County.

"WE ARE HERE TODAY BECAUSE WE ARE TIRED. WE ARE TIRED OF PAYING MORE FOR LESS. WE ARE TIRED OF LIVING IN RAT-INFESTED SLUMS... NOW IS THE TIME TO MAKE REAL THE PROMISES OF DEMOCRACY. NOW IS THE TIME TO OPEN THE DOORS OF OPPORTUNITY TO ALL OF GOD'S CHILDREN."

– DR. KING, 1966



WHAT DO WE WANT

Instead of the great 'equalizer', the COVID pandemic has exacerbated violent inequality in our communities and magnified the distance between our communities' labor, our sacrifice, and the necessary protections we deserve and have yet to attain. While millionaires and billionaires increased their wealth by trillions of dollars on our backs, we got eviction notices, rent spikes, and harassing messages to leave our homes, put up with constant humiliating abuse, and stay quiet about it. Instead of suffering in silence we have decided to double down on raising our voices, to state loud and clear: Miami is not an exclusive playground for the rich, it is our home, we belong here, and whether luxury developers like it or not, **we are here to stay!**

Social change does not happen accidentally, and we do not win the protections we need and deserve by simply waiting around for them. We organize, and build the movement for housing justice one conversation, one meeting, one campaign at a time. **What has become clear to us through talking to our neighbors is: Miami renters need a Tenant Bill of Rights. Our community deserves safe, secure and affordable housing and we the people who rent our homes deserve a voice and real protections.**

Evictions, displacement, high rents, and exploitation of renters in Miami-Dade is a widespread and urgent crisis. Tens of thousands of tenants are forced to live in hazardous conditions that threaten our health and safety every day, while countless others are being pushed out of our communities altogether. The current system in Miami-Dade benefits landlords, at the expense of renters. **It doesn't have to be this way!**

Through hundreds of conversations with renters across Miami, and dozens of meetings where we as renters came together to answer questions like, "What do we need? What do we want to see change in Miami? What will make us and our families feel safe where we live?"

We have synthesized our contributions and ideas into a set of demands that make up the Miami Tenant Bill of Rights!

MIAMI TENANT BILL OF RIGHTS

- 1. Establish a dedicated Office of the Tenant Advocate**
- 2. Inform Tenants of our Rights**
- 3. End discrimination based on past evictions**
- 4. Enforce Accessibility and Safety for Tenants**
- 5. Protect our Freedom to Organize with Our Neighbors**
- 6. Right to Counsel for All Tenants in Eviction Court**



Office of the Tenant Advocate

Renters and our families deserve a seat at the table and a centralized office where we can seek support in enforcing our rights to remain housed and safe. One of the central components of our Tenant Bill of Rights Campaign is the establishment of a new office in Miami-Dade County, called the Office of the Tenant Advocate dedicated to listening to tenants, advocating for tenants, and enforcing tenant protections around harassment, discrimination, substandard living conditions and illegal evictions.

Across Miami there is a fundamental lack of accountability for landlords who violate the laws.

Without acknowledgement and local enforcement of existing tenant protections, we are left battling against the whims of bad-actor landlords who have far more resources to leverage, particularly in court. For example, landlords regularly use illegal tactics like shutting off electricity or locking tenants out of our homes in order to push us out without going through official legal channels. Tenants struggling to pay rent in the middle of a global pandemic have seen these abuses increase. Some of our neighbors are without power for days.



Renters should not be forced to navigate a complex court system just to have basic needs that are already protected under state law, met.



miamiworkerscenter

SEPTEMBER 29, 2021

For months tenants, many while fighting an eviction, discussed policy demands not only to protect themselves but all renters facing abuse & neglect in Miami. Inspired by @kctenants we mobilized to seed funding for a new Office of the Tenant Advocate and won. Tenants can govern 🗳️

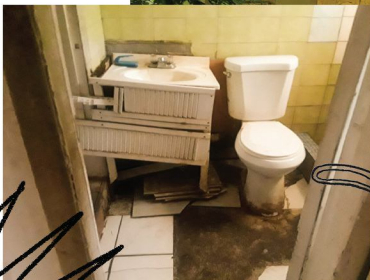


Inform Tenants of Our Rights

While there are existing local, state, and federal protections for tenants, unscrupulous landlords often ignore them knowing how difficult it is for tenants to enforce their rights.

Landlords should be required to provide tenants with a Bill of Rights document at the start of their tenancy that clearly lays out existing laws. This helps both property owners and tenants become more familiar with the laws that protect them. Such notices are already required in other parts of Florida, including Hillsborough County, St. Petersburg, and Gainesville.

Landlords and property managers should also be required to disclose hazardous issues to existing and new renters. In Liberty City, three school-age kids lived in an apartment with no functioning toilet for months and a water soaked ceiling fell on a sixteen year old injuring him while he slept in the same building. Dangerous structural issues, illegal electrical work, pest infestations, mold and long-term plumbing problems are just some of the hazardous conditions Miami-Dade renters face with no recourse.

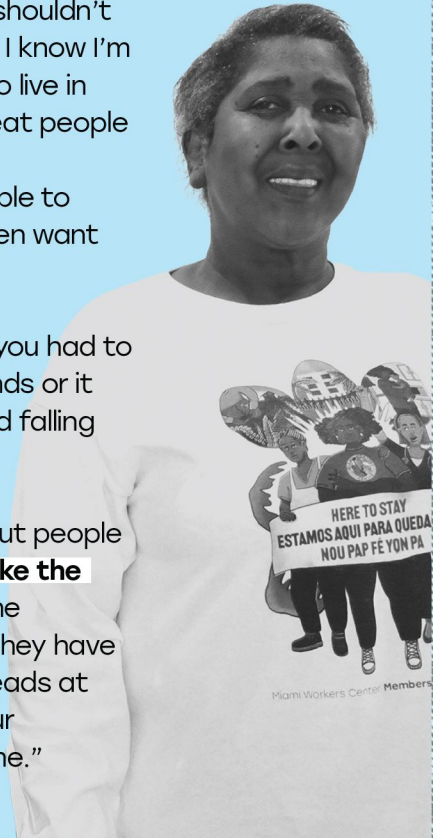


Yvonne

“Low income housing shouldn’t have to mean roach infestations. People deserve better. Low-income shouldn’t mean we have to live like this. I know I’m low-income but we aint got to live in just anything. Fix them up. Treat people how you want to be treated. Sometimes, I hate telling people to come to my house, I don’t even want them to come inside.

I remember one place I lived, you had to hold the sink up with your hands or it would fall down. It was old and falling apart.

These are the choices they put people in. **When you’re poor they make the choices for you.** I would tell the commissioners that just like they have a decent place to lay their heads at night, you should fight for your constituents to have the same.”



Tenants should also have the right to know who the owner of their building is and what to expect when a property changes hands. If a new owner intends to end a tenancy or raise the rent, Miami-Dade should require at least **60 days notice before such action takes place.**

Stop discrimination based on past evictions

From the beginning of the COVID pandemic through 2021, over 20,000 evictions were filed in Miami-Dade County.² In a typical year before the pandemic, more than 17,000 households were dragged into court.³

If a person experiences a court-documented eviction, that past eviction acts as a permanent stain on their record - even if they win their case in court. Having an eviction on your record results in blacklisting,⁴ as many landlords will not even consider an applicant with a prior eviction filing.⁵ Unlike credit reports, there is no time limit after which eviction records are cleared and there is no mechanism for Florida courts to expunge these records. Once filed, they haunt renters for life. Compounding the issue, Florida law allows so-called “no-cause” evictions for renters with month-to-month tenancies.

Evictions are not created equally. Black women, in particular women with children, are disproportionately impacted by evictions⁶ and have experienced long-term health impacts as a result.

A past eviction should not be the sole determinant of whether a tenant and their family can access future quality housing.

That is why discrimination on the basis of previous evictions should not be allowed in Miami-Dade County. Local governments, including Cleveland, OH, Washington, D.C. and Clark County, NV have acted in response to this crisis to ensure eviction records aren't a barrier to housing stability.

Miami-Dade County’s Human Rights Ordinance already makes it illegal to discriminate against any person in “employment; housing; public accommodations; and credit and financing practices on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, source of income, gender identity or expression, and/or status as a victim of domestic violence, dating violence, or stalking”

We ask that community education around the Commission on Human Rights and tools to file complaints within this resource be more robust and visible under the banner of the Office of Tenant Advocacy, specifically around housing.



² communityjusticeproject.com/evictiondata

³ <http://trialstats.flcourts.org/>

⁴ <https://newrepublic.com/article/161578/landlords-target-mothers-eviction-crisis-covid>

⁵ <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1202&context=njls>

https://www.nclc.org/images/pdf/special_projects/covid-19/IB_Salt_in_the_Wound.pdf

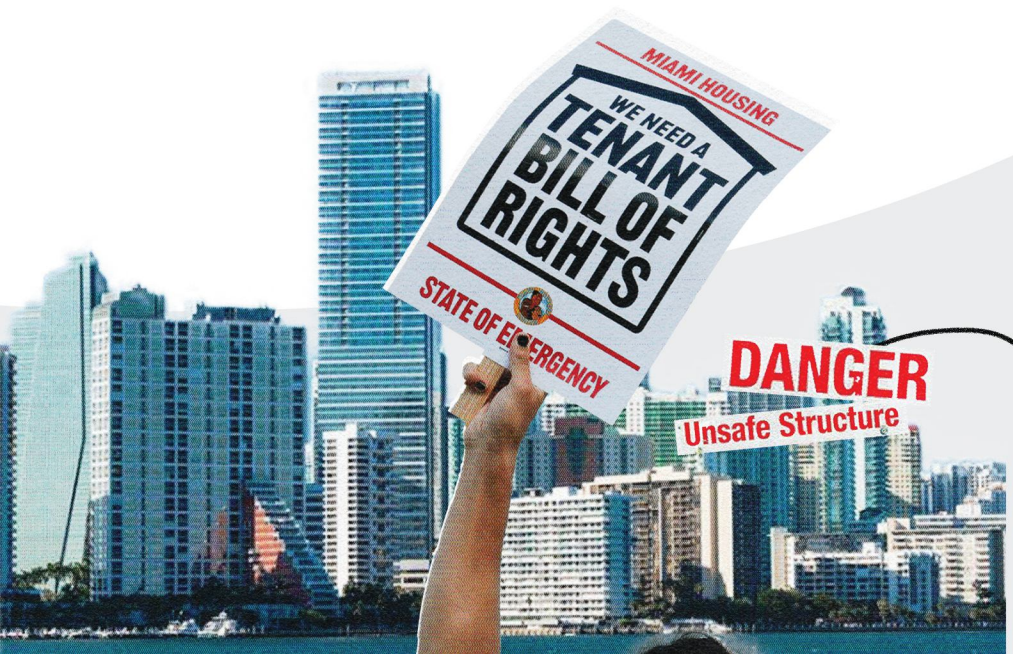
<https://theappeal.org/the-lab/report/erasing-the-scarlet-e-of-eviction-records/>

⁶ https://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf

Enforce Accessibility and Safety for Tenants

Currently under Florida statutes, renters are supposed to be guaranteed housing free of hazardous living conditions. If the property owner does not fix the problem tenants have the right to withhold rent until the habitability issues are addressed. While this protection is important, it is rarely enforced and in the meantime, tenants must wait extensive periods of time for the landlord to respond to their concerns. When renters do raise these concerns they are often put at risk of a retaliatory eviction for being a “problem tenant.” **As a result, renters, especially elderly residents, parents with children and people with disabilities are regularly forced to live in dangerous and precarious situations.**

Renters who attempt to make repairs are in a precarious position, as Florida law is silent on their right to repair and deduct the cost from their rent.



Renters are often the last to know about safety issues, getting notice just hours before evacuation or other interventions are necessary. After the Surfside tragedy, renters seeking repairs of unsafe units have faced an unthinkable choice. Rather than be met with support and assistance in rectifying long-neglected repairs, residents are forced out of their homes with no safety net and no support from the landlords whose responsibility these repairs were in the first place. In some particularly egregious cases, speculators and developers have even used the threat of condemnation to push out residents when no real threat existed.

Miami-Dade County can solve this problem by implementing simple solutions, like Miami Beach has had in force for decades and cities like New York have relied on to keep residents safe. In the event a building is deemed unsafe due to the neglect of the owner, that owner should be responsible for ensuring residents are safely housed elsewhere. This intervention not only shifts the incentive for would-be speculators, but removes the burden on the County to solve each of these crises as they unfold.



By holding landlords and building owners accountable to their duties to maintain their buildings, we are creating a safer county for all.

Freedom to Organize

While Florida statute currently prohibits retaliation against tenants for organizing with their neighbors to improve their housing conditions or submitting code violations complaints, landlords do, in fact, go after them.

Miami-Dade can strengthen the rights of tenants by prohibiting retaliation against those who attempt to enforce their rights under local laws, including those seeking assistance from the Office of the Tenant Advocate.

Miami-Dade County and local municipalities have a duty to make sure tenants and families will be less vulnerable to abuse at the hands of some landlords who violate existing laws.



Right to Counsel

Nationally, ninety percent of landlords are represented by lawyers in evictions, but a recent review of eviction filings in Miami-Dade⁷ found that just two percent of tenants have representation. Eviction proceedings historically have been unfair and imbalanced. Currently, tenants in Miami facing eviction do not have guaranteed access to legal representation to defend themselves in court.

It's not uncommon to see handwritten answers to the courts from renters who are trying to stay in their homes or to get more time to move out.

I _____ is responding to this matter in faith that the Court will grant me more time to find housing due to the Covid 19 pandemic. Things are hard right now for me and my kids. I'm a mother of a 1yr old and a 9yr old and I'm currently not working anymore due to the fact that there are no schools open so I'm at home with my kids full time. no daycare for my 1yr old infant. I was laid off from my job at the Cheesecake Factory because they weren't meeting their sales so they laid off over 10 workers/employees. I'm asking that your Honor please not put me and my kids out on the streets. Yes I'm aware that my lease agreement is over on Aug. 1, 2020 however I've been calling housing assistance and have never everything is all complicity due to Covid 19. As a mother I don't feel a shelter is safe right now for my minor kids. Please grant me more time to find housing for me and my kids.

⁷ Data on file with Community Justice Project.



This means the majority of tenants navigating an eviction, even those facing an illegal eviction, must navigate a hostile system on their own in order to protect their rights to stay in their home. The vast majority are unsuccessful.

Across the country municipalities have acknowledged that tenants navigating eviction court should have the right to legal representation. Right to counsel laws for tenants in eviction proceedings have been enacted in the following cities: Cleveland, Philadelphia, New York City, San Francisco, Newark, N.J., Boulder, Colo. and Baltimore. **These measures work.**

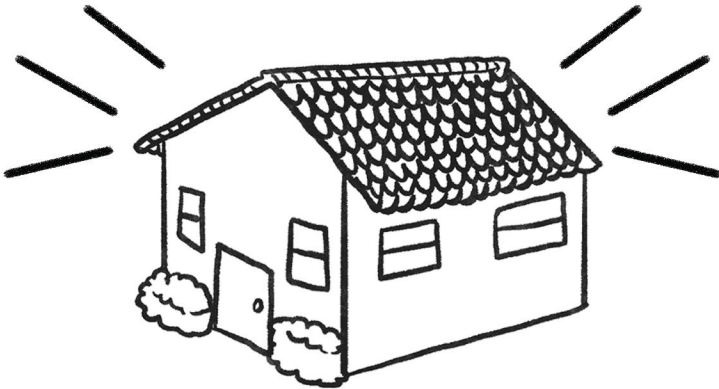
Eighty six percent of tenants who had representation as a result of New York City's right to counsel legislation were able to remain in their homes. In San Francisco, the eviction filing rate decreased by 10 percent between 2018 and 2019, and of those receiving full representation, 67 percent stayed in their homes.

Public funding is an essential component of Right to Counsel commitments. This investment has been shown to yield economic benefits of \$6 for every dollar invested in Baltimore.⁸

⁸ <https://www.stout.com/en/news/stout-completes-study-eviction-right-counsel-baltimore>



Providing a right to counsel allows people and families to be secure in their homes and communities. And in the time of a global pandemic, it also promotes public health.



Maria Rubi

Retail Worker, Mother,

Hialeah Union de Vecinos Tenant Leader



Necesitamos una ley que nos proteja del abuso de los millonarios que quieren venir a desplazarnos a todos: inmigrantes que hemos construido este gran país.

We need a law that protects us from the abuse of the millionaires who want to come and displace all of us: immigrants that have built this great country.

MIAMI HOUSING
"We are t"

Tayana Gibbs

Tenant Leader, Mother, Massage Therapist



I've been fighting an eviction case for almost a year now because of my abusive and racist leasing manager. I know if there was an office or hotline I could've contacted for help, this situation probably wouldn't have been able to escalate to this point. I decided to organize with the Miami Workers Center and knock on my neighbors doors to discover that they too, as single Black women, had been targeted by the leasing manager at the apartment complex. **We need a "Tenant Bill of Rights" in Miami because tenants like me don't feel protected from these unethical leasing managers and landlords/owners.** My family and I grew up in a small town in Miami called Coconut Grove where gentrification has and still is taking place. I have watched all of my childhood friends and their families be pushed out just because they can no longer afford living where they were born and raised! It's heartbreaking to have our history taken from us. We need to do something about this. Winning our Tenant Bill of Rights is the first step in preventing these things from happening in our communities we call home!

Fawn Johnston

Tenant Leader, Customer Service Worker



We tenants need a Tenants Bill of Rights in Miami because we need power. In the city of Miami and the state of Florida, we tenants have no protections. We need power to stand up to these abusive landlords. I fought against an eviction from an abusive and violent landlord. Although the eviction case was dismissed, it's still there on my record and it's not fair.

We shouldn't be discriminated against for having evictions on our record. We need our Tenants Bill of Rights legislation to be passed in Miami Dade County.



MIAMI HOUSING

**WE NEED A
TENANT
BILL OF
RIGHTS**



STATE OF EMERGENCY

**MIAMI
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**MIAMI
CENT
POWER**

What to do if you're

Facing Eviction

in Miami, FL



Remember

- Only an order from a judge, enforced by law enforcement, has the authority to force you out.
- A landlord cannot evict you by themselves. No matter how many times they threaten you.
- A landlord **NEVER** has the right to shut off your electricity or utilities while you are still living there.

Here are some steps you can take if you're facing an eviction in Miami

Step 1:

**Call Legal
Services of
Greater Miami
(LSGMI)**

LSGMI Miami-Dade
Phone #:

(305) 576-0080



Visit legalservicesmiami.org for more information about LSGMI services and support.

Step 2:

Apply for Emergency Rental Assistance

OUR FLORIDA

**MIAMI-DADE
COUNTY**



Visit miamiworkerscenter.org/facing-an-eviction for more information about applying for rental assistance.

Step 3:

Talk to Your Neighbors

Ask your neighbors if they too are facing an eviction, high rent, or have issues with their housing. Let them know they are not alone and you got their back. **Knock on your neighbors' doors to talk about your mutual needs, conditions in the building, and how you can support one another.**



Step 4:

Fight Back!

Housing is a right, not a luxury. Every single person deserves a roof over their head. If you and your neighbors want to fight to stay in your homes, **Miami Workers Center is here to fight by your side.**

 **(786) 833-7078**

 **evictiondefense@
miamiworkerscenter.org**





Miami Workers Center



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@miamiworkersctr

MiamiWorkersCenter.org

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