

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**

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  
31 pandemic; and

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

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

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

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

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

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

1 Opportunity will soon start accepting paper applications for  
2 unemployment benefits; and

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

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

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

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

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

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

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

31 **WHEREAS**, the Sheriffs of Hillsborough and Orange Counties and

1 the Police Chief of Miami-Dade County announced that they will not  
2 enforce eviction orders; and

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

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

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

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

26 **Section 2. Strongly encouraging additional State and**  
27 **Federal Action.** The Jacksonville City Council hereby requests and  
28 urges Florida State legislators and U.S. Senators and  
29 Representatives to enact comprehensive legislation to further  
30 protect residents, tenants, homeowners and small businesses from  
31 the adverse health, safety and economic impacts of the COVID-19

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

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

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

30 **Section 5. Requesting emergency passage upon introduction**  
31 **pursuant to Council Rule 4.901 Emergency.** Emergency passage upon

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

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

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

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19 Form Approved:

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21 /s/ Paige H. Johnston

22 Office of General Counsel

23 Legislation Prepared by: Paige H. Johnston

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