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Florida stakeholders say eviction reprieve must be used to get stalled aid to renters, landlords

By DESIREE STENNETT

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The fear that a wave of evictions could prompt mass homelessness in Central Florida has temporarily subsided after the Centers for Disease Control and Prevention implemented a new 60-day moratorium on evictions late Tuesday. But housing advocates, court officials and groups representing landlords all say it's crucial for the brief reprieve to be spent finding ways to get as much of the **stalled rental assistance aid** to tenants and landlords as possible, or else the latest ban will only delay the inevitable.

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The new CDC directive, which is in effect until Oct. 3, halts evictions in counties that are seeing "heightened" community transmission of the coronavirus "in order to respond to recent, unexpected developments in the trajectory of the COVID-19 pandemic, including the rise of the delta variant," the order signed by CDC Director Dr. Rochelle P. Walensky said.



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As of Wednesday, **CDC data** showed that every county in Florida is experiencing “high” or “substantial” community transmission. Similar conditions exist across the country. Only about 5% of counties nationwide were listed as having “low” community transmission.

Still, Frank Wells, CEO of Central Florida housing nonprofit Housd, said he expects the new moratorium to be challenged in court, as the last one was. If that happens, it could end earlier than expected.

Days before the last moratorium expired, the U.S. Supreme Court released an opinion that said the CDC “exceeded its existing statutory authority by issuing a nationwide eviction moratorium.” The court allowed the order to remain in place only because it was about to end and there was no plan to extend it.



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Justice Brett Kavanaugh, who wrote the opinion, “didn’t see it as critically important to overturn because of the short remaining duration,” Wells said. “That makes me think that had the Biden Administration simply extended [the original moratorium] ... the case would have been right back to the Supreme Court and Justice Kavanaugh would likely have” overturned it. “And I still think that’s likely to be the outcome here,” Wells said, adding that he expects legal challenges against the new moratorium to be back before the Supreme Court soon.

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In the meantime, stakeholders on all sides agree that getting rental aid to landlords and tenants is vital.

“The federal eviction moratorium has never addressed the underlying issue, which is an individual’s inability to pay rent,” said Amanda White, government affairs director for the Florida Apartment Association, which represents landlords who own apartment buildings. “This flawed policy leaves renters facing insurmountable debt while jeopardizing our already strained rental housing supply. The only viable solution that protects both renters and housing providers is the timely and effective distribution of rental assistance funds to those in need.”

The state’s largest rental assistance fund has been slow to provide for those in need of help to catch up on back rent.

The Florida Department of Children and Families has received about \$870 million in rental aid but as of Tuesday only \$22.5 million had been distributed. The payments were delayed because of cumbersome federal requirements, said Mallory McManus, spokesperson for DCF.

“The federal government required that (Emergency Rental Assistance) programs have a two-party application process, which causes delays because

the landlord must verify the information provided by the tenant,” McManus said. “The federal government also requires that states provide a notification period to landlords whose tenants applied for rental assistance. Florida requested a waiver from this requirement, to ensure faster payments of past rents, and was denied.”

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DCF recently implemented some changes to its process, hoping to speed the distribution of the money.

Now, if a landlord is unresponsive, checks made out to the landlord can be mailed directly to the tenant. DCF has also said it will accept expired driver’s licenses as a form of identification and will make it easier to prove that the financial hardship a tenant is facing is due to the pandemic.

That will “make sure that rental payments are being made as quickly as possible while protecting against fraud, waste and abuse within the ERA program,” McManus said.

But Stephanie Porta, co-director of nonprofit Florida Rising, said the revised policy could still leave many tenants vulnerable. She said the state should give the money directly to tenants, which is allowed under the program, according to guidance issued by the U.S. Department of Treasury in May.

“Why would they not just give it to the tenant?” Porta said. “Either the landlord accepts the money or they don’t. And if they don’t, then the tenant is going to be evicted and can use the money to find a new place to live.”

She called the current approach “a total demonization of the poor.”

“It’s like they’re saying ‘You do not deserve this money,’” Porta said.

Dialencia Cadette with Florida Rising puts a flyer about options for renters facing eviction at a door at the Urban Square Living Apartment Homes in Orlando on Monday, May 24, 2021. (Stephen M. Dowell / Orlando Sentinel) On Monday, the only full business day with no moratorium in place, 28 new evictions were filed in Orange County, said Judge Eric DuBois.

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“That’s low,” DuBois said. “Especially for the beginning of the month.”

In August 2019, landlords filed 1,061 evictions against their tenants. That is an average of 34 evictions a day but DuBois said most evictions are filed in the first two weeks of each month, so Monday’s tally was a sign that, even without the moratorium, evictions did not immediately spike to pre-pandemic levels. It will be up to judges to enforce the new moratorium but he said the most important factor in keeping people housed right now is providing rental assistance.

“The problem is we’ve got tenants coming saying, ‘I’ve applied for these programs, here’s my application.’ Landlords are saying, ‘Yes, they’ve applied, but we haven’t heard anything,’” DuBois said, adding that federal officials are urging judges to be lenient and wait for rental assistance payments — but **the state’s pro-landlord laws** limit their discretion.

“We wish we could encourage [leniency] but the Florida law doesn’t allow that,” DuBois said. “So that’s where the judges are in a rock and a hard place.”

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