

1 Introduced by Council Member Dennis and Co-Sponsored by Council
2 Members Morgan, Pittman and R. Gaffney:

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5 **RESOLUTION 2020-224-W**

6 A RESOLUTION CONCERNING THE PUBLIC SAFETY AND
7 WELFARE OF THE CITY OF JACKSONVILLE DURING THE
8 COVID-19 PANDEMIC; STRONGLY ENCOURAGING ACTION
9 BY BANKS AND FINANCIAL INSTITUTIONS; STRONGLY
10 ENCOURAGING ADDITIONAL STATE AND FEDERAL
11 ACTION; ENCOURAGING THE FLORIDA SUPREME COURT
12 TO CONTINUE TO EXTEND ADMINISTRATIVE ORDER
13 REGARDING WRITS OF POSSESSION FOR EVICTION
14 PROCEEDINGS; ENCOURAGING THE SHERIFF TO STAY
15 ENFORCEMENT ON EVICTION ORDERS DURING STATE OF
16 EMERGENCY; REQUESTING EMERGENCY PASSAGE UPON
17 INTRODUCTION; PROVIDING DIRECTION TO
18 LEGISLATIVE SERVICES TO CIRCULATE A COPY OF
19 THE RESOLUTION UPON ADOPTION; PROVIDING AN
20 EFFECTIVE DATE.

21
22 **WHEREAS**, on March 1, 2020, Governor DeSantis issued Executive
23 Order 20-51 directing the Florida Department of Health to issue a
24 Public Health Emergency as a result of COVID-19; and

25 **WHEREAS**, on March 9, 2020, Governor DeSantis issued Executive
26 Order 20-52 declaring a state of emergency for the entire State of
27 Florida as a result of COVID-19; and

28 **WHEREAS**, on March 13, 2020, Mayor Curry issued Emergency
29 Proclamation 2020-001, which proclaimed and declared a public
30 emergency in the City of Jacksonville posed by the COVID-19

1 pandemic; and

2 **WHEREAS**, on March 16, 2020, President Donald J. Trump and the
3 Centers for Disease Control and Prevention ("CDC") issued the "15
4 Days to Slow the Spread" guidance advising individuals to adopt
5 far-reaching social distancing measures, such as working from home
6 and avoiding gatherings of more than 10 people; and

7 **WHEREAS**, on March 23, 2020, the Mayor enacted Jacksonville
8 Emergency Executive Order 2020-3, which required non-essential
9 employees to work from home and implemented social distancing
10 procedures for establishments where employees were required to be
11 present; and

12 **WHEREAS**, the President extended the federal guidance
13 concerning social distancing until April 30, 2020 and all Duval
14 County schools extended home-based education through May 1, 2020;
15 and

16 **WHEREAS**, on April 1, 2020, the Mayor enacted Emergency
17 Executive Order 2020-5, closing all non-essential retail and
18 commercial businesses within the Consolidated City (including the
19 Beaches and Baldwin) and prohibiting any member of the public or
20 employee from being physically present in any non-essential retail
21 or commercial establishment;

22 **WHEREAS**, while such restrictions on business are necessary
23 during a public health pandemic, the effect on small businesses,
24 their employees, nonprofits, and those dependent upon business
25 models which encourage social contact such as restaurants, clubs
26 and tourism, has been catastrophic; and

27 **WHEREAS**, it is projected that approximately 222,000 Floridians
28 applied for unemployment for the week ending March 28, which may be
29 artificially low as it was widely reported that the state's online
30 system which processes unemployment benefits continued to "crash"
31 and fail as a result of the numerous surges by those who wanted to

1 file jobless claims; as a result, the Department of Economic
2 Opportunity will soon start accepting paper applications for
3 unemployment benefits; and

4 **WHEREAS**, on March 27, 2020, Congress passed the Coronavirus
5 Aid, Relief, and Economic Security Act ("CARES Act"), which
6 included in the relief package a measure that placed a 120-day
7 moratorium on evictions for tenants in *federally financing housing*
8 and bars property owners from evicting tenants from a property with
9 a *federally backed mortgage loan* for failure to pay rent; and

10 **WHEREAS**, on April 2, 2020, Governor DeSantis issued Executive
11 Order 2020-94 which suspended and tolled the statute of limitations
12 for a foreclosure action or an eviction action based on the failure
13 to pay rent for 45 days (until May 17, 2020); and

14 **WHEREAS**, the eviction moratorium from the CARES Act is only a
15 suspension of payments owed, meaning that rent payments for April,
16 May, June and July will still be owed to the landlord later this
17 year and the Governor's Executive Order 2020-94 does not relieve an
18 individual's obligations to make mortgage and rent payments; and

19 **WHEREAS**, many Jacksonville residents are experiencing
20 substantial losses of income as a result of business closures, the
21 loss of wages, or layoffs related to COVID-19, hindering their
22 ability to keep up with rent payments; and

23 **WHEREAS**, figures from the U.S. Census data suggests that
24 around 44% of the population of Jacksonville are renters; and

25 **WHEREAS**, because homelessness can exacerbate vulnerability to
26 COVID-19, it is necessary to take measures to preserve and increase
27 housing security for Jacksonville residents; and

28 **WHEREAS**, the Florida Supreme Court has advised the State's
29 clerks of court to stop issuing writs of possession, which is the
30 final document in an eviction that police can use to remove a
31 tenant until the end of May; and

1 **WHEREAS**, the Sheriffs of Hillsborough and Orange Counties and
2 the Police Chief of Miami-Dade County announced that they will not
3 enforce eviction orders; and

4 **WHEREAS**, the Council determines that it will be necessary to
5 address the broader, long-term economic impact of this health
6 emergency, and it will be imperative for state and federal
7 legislators, as well as banks and financial institutions, to take
8 actions that cities do not have the authority to take, including
9 mortgage moratoriums and forgiveness of rent and mortgage payments
10 during the health emergency; and

11 **WHEREAS**, during this state of emergency for the COVID-19
12 pandemic, and in the interests of protecting the public health and
13 preventing transmission of COVID-19, it is essential to avoid
14 unnecessary displacement of residents and homelessness; now
15 therefore

16 **BE IT RESOLVED** by the Council of the City of Jacksonville:

17 **Section 1. Strongly Encouraging action by Financial**
18 **Institutions.** The Jacksonville City Council hereby strongly
19 encourages banks and financial institutions to suspend mortgage
20 payments, foreclosures, and late fees for low-income homeowners and
21 landlords, with immediate forgiveness, and requests that financial
22 institutions consider urgently implementing mitigation programs
23 such as those providing no interest or emergency forgivable loans
24 and grants to small businesses and nonprofits within Jacksonville
25 that are unable to meet rent, mortgage or other fixed operating
26 costs.

27 **Section 2. Strongly encouraging additional State and**
28 **Federal Action.** The Jacksonville City Council hereby requests and
29 urges Florida State legislators and U.S. Senators and
30 Representatives to enact comprehensive legislation to further
31 protect residents, tenants, homeowners and small businesses from

1 the adverse health, safety and economic impacts of the COVID-19
2 emergency crisis. This may take the form of such programs that may
3 create: i) a moratorium on mortgage foreclosures; ii) a moratorium
4 on commercial rent increases; iii) direct assistance programs for
5 rent and mortgage payments and other housing-related expenses such
6 as utilities, property taxes, and insurance; iv) programs that
7 suspend of rents and mortgages held by banks and financial
8 institutions; v) emergency grant programs for small businesses and
9 nonprofits; or vi) emergency programs that provide homes and
10 expanded services for people experiencing homelessness.

11 **Section 3. Encouraging the Florida Supreme Court to**
12 **continue to extend its administrative order advising the State's**
13 **Clerks of the Court to stop issuing writs of possession.** In March,
14 through an administrative order, the Florida Supreme Court advised
15 the State's Clerks of the Court to stop issuing writs of possession
16 in eviction proceedings until April 17. The Chief Justice on April
17 6, 2020 extended this administrative order until the end of May.
18 The Council strongly encourages the Florida Supreme Court to
19 continue to extend the time for such administrative order to comply
20 with the Governor's Executive Order 2020-92.

21 **Section 4. Encouraging the Sheriff to stay enforcement of**
22 **eviction orders while Jacksonville is under a state of emergency**
23 **due to COVID-19.** The Sheriffs of Hillsborough and Orange Counties
24 and the Police Chief of Miami-Dade County have thus far announced
25 that their officers will not enforce eviction orders while the
26 county is under a state of emergency. The Council hereby encourages
27 Mike Williams, as Sheriff of the City of Jacksonville, to follow
28 the same approach and to agree to stay enforcement of evictions
29 orders while Jacksonville remains in a COVID-19 state of emergency
30 and as long as the Governor's Executive Order 2020-92 is in force.

31 **Section 5. Requesting emergency passage upon introduction**

1 **pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
2 introduction of this legislation is requested. The nature of the
3 emergency is that the spread of COVID-19 has concurrently increased
4 business closures, the loss of wages, or layoffs for employees, and
5 immediate action by the Council is required to offset the
6 exponential economic impact and stress upon Jacksonville's citizens
7 and small businesses that has resulted from the pandemic.

8 **Section 6. Directions to Legislative Services to**
9 **circulate upon adoption.** The Council hereby directs Legislative
10 Services upon adoption to transmit a copy of the resolution to
11 Governor DeSantis, the Clerk of the Florida Supreme Court, members
12 of the Duval Delegation, and to U.S. Senators Marco Rubio and Rick
13 Scott, and to U.S. Representatives Al Lawson and John Rutherford,
14 Sheriff Mike Williams and all banks and financial institutions that
15 do business within the City of Jacksonville.

16 **Section 7. Effective Date.** This resolution shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

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22 /s/ Paige H. Johnston

23 Office of General Counsel

24 Legislation Prepared by: Paige H. Johnston

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