

COVID-19, Landlords and Tenants: Housing Law During COVID-19

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I. Is there an Eviction Moratorium?

- a. Governor's Executive Order
- b. CARES Act
 - i. Covered Properties
 - ii. Prohibited Acts
 - iii. Mortgage Forbearance
- c. Florida Supreme Court Order regarding Writs of Possession
- d. Local Administrative Orders
 - i. www.florida.evictionprotection.org reference point, resources and links
- g. No impact on liability for rent

II. COVID-19 Practical Considerations

- a. Notes on the Financial Stresses of COVID-19 and the Impact on the Landlord-Tenant Interaction.
 - i. Heightened Importance of Technical Compliance / Procedural Rules
 - ii. The Myth of the Tenant Right to Good Customer Service (especially during a pandemic-induced financial collapse)
- b. Does the Virus change the Rules? (About a tenant's lease, rights, duties . . .) School's cancelled – life is different . . . now what?
 - i. Force Majeure
 - ii. Impossibility of Performance / Frustration of Purpose
 - iii. Legislative Intent Argument
- c. Lease Walkaway – Landlord Remedies.
 - i. Acceleration and Debt Liability?
 - ii. Mitigation of Damages
- d. Rent Strike – Be Careful of Roommate Liability

III. Eviction-Specific Issues

- a. Non-payment by the tenant
 - i. Notices to Pay Rent
 - ii. Filing evictions &
 - iii. Security Deposits
 - iv. Repayment agreements
- b. Other lease violations
- c. Month-to-month tenancies
- d. Pending Evictions
- e. Landlord concerns & possible Landlord assistance

IV. Prohibited Practices – Florida Statute 83.67

- a. Prohibited conduct
- b. Remedies

V. Proposed Legislation

VI. Q&A