



**JOSEPH ABRUZZO**  
CLERK OF THE CIRCUIT COURT & COMPTROLLER  
PALM BEACH COUNTY

# Evictions In The Time of Covid-19



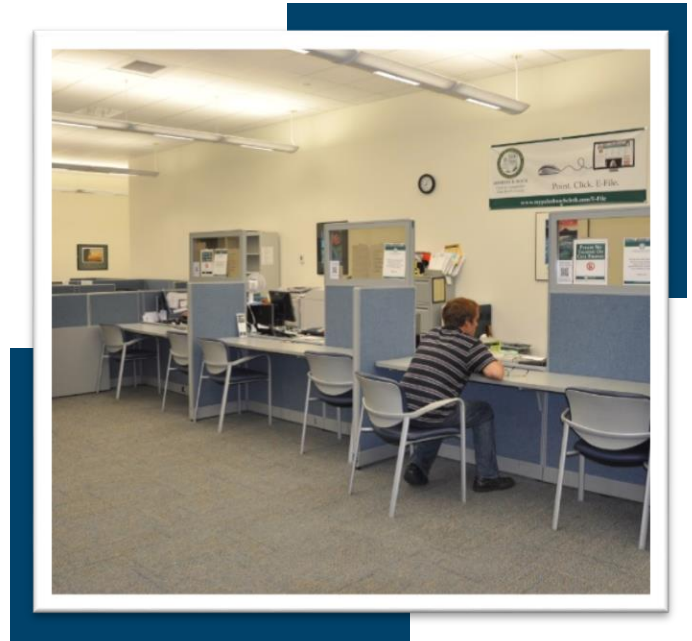
# Workshop Overview

- About the Clerk of The Circuit Court & Comptroller's Office
- Terms to Know
- Current Law on Evictions
- CARES Act
- CDC's Order
- Palm Beach County Rental & Utility Assistance Program
- Eviction Overview
- Other Options
- Q & A



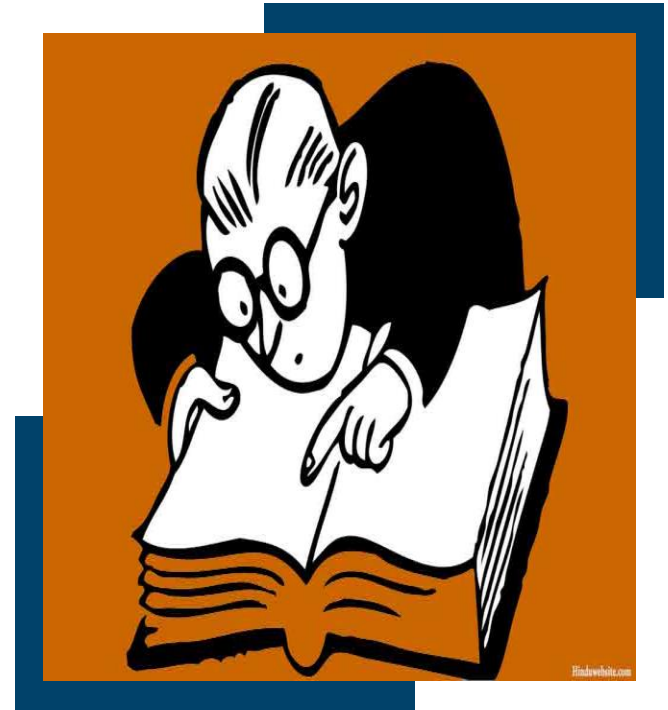
# Clerk of The Circuit Court & Comptroller Self Service Center

- ❑ Clerk of The Circuit Court & Comptroller is the trustee of the county's public records and public funds.
  
- ❑ **The Self-Service Center provides:**
  - User-friendly forms/packets
  - Public access computers
  - Free Navigator Appointments for document completion assistance
  - Notary services and more
  
- ❑ **The Clerk of The Circuit Court & Comptroller's office can only provide ministerial assistance and cannot give legal advice.**



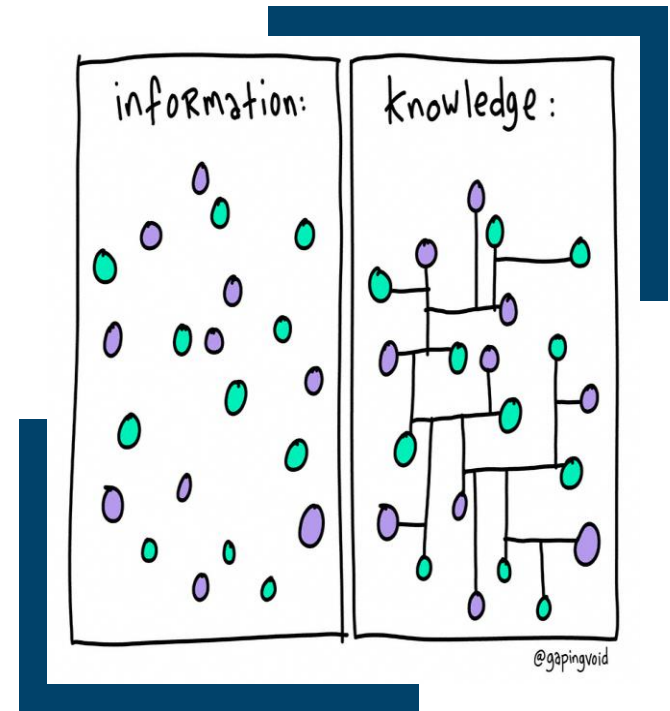
# Terms to Know

- Moratorium
- Lease Agreement
- CARES Act
- “Covered Properties”



# Definitions

- ❑ **Moratorium**: postponement, suspension of an activity.
- ❑ **Lease Agreement**: the rental agreement.
- ❑ **CARES Act**: a bill signed into law that addresses the Covid-19 pandemic.
- ❑ **“Covered Properties”**: certain properties that were subject to the CARES Act.



# What is the Current Law on Evictions?

- Chapter 83 of Florida Statutes
- CDC's Order
- Local Administrative Orders



# CARES Act

- ❑ Signed into law on March 27, 2020.
- ❑ Expired July 24, 2020 (120 days).
- ❑ Provided \$150b to State and Local governments to navigate the impact of Covid-19, but funds are still available.
- ❑ Provided limited relief for evictions and foreclosures.
- ❑ Relief only to “*covered properties*”, but funds are still available through the County.





# CARES Act

- ❑ Applied to only “covered properties” such as:
  - Government Assistance Housing (Section 8, Public Housing, etc.); and
  - Federally backed Home Mortgages (FHA, Fannie Mae, Freddie Mac)
  
- ❑ Throughout the 120 day period of the CARES Act, Landlords were required to provide the Tenants a **30-Day Notice** rather than FL’s **3-Day Notice** to Vacate.
  
- ❑ Now, Landlords must only provide Tenants with a 3-Days Notice to Vacate for failure to pay rent.





# CDC's Order

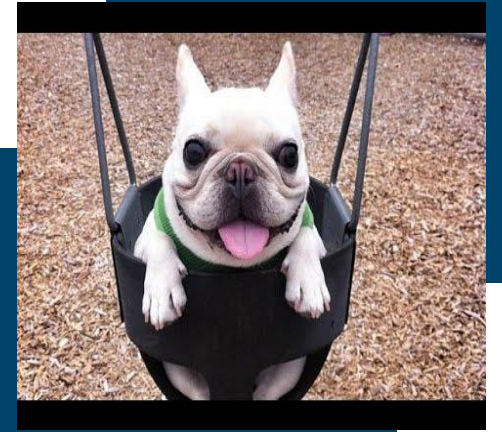
- ❑ Expires Jan. 31, 2021 unless extended.
- ❑ Suspends evictions for *non-payment of rent* through 12/31/20.
- ❑ If tenant(s) are affected by Covid-19 and cannot pay rent, tenant **must**:
  - **Sign** CDC's Declaration form; and
  - **Provide** a copy to landlord.
- ❑ *Pending Lawsuit between Landlords and CDC throughout the U.S.*



# CDC's Order Exceptions

CDC's Temporary Halt in Eviction does **not** apply to:

- Foreclosures
- Criminal activity
- Threats to health or safety
- Damage to property
- Violations of any regulations or terms of lease agreement



# Palm Beach County Rental Assistance

PBC Received Money from the CARES Act to Assist Families with their Rental & Utility Payments



- Up to 3 months of rent (\$5,800) in arrears beginning March 2020.
- Up to 3 months of utilities (\$1,200) in arrears beginning March 2020.
- Tenant must have experienced loss of income because of the Covid-19 pandemic *only*.
- Tenant must fill out online application on PBC's website: [www.pbcgov.org/OSCARSS](http://www.pbcgov.org/OSCARSS)

# PBC's Rental Assistance Eligibility Requirements



## Applicant Must:

- Reside in PBC;
- Total income is at or below 140% of Area Medium Income;
- Suffered loss of income directly related to Covid-19;
- Provide information such as household members names, SSN's (if applicable), DOB, etc.;
- Have lease or utility bill in their or household member's name;
- Not** have received any other financial assistance for rent and utilities;
- Apply for unemployment benefits and provide proof;
- Submit documents such as proof of income, proof of Covid-19 crisis, ID, SSN, lease agreement, and utility bills.

| Household/Family Size | 140% Area Median Income (AMI) |
|-----------------------|-------------------------------|
| 1                     | \$86,100                      |
| 2                     | \$98,420                      |
| 3                     | \$110,740                     |
| 4                     | \$122,920                     |
| 5                     | \$132,860                     |
| 6                     | \$142,660                     |
| 7                     | \$152,460                     |
| 8                     | \$162,260                     |
| 9                     | \$172,088                     |

# PBC Contact Information



## Website

- [www.pbcgov.com/oscarss](http://www.pbcgov.com/oscarss)
- [www.rentalassistancepbc.org](http://www.rentalassistancepbc.org)
- [www.utilityassistancepbc.org](http://www.utilityassistancepbc.org)
- [www.pbcgov.org/OSCARSS](http://www.pbcgov.org/OSCARSS)

## Phone

- (561) 355-4792 for ALL Palm Beach County residents.

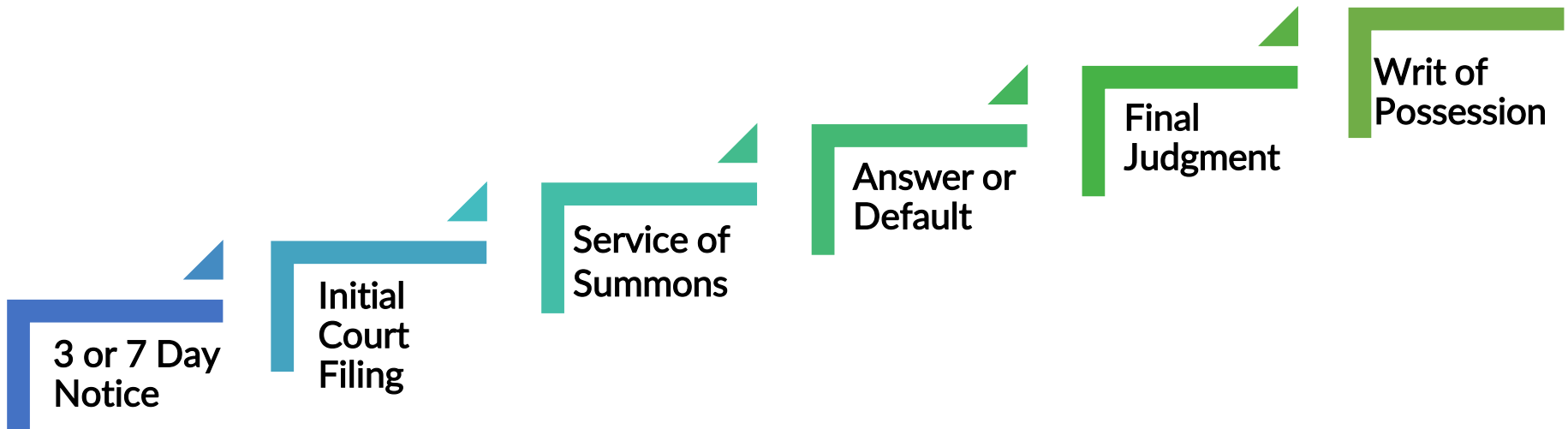
## Frequently Asked Questions (FAQs)

- [www.pbcgov.org/csdcaresactfaq](http://www.pbcgov.org/csdcaresactfaq)

## City of West Palm Beach Only

- Residents may call (561) 822-1250 to schedule an appointment.

# Eviction Overview





# If an Eviction Has Been Filed Against You: Tenant Must:

- ❑ File an answer within **5 days** (excluding weekends & holidays).
  - Possession – **5 court** days from date of service.
  - Damages – **20 calendar** days from date of service.
- ❑ Answer: Admit, Deny/Defenses, or Without Knowledge.
- ❑ If eviction is for unpaid rent and defense is anything other than payment, FL law requires tenant to pay the amount alleged in complaint into the court registry within the 5 days.
- ❑ File the CDC Declaration Form (if applicable) along with your answer.
- ❑ Send a copy of the answer, any attachments, and CDC Declaration Form to the Landlord.
- ❑ *Main goal is to avoid Final Judgment—it stays on your record and follows you.*

# Eviction Answer Form

[www.jaxlegalaid.org](http://www.jaxlegalaid.org) → Get Help → Eviction Answer Builder

## Florida Eviction Answer Interview

### Introduction

Case Information

The Complaint

COVID-19  
Protections

Defenses

Motion to  
Determine Rent

Motion to  
Dismiss

Wrap-Up

## Welcome to the Eviction Court Form Builder Program.

This guided interview will create an eviction response for you. Make sure to have your court papers ready, since we're going to be answering questions about them.

### Disclaimer:

This is not legal advice and no attorney-client relationship is being created.

Ready?

I'm ready

↔ CDC Eviction Moratorium

Designed by Jacksonville Area Legal Aid



# Other Eviction Related Actions

## ❑ Unlawful Detainer:

- No landlord/tenant agreement or periodic rent.
- Once had consent and consent has been withdrawn.
- Can be brought by landlord or lawful tenant.

## ❑ Ejectment:

- Petitioner owns the property.
- Someone that does not have a landlord/tenant relationship with Petitioner refuses to leave and claims to have right to possession/title.

# Legal Aid Society Offers a New Landlord/Tenant Program:



## **FREE LANDLORD TENANT ASSISTANCE**

From the Legal Aid Society of Palm Beach County, Inc.

*Have you received a 3 Day Notice or Demand for rent from your Landlord?  
Have you been served with an eviction lawsuit?  
Do you need help understanding the eviction process?*

The Legal Aid Society of Palm Beach County, Inc., provides **free** legal assistance and representation to eligible tenants in Landlord Tenant matters in Palm Beach County.

We can provide the following services:

- Pre-suit Mediation between landlords and tenants
- Legal advice regarding the eviction process
- Referrals for rental assistance
- Preparation of responses to an eviction lawsuit
- Assistance in negotiating repayment plans
- Court representation

**Call us today at (561) 655-8944, Ext. 328,  
or visit our website at [www.legalaidpbc.org](http://www.legalaidpbc.org)**



# If You Need Assistance:

- ❑ Call the Self-Service Center at: (561) 355-7048
- ❑ You may request a **free** Navigator Appointment to assist with the Eviction Answer Form:
  - Appointments range from 15 min. – 1 hour, Tuesdays, Wednesdays, and Thursdays.
  - Appointments are offered virtually (Webex) or by phone. Currently, we do not offer in person appointments.
  - Navigators also assist Landlords with their forms.
- ❑ Call Legal Aid Society of PBC: (561) 355-8944 or visit [www.legalaidpbc.org](http://www.legalaidpbc.org)
- ❑ Clerk of The Circuit Court & Comptroller's office can only provide ministerial assistance and cannot give legal advice.





# Clerk's Toolbox

[www.mypalmbeachclerk.com/court-services/self-service-center/diy-workshops](http://www.mypalmbeachclerk.com/court-services/self-service-center/diy-workshops)

Circuit Civil Court

+ County Civil Court

+ Criminal Court

+ E-Filing & How to File

+ Evidence Guidelines

+ Foreclosures

Forms

Guardianship

+ Guardianship Fraud Hotline

Indigent Status

Jury Duty

+ Marriage Licenses & Ceremonies

Operation Green Light

Probate of Estates

- Self-Service Center

- DIY Workshops

Baker & Marchman Acts  
Workshop Toolbox

For more information about these materials, please contact the Clerk & Comptroller's Self Service Center at (561) 355-7048.

- [Landlord Tenant \(Eviction\) Presentation](#)
- [Chapter 83, Florida Statutes](#)
- [Dept of Agriculture Landlord Tenant Brochure - English](#)
- [Dept of Agriculture Landlord Tenant Brochure - Spanish](#)
- [Florida Bar - Rights and Duties of Tenants and Landlords](#)
- [Florida Lawhelp - Help! I just got a 3-day notice](#)
- [Florida Lawhelp - The Rights of Domestic Violence Victims Living in Assisted Housing](#)
- [Florida Lawhelp - What every tenant should know about evictions](#)
- [Florida Lawhelp - What happens if you can't pay your rent](#)
- [Homeless Veteran Resource](#)
- [Legal Aid of PBC - Fair Housing Rights for Tenants](#)
- [PBC Department of Community Services Division of Human Services](#)
- [PBC Department of Community Services](#)
- [Self-Service Center](#) (Low cost forms and other services for those without an attorney)

# Helpful Resources

- [www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com) - Information regarding fees, locations, hours, and how to contact the clerk's County or Circuit Civil Department.
- [www.15thcircuit.com](http://www.15thcircuit.com) - Landlord Information Form and Administrative Orders.
- [www.pbcgov.com/oscarss](http://www.pbcgov.com/oscarss) - PBC Rental & Utility Assistance Program
- Link to Florida Statutes (Landlord/Tenant Act—Chapter 83):  
[www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0083/0083PartIIContentsIndex.html&StatuteYear=2020&Title=-%3E2020-%3EChapter%2083-%3EPart%20II](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0083/0083PartIIContentsIndex.html&StatuteYear=2020&Title=-%3E2020-%3EChapter%2083-%3EPart%20II)
- [www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html](http://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html) - CDC's Declaration Form and Order.
- [www.consumer.ftc.gov/articles/debt-collection-faqs](http://www.consumer.ftc.gov/articles/debt-collection-faqs) - Fair Debt Collections Act Consumer Information



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# QUESTIONS?





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# Thank You!

