


Memorandum



Date: February 28, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Updated Information for Community Needs Assessment Regarding Legal Assistance for Evictions - Directive No. 221754

Substitute Report: This substitute report differs from the previous Community Needs Assessment Regarding Legal Assistance for Eviction (File No. 230296) by providing additional and updated data reflecting the need among low-income residents, updated eviction data, and obtained additional data from the Clerk of the Courts through a public records request. This substitute also provides additional details regarding the roles of the proposed program partners.

Executive Summary

This report is in response to Resolution No. R-711-22, sponsored by Commissioner Eileen Higgins, adopted by the Board of County Commissioners on July 19, 2022, directing the County Mayor or County Mayor's designee to develop a Community Needs Assessment evaluating the need among low-income residents in Miami-Dade County for legal representation or legal services during landlord disputes and the eviction process for the upcoming fiscal year, and to identify nonprofit legal services organizations capable of providing such legal representation or services, and to identify available funding consistent with the Community Needs Assessment in the Mayor's Proposed Fiscal Year (FY) 2022-23 County Budget.

Community Needs Assessment

A Community Needs Assessment conducted by the Administration found there is significant need among Miami-Dade County (County) low-income residents for legal representation during landlord disputes and the eviction process, and a program designed to support free or low-cost legal assistance could benefit residents, landlords, and the local homeless continuum of care. A program that includes direct outreach to residents facing eviction and funding for legal assistance would complement the County's existing programs designed to address the affordability crisis and keep residents in their homes. Existing programs and services offered by the County include the Emergency Rental

Assistance Program (ERAP), Emergency Food and Shelter Program (EFSP), CourtHELP, and new Naturally Occurring Affordable Housing preservation programs.

Currently, the vast majority of tenants in the County facing eviction do not have access to legal representation. According to data from Miami-Dade County Clerk of Courts, less than 4 percent of tenants had legal representation during eviction proceedings in 2021, and 2 percent of tenants had legal representation in 2022. Without legal representation, almost half of tenants in the County fail to exercise their rights in court and face a default judgment during eviction proceedings.¹ For 2022, Clerk of Courts data suggests that in 98 percent of the cases where a final judgment of eviction was entered against a tenant, the tenant was not represented by an attorney.

Local eviction filings have been increasing and the University of Florida (UF)'s Shimberg Center for Housing Studies reports that Miami-Dade County had more total eviction filings in 2022 than any county in Florida. The Shimberg Center documented a 47 percent increase in the percentage of total eviction filings in the County between 2021 and 2022 due, in part, to rapid rent increases and the end of eviction moratoriums. In 2022, total annual eviction filings and eviction filings per 1,000 renter households in Miami-Dade County surpassed pre-pandemic levels (see FIGURE 1). According to state court records, Miami-Dade eviction filing totals have not been this high since 2015.²

FIGURE 1. Total Eviction Filings, Miami-Dade County

Characteristics	#
2019 Eviction Filings	17,687
2020 Eviction Filings	10,958
2021 Eviction Filings	13,627
2022 Eviction Filings	19,972
2019 Evictions per 1,000 Renter Households	39.05
2020 Evictions per 1,000 Renter Households	24.19
2021 Evictions per 1,000 Renter Households	30.09
2022 Evictions per 1,000 Renter Households	44.35

Majority of filings are residential. Totals may include a small number of commercial evictions. Eviction filings in 2020 and 2021 were constrained due to eviction moratoriums and unprecedented levels of emergency rental assistance.

¹Stout Risius Ross, LLC (Stout), a financial services firm which specializes in eviction data research, estimates that roughly 45 percent (45%) of tenants with eviction filings in Miami-Dade County do not appear for their court hearing and lose their cases for non-appearance.

² Florida Office of the State Courts Administrator, Trial Court Statistics. 20,688 evictions filed in 2015.

Source: UF Shimberg Center for Housing Studies, Florida Housing Data Clearinghouse, 2022.

FIGURE 2. Residential Eviction Filings by Legal Representation Status, Miami-Dade County

Representation Status	2021	2022
Tenant Represented #	480	427
Tenant Not Represented #	11,958	17,932
Tenant Represented %	3.8	2.2
Tenant Not Represented %	96.2	97.8

Source: Miami-Dade County Clerk of Court, 2022.

Miami-Dade County's Office of the Commission Auditor has tracked year-over-year eviction trends and outlined an upward trend in total eviction filings (pending and closed) between 2021 and 2022. Based on the Commission Auditor's data, the average number of evictions filed per month in 2022 (1,537) was higher than the average number of evictions filed per month in 2018 (1,461), 2019 (1,476), 2020 (912), and 2021 (1,133). The Commission Auditor also reported 5,700 total residential writs of possession were issued (i.e. a completed eviction authorizing law enforcement to remove the tenant) in 2021, and documented an upward trend in residential writs being issued throughout 2022.

The Commission Auditor has mapped the total number of pending eviction cases filed in each County zip code since the start of the pandemic. Pending eviction cases by zip code have been concentrated in specific areas. Analysis of Commission Auditor data shows that 10 Zip Codes account for more than a third of all the pending cases in Miami-Dade County (33 percent).³ The Administration also found a correlation between zip codes with a higher number of pending eviction filings and zip codes with lower median incomes per American Community Survey (ACS) 5-year estimates.

A recent U.S. Census Bureau Household Pulse Survey (Week 54: February 1 to February 13, 2023) reports that 62,350 households in the Miami-Fort Lauderdale-Pompano Beach Metro Area believed it was "very likely" or "somewhat likely" that they would be evicted

³ Zip Code 33142 (sections of Brownsville and Allapattah within the City of Miami) had the largest number of pending eviction cases filed during Q2 2022 with 218; followed by 33161 (sections of North Miami and Miami Shores) with 193; 33132 (sections of Parkwest, Omni, and Edgewater in the City of Miami) with 189; and 33147 (sections of Gladeview and West Little River) with 171; and 33136 (sections of Overtown and Culmer) with 159.

within the next two months. Almost all of the households reported earning \$50,000 a year or less. A majority of the respondents also reported being part of a household of three or more, and having some type of difficulty communicating, seeing, and walking.⁴

The Miami-Dade County Homeless Trust completed a comprehensive survey of residents experiencing homelessness as part of the Point-in-Time count in 2020. The survey identified “housing issues/eviction” issues as one of the primary causes of homelessness locally. Surveyed families listed “housing issues/eviction” as the second leading cause of homelessness that year, after “family problems.” “Housing issues/evictions” was also the third most cited reason for homelessness among sheltered respondents, after “employment/financial” and “family problems.”

Benefits of Legal Assistance to Low-Income Tenants At-Risk of Eviction

Research shows that evictions have lasting negative impacts on low-income tenants and communities. Residents who experience eviction report pressures on employment stability, lowered credit scores, and impaired ability to re-rent. Communities with high levels of evictions experience higher percentages of homelessness and costs associated with addressing homelessness.

Various localities across the United States support legal assistance programs for residents facing eviction proceedings, including the cities of New Orleans, LA; Boulder, CO; Seattle, WA; and Milwaukee County, WI. Legal representation for low-income tenants facing eviction has been shown to have various positive outcomes, from reducing evictions and preventing displacement, to remedying substandard housing conditions, boosting community stability, and generating public cost savings for homeless services. Free legal support to tenants in eviction proceedings also benefits landlords by ensuring resolutions are more likely to be completed out of court, enforced, and are fairer to both parties.

According to the Eviction Lab at Princeton University, when tenants are provided legal counsel, the odds of them remaining in their homes increases significantly. In Cleveland, 93 percent of represented renters facing eviction avoided displacement. In New York City, 84 percent of represented renters facing eviction remain housed.⁵

⁴ Data released February 22, 2023.

⁵ Matthew Desmond, professor of Sociology and principal investigator of the Eviction Lab at Princeton University, Testimony before the U.S. Committee on Banking, Housing, and Urban Affairs, August 2, 2022.

The American Bar Association, American Civil Liberties Union (ACLU), and U.S. Housing and Urban Development have recommended expanding access to legal representation to prevent evictions as a best practice.

Program Description

The Administration has worked with Legal Services of Greater Miami, Inc. ("LSGMI"), Cuban American Bar Association ("CABA") Pro Bono Legal Services, Community Justice Project, Haitian Lawyers Association, Wilkie D. Ferguson, Jr. Bar Association, and the Miami Workers Center to create an eviction protection and diversion program (Program) that will: (1) provide free legal assistance to households at-risk or subject to eviction; (2) create a comprehensive referral and intake process system to render legal assistance to residents across a number of legal service providers; (3) launch door-to-door canvassing to households that have received a eviction filing to refer residents to County services; (4) roll out a series of community trainings across the County on tenant rights and programs; and (5) share data with the County on resident housing needs and service gaps to improve County plans and processes.

This Program will provide direct legal assistance to at least 800 low-income County residents at or below 80 percent Area Median Income (\$78,000 for a family of four), which would double the number of tenants receiving legal representation in local eviction proceedings. Counsel offered to low-income tenants under this Program could include legal advice, research, analysis, and representation in cases that impact a tenant's ability to maintain or obtain stable housing.

Through door-to-door outreach and education services, this Program will (1) better inform residents of existing protections under the County's Tenant Bill of Rights Ordinance, and (2) effectively connect residents to existing services, including those provided by the Community Action and Human Services Department (CASHD) and Public Housing and Community Development Department (PHCD). Outreach workers will conduct weekly door-to-door canvassing of those residents who received an eviction notice to educate them on the eviction process, refer residents to available County resources (e.g. Emergency Rental Assistance, CourtHELP, case management support), and connect eligible residents to LSGMI for intake processing.

This targeted canvassing initiative will increase the County's outreach capacity and better serve residents at-risk of displacement, including low-income families, older adults, and persons with disabilities. Moreover, tenants in Florida only have five days to respond to an eviction proceeding before receiving a judgment and immediate outreach to residents facing an eviction can help ensure tenants do not miss this short deadline.

Legal providers in the Program will also offer intake support at CASHD's Community Resource Centers situated across the County. Additionally, Program partners will lead a series of community trainings and office hours across the County on tenant rights and programs in partnership with the County's Office of Housing Advocacy (OHA), District Commission Offices, among other stakeholders, to ensure that the areas most affected throughout the County have access to these services.

Legal assistance, outreach, and service referral support will be provided in English, Spanish, and Haitian Creole. Additionally, LSGMI has the capacity to assist clients who speak other languages through the use of on-demand translation services.

Program partners will refer residents to existing County services and share novel data with the County on resident housing needs and service gaps, which will enhance County housing plans and programs. This data will enable the County to better track and respond to all forms of residential displacement and housing issues, from wrongful evictions to building maintenance issues and condemnations. The Program will also include regular data and evaluation reports to the County to assess impact.

The Program will fund trusted community organizations to provide free legal assistance and community outreach and education to at-risk tenants; however, it does not codify or guarantee a right to legal counsel. This Program is a pilot project that will 1) assist hundreds of at-risk tenants and their families, and 2) assess the impact of legal presentation on the housing stability of the residents served.

County Funding of Program

The Mayor's adopted Fiscal Year (FY) 2022-2023 County Budget includes \$6.65 million from federal American Rescue Plan Act (APRA) funds to "assist low-income individuals navigate difficult issues arising from legal actions to include but not limited to eviction and diversion." Based on the Community Needs Assessment, the Administration recommends \$2.9 million of this non-recurring allocation be dedicated to a local eviction prevention and outreach program. Based on the Community Needs Assessment, the Administration recommends dedicating direct funding to a coalition of legal providers and community groups, led by LSGMI, which will distribute the funds to the program partners to provide (1) direct outreach to residents facing evictions and (2) legal assistance to keep residents in their homes.

FIGURE 3. Program Budget

Organization	Allocation #
Legal Services of Greater Miami	\$1,850,283

CABA Pro Bono Services	\$321,153
Miami Workers Center	\$384,184
Haitian Lawyers Association	\$125,000
Wilke D. Ferguson, Jr. Bar Association	\$125,000
Community Justice Project	\$94,380
TOTAL	\$2,900,000

The \$2.9 million County commitment will leverage a recent U.S. Department of Housing and Urban Development (HUD) committed to LSGMI for a two (2) year eviction prevention program. During the 18-month program, LSGMI expects to handle a total of 1,600 eviction defense cases that will impact more than 3,000 residents through the combined funding support from Miami-Dade County and the grant from HUD.

Description of Community Based Groups and Program Roles

Legal Services of Greater Miami (LSGMI): Founded in 1966, LSGMI is a nonprofit legal aid provider that has served low-income residents in Miami-Dade County for over 50 years. Eviction defense cases made up over half (56%) of all the cases handled by LSGMI in 2022. LSGMI's Tenants' Rights Unit includes 9 attorneys with significant experience representing residents facing eviction; the supervising attorneys each have over 15 years of eviction defense experience. As of 2021, LSGMI has over 30 staff members providing legal assistance and support and were able to advise and assist over 2,300 tenants.

In 2022, LSGMI was awarded a \$1 million grant from HUD to expand eviction prevention and diversion services. During the first year of the grant, LSGMI expects to use \$500,000 of these funds to: (1) hire three new attorneys and a legal specialist to provide legal support to tenants facing an eviction; (2) enter a contract with the Community Justice Project to serve tenants who are ineligible for assistance from LSGMI; and (3) conduct a comprehensive marketing campaign via social media, GoogleAds, and local news media. The HUD grant will enable LSGMI and Community Justice Project to assist approximately 392 tenants during the first year of the grant.

Program Role: For the Program, LSGMI will serve as the lead partner and will (1) receive all referrals and direct requests for tenants facing eviction; (2) conduct screening interviews to determine eligibility for free legal assistance; (3) refer cases to CABA Pro Bono Legal Services based on eligibility agreed upon by LSGMI and CABA; (4) conduct substantive intake interviews for tenants eligible for assistance from LSGMI; (5) coordinate

with pro bono attorneys recruited by the Haitian Lawyers Association and Wilkie D. Ferguson, Jr. Bar Association to provide eviction defense training and place cases for pro bono assistance; and (6) and provide direct legal assistance to eligible tenants. LSGMI will also help coordinate tenant education events in collaboration with the project partners and the County.

Cuban American Bar Association (CABA) Pro Bono Legal Services:

Launched in 2006, CABA Pro Bono Legal Services is a nonprofit legal aid provider. CABA Pro Bono Legal Services provides free legal services to low-income residents in Miami-Dade County. CABA Pro Bono Legal Services also offers eviction prevention services for veterans through the Veteran's Representation Program. CABA Pro Bono Legal Services currently has 10 staff members, including 7 attorneys to provide legal services. CABA Pro Bono Legal Services, through the FY 2022-23 County Budget, was allocated \$150,000 to provide free legal assistance to people with disabilities.

Program Role: CABA Pro Bono Legal Services will (1) accept tenant referrals from LSGMI, (2) conduct substantive intake interviews for tenants eligible for assistance from CABA Pro Bono Legal Services; and (3) provide direct legal assistance to eligible tenants. CABA Pro Bono Legal Services will be able to provide legal support to residents ineligible for support from LSGMI.

Community Justice Project (CJP): CJP is a nonprofit law firm that supports grassroots community-based organizations with innovative lawyering and research. Originally founded as a project of Florida Legal Services, CJP has been an independent 501(c)(3) organization since 2015. CJP currently has 9 staff members, including 6 lawyers and legal graduates. In addition to the direct representation of tenants supported by the HUD grant, support from Miami-Dade County will allow CJP to create a data-driven analysis of the impact of this program and bring further insight into the district-level impact of evictions.

Program Role: CJP will serve as lead on research and evaluation for the Project. CJP will create an automated system to compile eviction filing data and create weekly canvassing lists, which Miami Workers Center and other community partners will use for door-to-door outreach. CJP will create a metrics-driven dashboard, convene regular meetings with the Program partners to coordinate implementation, prepare evaluation criteria to monitor impact on housing stability. In addition to overall data monitoring and evaluation, CJP will create a dashboard with Commission District data available to Commissioners and the County Administration. CJP will identify

additional support for evaluating the impact of legal assistance and outreach on housing stability.

Miami Workers Center (MWC): For more than 20 years, MWC has worked to empower and educate tenants, workers, women, and families in Miami-Dade County. MWC has implemented several programs and grassroots initiatives to cultivate community leaders and build civic engagement.

Program Role: MWC will lead door-to-door tenant outreach and education in Miami-Dade County. Outreach workers will conduct weekly door-to-door canvassing, educating impacted tenants and their communities on the eviction process, housing rights, access to available resources including the County's Office of Housing Advocacy, and refer eligible tenants to LSGMI. MWC's weekly canvassing and outreach will target renters on the eviction list as well as tenants at-risk of eviction in all Commission Districts in Miami-Dade County. Outreach workers will also host in-district office hours. To ensure outreach throughout the County, MWC will subcontract with trusted stakeholders on community outreach and education events.

Haitian Lawyers Association: Founded in 1997, the Haitian Lawyers Association is a nonprofit membership organization. The Haitian Lawyers Association offers pro bono legal services in the areas of landlord-tenant law, contracts law, and family law.

Program Role: The Haitian Lawyers Association will hire a Pro Bono Coordinator responsible for recruiting and training volunteer attorneys to handle eviction defense cases. The Pro Bono Coordinator will also assist in coordinating training of the pro bono attorneys and participation in client education events. Additionally, the Haitian American will advise the Program partners on outreach strategies to the Haitian community in Miami-Dade County.

Wilkie D. Ferguson, Jr. Bar Association: Founded in 1977, The Wilkie D. Ferguson, Jr. Bar Association is a nonprofit membership organization whose mission includes, among other things, fostering and encouraging professional excellence; promoting the general welfare of all citizens in Miami-Dade County; and influencing positive change in the American legal community.

Program Role: The Wilkie D. Ferguson, Jr. Bar Association will participate in the Project by hiring a Pro Bono Coordinator who will be responsible for recruiting and training volunteer attorneys to handle eviction defense cases.

The Pro Bono Coordinator will also assist in coordinating training of the pro bono attorneys and participation in client education events.

Coordination with Existing County Programs

With grant support, MWC in collaboration with Miami-Dade County Office of Housing Advocacy (OHA), will conduct door-to-door outreach, know-your-rights events, and hold office hours for tenants facing eviction, which will expand the capacity and reach of OHA to deliver direct services to at-risk residents across the County.

To maximize access, the Program will provide occasional on-site legal and housing services at CAHSD's Community Resource Centers located across Miami-Dade.

OHA will help provide information on the Tenant Bill of Rights and connect residents with needed services, which could include Emergency Rental Assistance, Emergency Food and Shelter, and new Naturally Occurring Affordable Housing (NOAH) programs.

This Program will expand the reach of the County, community-based organizations, and legal service providers to prevent evictions. County-funded legal services for eviction defense will be listed on the Miami-Dade County website and on AxisHelps.org. These websites will include links to the participating agencies.

Pursuant to Ordinance 14-65, this report will be placed on the next Board agenda. Should you have any questions or require additional information, please contact Jason Smith, Director, Equity and Engagement, at Jason.Smith2@miamidade.gov.

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