

COVID 19 FACT SHEET

SUMMARY OF RESIDENTIAL TENANT PROTECTIONS

NON-PAYMENT OF RENT DUE TO COVID-19

Rent is still due and owing during this emergency; however, most tenants cannot be evicted for non-payment of rent right now. Several changes in the law occurred which may apply to a non-payment of rent eviction.

FEDERAL CARES ACT: The CARES Act is a federal law prohibiting certain landlords from filing new lawsuits for evictions and charging fees for late rent payments for non-payment. This law protects tenants in federally subsidized housing programs, HUD Housing Programs, Low-Income Housing Tax Credit properties, and tenants living in private housing where the owner has a federally backed mortgage on the property. A mortgage is federally backed if it is insured or assisted in anyway by: HUD, the VA, USDA, Fannie Mae, Freddie Mac, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation. Around 70% of mortgages are estimated to be federally backed.

Here is a non-exhaustive database of federally backed mortgages: non-exhaustive database of federally backed mortgages: <https://nlihc.org/federal-moratoriums>

The moratorium went into effect on March 27, 2020 and extends for 120 days (until July 25, 2020). The landlord should not serve a notice to pay rent or vacate while the moratorium is in place. After the moratorium ends, the landlord must provide at least 30 days' notice before filing a lawsuit for eviction based on non-payment of rent. Additionally, the landlord cannot charge you late fees during this time.

NOTE: the moratorium does NOT prevent the landlord from filing evictions for lease violations unrelated to non-payment of rent. The landlord can also proceed with evictions filed before March 27, 2020.

FLORIDA STATEWIDE EXECUTIVE ORDER: In addition to the Federal CARES Act there is a separate Florida statewide eviction moratorium signed on April 2, 2020. This Statewide moratorium applies to all non-payment of rent evictions. Evictions will be suspended for 45 days due to non-payment of rent. This moratorium will last through May 17, 2020. However, it DOES NOT relieve the tenant's rent obligation during the tolling period. Additionally, the tenant may need to demonstrate that the failure to pay rent is due to the COVID-19 Crisis. It will be important to gather as much documentation as you can showing your inability to pay rent is related to COVID-19. For example, documentation of when and why you lost your income may be helpful if you lost your income due to the COVID-19 Emergency.

MIAMI-DADE COUNTY ORDINANCE: There is a law suspending evictions from Miami Public Housing and County Owned Affordable Housing during a state of emergency. You **may** be served with an eviction, but you cannot be physically evicted. According to this law, Miami-Dade County Public Housing and Community Development ("PHCD") cannot take "any action to facilitate the eviction of residents." This law likely means that PHCD should not be taking any steps in the eviction process if you live in public housing or county owned housing.

MIAMI-DADE COUNTY COURTS: Courthouses are only hearing emergency matters (not evictions) and deadlines are extended until May 29, 2020. If you had any court deadline between Monday March 16, 2020 through May 29, 2020 (such as a 5-day deadline to file an answer and deposit the rent at the courthouse), you need to be ready to meet your deadline on June 1, 2020.

MONORE COUNTY COURTS: Deadlines are not tolled, but the statewide moratorium is in place through May 17, 2020.

RESOURCES: Please visit our websites for additional information or to apply for our services: <https://www.legalservicesmiami.org/covid-19> & <http://communityjusticeproject.com/covid19>