

**IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA**

FLORIDA ASSOCIATION OF
REALTORS, a not-for-profit
corporation d/b/a FLORIDA
REALTORS, and FLORIDA
APARTMENT ASSOCIATION,
INC., a not-for-profit
corporation, et al.,

Plaintiffs,

CASE NO. 2022-CA-007552-O

Division: 37

v.

ORANGE COUNTY and BILL
COWLES, in his official
capacity as Orange County
Supervisor of Elections,

Defendants.

**MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF
IN SUPPORT OF ORANGE COUNTY**

Pursuant to Fla. R. App. P. 9.370, Florida Rising and Central Florida Jobs With Justice (“*amicus*”) move this Court for leave to file an *amici curiae* brief in support of Defendant Orange County, and as grounds states as follows:

1. Florida Rising is a non-profit membership-based organization comprised of primarily working-class, Black and Brown

voters who would be at imminent risk of increased rents leading to displacement and homelessness if Defendant Orange County's rent stabilization policies are enjoined. Founded in 2021, Florida Rising currently has approximately 269 dues-paying members and over 1,200 other constituents in Orange County who either are tenants or otherwise impacted by the housing emergency.

2. Central Florida Jobs With Justice is a non-profit coalition of nearly 30 member organizations, including labor unions, community, faith-based, worker centers, and student organizations. They work to advance workers' rights and support workers, many of whom are tenants directly impacted by the proposed rent stabilization policy and all of whom are impacted by the grave housing emergency facing Orange County.

3. These organizations are uniquely situated to appear as *amici curiae* because they can provide the Court with an understanding of the full breadth of information presented to the Orange County Commission regarding how the current housing emergency not only impacts tenants directly, but further constitutes a serious menace to the general public. This is especially important since neither the tenants' nor other members of the public potentially impacted by the Plaintiffs' request for an injunction are before this

Court.

4. The proposed *amici curiae* brief is attached as Exhibit A. Pursuant to Rule 9.370, Counsel for the *amici* conferred with counsel for the parties in this action. Defendants consent to the filing of this brief, and Plaintiffs are opposed.

WHEREFORE, the *amici curiae* respectfully request this Court to grant leave to file the attached *amici curiae* brief.

Respectfully Submitted,

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Dated: September 13, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via notice of electronic filing to the following parties on this 13th day of September, 2022, to all attorneys listed to receive electronic service.

/s/ Berbeth Foster
Berbeth Foster, Esq.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing complies with the word-count limit requirements and font requirements as required by Fla. R. App. P. 9.045(e).

/s/ Berbeth Foster
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EXHIBIT A

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IN AND FOR ORANGE COUNTY, FLORIDA**

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REALTORS, a not-for-profit
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REALTORS, and FLORIDA
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CASE NO. 2022-CA-007552-O

Division: 37

v.

ORANGE COUNTY and BILL
COWLES, in his official
capacity as Orange County
Supervisor of Elections,

Defendants.

**BRIEF OF AMICI CURIAE FLORIDA RISING AND
CENTRAL FLORIDA JOBS WITH JUSTICE IN OPPOSITION TO
PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION**

/s/ Berbeth Foster _____

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STATEMENT OF INTEREST OF AMICI CURIAE

I. Florida Rising

Florida Rising is a non-profit membership-based organization comprised of primarily working-class Black and Brown voters who would be at imminent risk of increased rents leading to displacement and homelessness if Defendant Orange County's rent stabilization policies are enjoined.

Founded in 2021, Florida Rising currently has approximately 269 dues-paying members and over 1,200 other members living in Orange County who are tenants or otherwise impacted by the housing emergency. Florida Rising has expended significant resources supporting tenants facing rising rents and homelessness, educating the public about the housing emergency, and advocating for rent stabilization. Florida Rising also expends significant resources to ensure that historically marginalized communities have a say in local policy making and at the ballot box. The extraordinary relief requested by Plaintiffs—stripping Orange County residents of their ability to vote on this issue—threatens long-term harm to Florida Rising's significant and ongoing efforts.

Florida Rising members and staff participated in each of the

four County Commission meetings and public hearings prior to the passage of the rent stabilization ordinance. They met with their commissioners, researched models from other jurisdictions, placed phone calls, wrote emails and social media messages, and testified in public hearings.

II. Central Florida Jobs with Justice

Central Florida Jobs With Justice (“CFJWJ - Jobs With Justice”) is a non-profit coalition of nearly 30 member organizations, including labor unions, community, faith-based, worker centers, and student organizations. CFJWJ - Jobs With Justice works to advance workers’ rights and support workers, many of whom are tenants directly impacted by the proposed rent stabilization policy and all of whom are impacted by the grave housing emergency facing Orange County.

CFJWJ - Jobs With Justice has expended significant resources supporting workers facing rising rents and displacement, addressing the impact this displacement has on workers and the labor force as a whole, educating the public about the housing emergency, and advocating for rent stabilization. CFJWJ - Jobs With Justice participated in County Commission meetings and public hearings prior to the passage of the rent stabilization ordinance

SUMMARY

In the months leading up to the passage of Orange County Ordinance 2022-29 (“Rent Stabilization Ordinance”), the Orange County Board of County Commissioners (hereinafter the “Board”) was presented with overwhelming evidence underscoring the existence of a housing emergency and moved to action by their constituents. *Amici*, herein, seek to highlight a vital portion of that evidence for the court. This evidence, presented by community residents, including renters, homeowners, workers, local organizers, and faith leaders in their own words at public hearings and through written submissions to the Board, underscores the Board’s finding of “a housing emergency which is so grave as to constitute a serious menace to the general public.”

Plaintiffs, ignoring the crisis obvious to so many experiencing it, argue that even if the a housing emergency exists it is not “likely to cause harm’... to ‘the people of a country or community as a whole.’”¹ The testimony offered by members of the public, just a sampling of which is included in this brief, makes it clear that the impact of this housing emergency not only has deep, lasting impacts on renters who

¹ Plaintiffs’ Motion for Temporary Injunction, at 17.

will face eviction and possible displacement from the County altogether if this Ordinance is enjoined, but the broader impact on the community as a whole. Collectively, these impacts to Orange County residents far outweigh the speculative impact to Plaintiffs alleged in their filings.

ARGUMENT

I. The Orange County Commission considered ample evidence establishing the existence in fact of a “housing emergency” as required by the statute.

a. Unchecked Rent Increases Have a Devastating Impact on Renters.

On August 9, 2022, the Board passed the Rent Stabilization Ordinance and, in support thereof, included the legislative findings evidencing the impact of skyrocketing rents on the residents of Orange County. The Board found that 80.3 percent of households in the county earning at or below the Average Median Income (AMI) in Orange County are considered “cost burdened,” meaning they pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care.² They further cited that tenancies are being

² Orange County Ordinance No. 2022-29, § 2 (Aug. 9, 2022) (to be codified at Orange County Code of Ordinances § 25-381(h)).

terminated and eviction rates are increasing. For the first half of 2022, there have been 6,970 eviction case filings, which is a 70.1 percent increase over the same period in 2021.³

In addition to the legislative findings noted in the Ordinance, the Board considered the testimony provided by many of its constituents during public comment at numerous Board meetings. For instance, at the July 26, 2022, Board meeting, Annie Sierra, a member of the Local 737 union and a Disney employee stated, “In the last few months my rent has been raised \$200, and in the next few months it can go up more.. I had to choose whether to pay my car, feed my children or pay for my rent. I choose to pay my rent and provide food for my family, therefore I had to turn in my vehicle.”⁴ Another resident, Cynthia Harris, appeared at the April 5, 2022, hearing and spoke about how the impact of rent increases on her community, stating:

You do not know how people are suffering in this community who are afraid every day about how they are going to pay their rent or how they are going to pay their mortgage. Rent has increased between \$200-\$400 for

³ *Id.* at § 25-381(k).

⁴ Meeting of the Orange County Board of County Commissioners, July 26, 2022 at 1:15:00 (available at <https://netapps.ocfl.net/Mod/meetings/1>).

most people since the pandemic. The rental process is a \$100 application fee, a \$50 background check per person, first, last, and a deposit. That averages up to about \$5-7k that you have to have before you can even move in and get your keys. Take that with a denial letter, now you have to start the process over cause the landlord who is so greedy, has a non-refundable clause in that matter. You all belong to the 1 percent because we hired you to be there, we are the 99 percent that are asking that you be the voice for us in this community, making sure that we are safe. You want a 1 percent transportation tax, you won't have that because we will be gone, because we can't afford our rent, we can't afford food, we can't afford to provide just the basic necessities for our families because everything is going up.⁵

Rochelle Pierre, another Orange County resident, brought her third rent increase letter in less than two years with her to the dais at a recent Board meeting, lifting it in the air stating, "For the past two years, living in this apartment, my rent increased more than three times with barely 2-3 months' notice in advance... Right here is another increase for this month. Absolutely no preparation was made."⁶ She continued,

I am a single mother of two wonderfully made sons and a 13-year-old little brother. I would love to buy my little brother his dream Jordan shoes for his birthday next month, and not have to worry about how I will be paying

⁵ Meeting of the Orange County Board of County Commissioners, April 5, 2022, at 13:45 (available at <https://netapps.ocfl.net/Mod/meetings/1>).

⁶ *Id.*, at 8:55.

next month's rent due to the increase. I would love to live in a much cheaper place, but what does that really mean? Will they be able to attend a good school, due to a cheaper complex? Will they be safe playing outside like all kids their age should be doing? Should I have to sleep at night with one eye open, or should I have to worry if will they even make it home from the bus stop? I am guessing all those questions are up to you commissioner, I do not know what the solution is, but your people are suffering and counting on you to make a difference.⁷

Some residents reported experiencing rent increases of 75 percent or more, with little notice or time to secure alternative housing. Danny Ramos stated at the June 7, 2022, Orange County Commission meeting that his rent increased by 50 percent without justification.⁸ While another resident, Diana Geery, saw her rent increase by 77 percent.⁹ Carmen Arroyo stated at the April 5, 2022, hearing that her cousin experienced a \$200 rent increase and often has to ask family members and friends for help in paying the rent because she simply cannot afford it.¹⁰

⁷ *Id.*

⁸ Meeting of the Orange County Board of County Commissioners, June 7, 2022, at 38:40 (available at <https://netapps.ocfl.net/Mod/meetings/1>).

⁹*Id.*, at 47:30.

¹⁰ April 5, 2022, Board meeting, at 10:49.

Natalie Armstrong Morehead told the Board that she felt unsafe in her unit and desperately wanted to move, but she couldn't afford the moving costs and rent increases.¹¹ After a shooting happened right outside of her apartment, she notified the landlord that she would not be renewing her lease, only to not be able to find another apartment that she could afford. Then the landlord raised the rent \$200 at the apartment that she did not even want to remain in. In all senses of the word, Ms. Morehead was stuck.

As a direct result of these rent increases, many who addressed the Board had recently experienced an eviction, which brings with it long-lasting and devastating financial and social impacts. At the June 7, 2022, meeting, a 15-year resident of Orange County who had lived in the same apartment for over nine years, shared how they had recently been evicted from their home due to a rent increase.¹² They were forced to move into an overcrowded home. At the same meeting, Elizabeth Martinez told the Orange County commissioner that she was evicted in the midst of the pandemic and unable to find affordable housing. She explained that rent had tripled since being

¹¹ *Id.*, at 22:35.

¹² June 7, 2022, Board meeting, at 1:03:12.

houseless and that with an eviction on her record landlords require six times the rent as a deposit.¹³

Mr. Ramos also testified before the Board that the housing emergency was disproportionately impacting Black and Brown communities, which make up over 60 percent of the Orange County population. Excessive rent increases and the resulting displacement are a racial issue and affect people of color disproportionately. He asked the Board, “Why do people of color have to be displaced in order to accommodate people coming in from the north and other parts of the country? This is a racial issue that affects the minority community.”¹⁴

b. A Noted Increase in Homelessness Presents a Social and Economic Cost to the County.

At the April 5, 2022, Orange County Board of Commissioners meeting, a local resident, Rita Harris, spoke through tears about the impact the housing emergency has had on her community. She stated,

I have lived in this area, in this house, for the last 12 years and I have lived in the area for the last 20 years. ... I have never seen what I have seen here in the last year ... people

¹³ *Id.*, at 1:07:01

¹⁴ *Id.*, at 38:40.

[are] living in ... wooded areas behind car dealerships, behind convenience stores, anywhere where they can hide from the public eye. And these are, let me be very clear, families. Sometimes there is a mother, a father, a child, a dog, a pet, and they are homeless and living in the woods. ... These are working people who cannot afford to live in their apartments anymore. And that is a travesty, okay.. We can't continue to let it happen. I can't drive past a family of people living in the woods struggling to survive, who work, because they can't afford these outrageous rent increases. Normal rent increases are part of life, but these rent increases are astronomical and they are not within the normal amount of growth that we would expect.¹⁵

Ms. Harris was not the only resident who had directly observed an increase in the number of houseless families in her community. Many residents came to speak because they, too, had seen an increase in the number of families struggling. At the same April 5, 2022, meeting, Frank Torres was moved to speak even though he had not planned to. He said, "the [rent] prices are still going up. There are a lot of families out there. We used to see individuals underneath I-4, now we see families underneath I-4 on picnic blankets on Sunday morning when we're coming back from church, asking for help."¹⁶

¹⁵ April 5, 2022, Board meeting, at 20:15.

¹⁶ *Id.*, at 24:55.

c. Rising Rents and Resulting Evictions are a Public Health Issue.

While rents are rising and more and more families find themselves without homes, many tenants made public comments on the impact that this housing emergency has had on their families and shared stories that have serious implications for public health. Residents mentioned not being able to afford food, and not being able to afford basic necessities if they plan on paying the rent on time. These choices have severe impacts on public health.

In addition, residents' physical and mental health suffers when families cannot find adequate housing. As Florida Rising stated in its letter to Mayor Demmings and the Board on July 15, 2022, "In November 2021 there were 334 evictions in Orange County. Legal Aid Society in Orange County reports¹⁷ that starting from January 2020 to December 2021, Black and African American renters made up more than 40 percent of its clients facing eviction. Hispanics make up more than 20 percent. Also, the five ZIP codes with the largest

¹⁷ Jess Canales, Rising rent prices impacting minority communities in Central Florida the most, Spectrum News (Dec. 2021) (available at <https://www.mynews13.com/fl/orlando/news/2021/12/28/rising-central-florida-rent-hits-minorities-the-most?>)

Black populations all appear¹⁸ in the top 10 ZIP codes for eviction, both by raw numbers and by eviction rate.”¹⁹ The letter goes on to outline the impact that evictions and unstable housing have on pregnant women and their children.

The Board also had the opportunity to review a JAMA Pediatrics Journal²⁰ article that “reports that infants born to mothers who have an eviction filed against them during their pregnancy are more likely to be born prematurely or low birth weight, and also have higher mortality compared to infants born to mothers evicted at times other than pregnancy.”²¹

¹⁸ Desiree Stennett, Locked Out: Black renters in Central Florida more likely to be evicted - even before COVID, Orlando Sentinel (May 2021) (available at <https://www.orlandosentinel.com/business/real-estate/evictions/os-ne-florida-eviction-crisis-black-renters-20210520-i332a2xohfcs1mtr6mm4xcotwq-htmlstory.html>).

¹⁹ Florida Rising’s Letter to Orange County, Mayor Demmings (July 15, 2022), Re: The statutory case for a housing state of emergency and tenant bill of rights.

²⁰ Gracie Himmelstein & Matthew Desmond, *Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016*, (March 2021) (available at <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2776776>).

²¹ July 15, 2022, Letter to Mayor Demmings.

II. The Orange County Commission considered ample evidence that the housing emergency constituted “a serious menace to the general public.”

In addition to the legislative findings in the Rent Stabilization Ordinance and data submitted to the Board ahead of the August 9, 2022, public hearing, the Board heard from a substantial number of local residents. At the July 26, 2022, meeting of the Board, Minister Sheena Rolle commented on the overwhelming amount of community input the Board had received regarding the housing emergency: “You have heard from thousands... You have seen hundreds of people mobilize.”²² Indeed, between April 2022 and July 2022, community members spoke at least four Board meetings about the need for rent stabilization. The public comments offered at these hearings provided a broad range of compelling expert and lived experience insights on how the housing emergency impacted the general public, and highlighted the extreme toll this crisis had taken, not only on renters, but on the broader community.

²² July 26, 2022, Board meeting, at 34:49.

a. The Housing Emergency is Forcing Whole Communities Out of Orange County.

At the July 26, 2022, Board meeting, Orange County residents including Gracie Fowler described how unchecked rent increases led to the displacement of entire communities. Despite Ms. Fowler's union job, she struggled to see how she could continue to live in her hometown because of increasing housing costs. Ms. Fowler stated that she raised her son and daughter in their downtown home since the kids were in kindergarten. She chose her neighborhood because of its close proximity to good educational institutions for her children, grocery stores and medical providers, without the need for a car. She spoke from personal experience about always having lived in a three-bedroom apartment, but since the rent has nearly doubled, she had to consider moving into a two-bedroom apartment and sleeping in the living room so that her kids could continue to have their own rooms. She said that she and her neighbor across the street are looking for second jobs to afford their rent. While choking back tears, Ms. Fowler said, "the problems of affording places to live where children and families have access to good schools and where we have built deep ties to our neighbors is not only affecting those in extreme

circumstances, it's affecting huge numbers of working families, and it's obvious... tons of people are crying out about this problem.”²³

These concerns of displacement were echoed by Ms. Geery, the wife of a veteran, working professional, and mother of college-aged children. Ms. Geery testified that this may be the last year her family can afford to live in Orange County to consider stepping back from their college education in order to work more to help pay the rent. “We have to be roommates now, and not just a family...because we have to split this four ways.”²⁴ Ms. Geery said she believes in rent stabilization because she believes that her family and families just like hers are the fabric of the community.

Another tenant, Miguel S., testified that rent increases were a serious threat to the community prior to the pandemic.²⁵ This was a result of an influx of “global buyers and foreign investors” purchasing homes at amounts that were not consistent with the property values, he said. He commented that local landlords are using the pandemic as an excuse to justify rent hikes and that the continued increase in

²³ *Id.*, at 1:18:33.

²⁴ June 7, 2022, Board meeting at 47:30.

²⁵ *Id* at 21:18.

rents threatens the entire economy of Central Florida since low-income families who represent the working class continue to leave the area because they can't afford to live there.

The Board also heard from a resident who was originally displaced by Hurricane Maria and relocated to Orlando from Puerto Rico four years ago. In his public comment, he talked about his inability to fully acclimate himself into the community because since he has been forced to move so many times since moving to Central Florida. He has not been able to settle anywhere due to the ever-increasing costs of rent. He is also witnessing the plight of his co-workers at the airport who, despite having jobs, are homeless and are forced to live in different motels every week just to have a roof over their heads.²⁶ Displacement at this scale harms not only those individuals cast out of Orange County, but impacts the broader community by diminishing diversity, and losing long-time and multi-generational residents.

²⁶ *Id.*, at 51:54.

b. The Housing Emergency is Pushing Critical Workers out of Orange County, Threatening the Stability of the Tourism and Hospitality Industries.

The Board consistently heard from workers in the County struggling to stay afloat in this housing emergency, many of whom are low-wage immigrant workers working in tourism and hospitality industries. At the July 26, 2022, Board meeting, Ms. Sierra, a member of the Local 737 union and a Disney employee, explained how she had to give up her car in order to afford the higher rent. These types of choices dramatically impact a worker's ability to access not only their job, but also doctors' appointments, schooling, and other essential services.²⁷

The Board heard how the disparity between wages and rising rents was being felt by many hospitality workers. Frank Rivera Martinez, a member of Aprende Quien Que, commented through a translator that many of the group's members are working class people who clean rooms and work in the hospitality industry; therefore, they do not earn much. One of the group's members in Metro West experienced a \$300 rent increase with no notice from their landlord. Mr. Martinez went on to say that no one from this

²⁷ July 26, 2022, Board meeting at 1:15:00.

working-class community earns enough money to afford even a 10 or 15 percent increase on their rent. He implored the Board to pass a rent cap of no more than 5 percent to serve “the people, all of the people and not the corporations.”²⁸

Erika Gomez Tejada, a labor organizer and member of the Labor Council for the Advancement of Latin American Affairs in Central Florida, testified that even as the labor movement continues to defend essential workers and fight for living wages, union contracts cannot keep pace with the 25 percent rent increases from corporate landlords like Blackstone.²⁹

Another community leader, Alexander Wheadon, President of the Young Democrats of Orange County, testified at the July 26, 2022 Board meeting about how the housing emergency was not just impacting working class communities, but also young professionals in the County. In his work with the Young Democrats organization, Mr. Wheadon said he is witnessing rent hikes and poorly maintained buildings drive out “a generation of bright, civically engaged young people who love Orlando... teachers, public defenders, state

²⁸ *Id.* at 24:29.

²⁹ *Id.* at 1:09:58.

attorneys, [and] young people thinking of starting families.”³⁰ Workers from each of these varied industries make life in Orange County possible. As the housing emergency drains talent and leadership from Orange County and creates critical worker shortages, its impacts are being felt far beyond renters.

c. Allowing Unchecked Rent Profiteering Runs Afoul of Community Values

The record also reflects that the Board heard and considered testimony of the severe impacts of rent profiteering within the County. At the April 5, 2022, Board meeting, Wes Hodge, a representative of the Orange County Democratic Party, appeared before the Board to share the party’s unanimous support for the rent control ordinance. He focused his testimony on how the apartment industry lied to the Board in 2020 and committed to not increasing rent for 30 months due to the economic effects of the pandemic, but less than a year later, rent had seen an over 15 percent increase all while reporting record profit margins to investors. Mr. Hodge pleaded with the Board to institute rent control and stand up for working

³⁰ *Id.* at 1:27:30.

parents in the county who are facing the prospect of living out of their car with their child.³¹

Mr. Ramos, a tenant at the June 7, 2022 Board meeting, also provided public comment that landlords were simply raising rents because they could, and not based on increased costs or expenses.

A thousand people are coming in every week and there isn't any housing for them, so what happens? You increase the rents, you displace people [who live here] for people who can pay. My rent went up 50 percent, from one moment to the other... I had absolutely no increase in services, nothing was done to my apartment, nothing was done outside my apartment and it went up 50 percent.³²

Elizabeth Martinez, a community organizer with Florida Rising, testified that she and her two children were now living in a hotel as result of an eviction during the pandemic. Despite the “pretty good money” that she earns, Ms. Martinez cannot find affordable housing. She explained to the Board that the money she earns is not enough because she cannot afford to pay six times the rent as a deposit, which landlord are requiring as a result of the past eviction on her record. Fighting back tears, Ms. Martinez talked about her anger at

³¹ April 5, 2022, Board meeting at 1:17.

³² June 7, 2022, Board meeting at 38:40.

the rent profiteering of the real estate industry and she said to the Board,

What about people over profits?... I am disgusted at the faces here who are trying to save their own pockets at the cost of the residents who need the help... Help us and stop helping the people who don't know what it's like to go home to a hotel everyday with two children wondering when the hell are we getting out.. Help us, help them, stop helping them [as she pointed to real estate professionals in the room].³³

Testimony such as this, along with the data provided in the record reflecting that rent increases are far outpacing inflation, provided ample evidence to the Board that astronomical increases in rent by landlords were motivated by profits and not costs.

d. The Housing Emergency Fuels Domestic Violence

The Board further heard testimony from domestic violence survivors and advocates who discussed the grave implications of the housing emergency on victims. Jessy Correa, a single mother of six children and survivor of domestic violence, shared that after mustering up the courage to leave her abuser and trying to start a new life, she has seen her rent go up from \$1,900 to \$2,250, and she

³³ *Id.*, at 1:07:01.

is facing another increase that will make her monthly rent \$2,600. She talked about being a hard worker who also wants to be a present mother to her six children, one of which suffers from autism.³⁴ Additionally, Mr. Wheadon, a criminal defense attorney and the President of the Young Democrats of Orange County, testified that, “Real people, right now are choosing to stay in dangerous, potentially deadly situations because they can’t afford rent on their own.”³⁵ Another county resident, Rhonda Leray Wallace, testified that the stress of rent increases breeds domestic violence and that she has witnessed this first hand. She stated that her cousin was murdered a few days before in a domestic violence incident as a result of the violence created by the housing emergency. “People who can’t pay their rent, fight,” she said. Before she left the podium, Ms. Wallace implored the Board to “do something now.”³⁶

³⁴ July 26, 2022, Board meeting at 47:38.

³⁵ *Id.* at 1:27:30.

³⁶ *Id.* at 1:32:39.

e. Congregations of Various Faith Communities Have Had to Divert Resources to Address the Housing Emergency.

Historically and today, religious institutions act as a refuge for suffering community members. So just as communities feel the impacts of the housing emergency, so do centers of worship. Pastor Bernie Collins from Christ International Church testified at the July 26, 2022, Board meeting that, “We are dealing with this crisis in our homes and our churches.” He lamented that parishioners at his church are working full-time jobs, but still cannot afford to live where they are living. Their rents have gone up an astronomical rate and so he asked the Board to cap rental increases at 5 percent because although that is a lot for the average person, it is manageable.³⁷ Father Charles T. Myers, pastor of the Episcopal Church of Saint John the Baptist concurred with the 5 percent rent cap. He said,

It is we, your faith leaders who have to provide assistance for rent or assistance for food when our parishioners can't afford it..We are asking for a cap of 5 percent..so that rents are not going up 20, 30, 40 percent. People getting last minute rent hikes and then being kicked out. Our economy is built on the backs of the working poor; the working poor that provide for our hospitality, provide for our tourist industry... and yet we kick them out by the

³⁷ *Id.* at 35:26.

legislation by which we pass. Please do not let our brothers and sisters and siblings be homeless.³⁸

At the same hearing, Bishop David Maldonado, also of Christ International, stated that as a pastor in the community he is extremely concerned about his church members, the vast majority of whom are residents in Orange County. He talked about families having to share accommodations so as to prevent families from living on the streets. “We have had families who are now homeless,” Bishop Maldonado stated. “Thank god for church members who are letting them stay with them.” He further expressed that the rent hikes are gravely affecting Latinos, African-American, and Caribbean families.³⁹

III. The Relief Sought by Plaintiffs Undermines Democracy.

In addition to the inequities that exist in the balance of harms currently, as the tenants of Orange County have been attempting to survive in a market that is quickly erasing them, there is also a threat to democracy here. Plaintiffs have alleged mere speculative harm if the Ordinance were to put to voters this November. While Orange

³⁸ *Id.* at 37:44.

³⁹ *Id.* at 44:03.

County renters and the broader community continue to suffer under the weight of the current and growing housing emergency, Plaintiffs have failed to allege sufficient basis for the extraordinary intervention they seek. Plaintiffs alleged harms, were the court to find them sufficient, would result from the enforcement of the Ordinance and no sooner, which makes this temporary injunction premature, at best. To withhold the opportunity to vote on this issue undermines the confidence in democracy for those who were moved to organize, participate in public hearings, reach out to their neighbors and elected officials in an effort to secure this policy's place on the November ballot.

CONCLUSION

For the reasons discussed above, *Amici Curiae* Florida Rising and Central Florida Jobs With Justice respectfully request that the Motion for Temporary Injunction be denied.

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