

Eviction Protections During the COVID-19 Crisis



The information provided in this document is not a substitute for legal advice. The laws described here may change without notice. Last updated 4/17/2020.

What must a landlord do in order to evict a tenant legally?

- A landlord cannot evict a tenant without a court order.
- A landlord is prohibited from using “self-help” measures to evict a tenant.
- To legally evict a tenant, a landlord must first send all required notices, then file an eviction lawsuit in court and get a court order signed by a judge authorizing eviction, and then request a sheriff’s eviction if the tenant doesn’t voluntarily vacate.

Has the State of Florida enacted any eviction protections for tenants facing eviction due to COVID-19?

- Yes, on April 2, 2020, Governor DeSantis signed an Executive Order suspending temporarily all evictions for non-payment relating to COVID-19 for 45 days (https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-94.pdf).
- The Order is in effect through May 17, 2020.
- The Order doesn't eliminate or waive the rent. A tenant will still have to pay rent to the landlord to avoid a future eviction.

What temporary restrictions have local courts enacted on evictions due to COVID-19?

- DUVAL: No rent nonpayment eviction lawsuits may be filed until May 18, 2020. For pending eviction cases where the court has issued a judgment for eviction, evictions are stayed through April 30, 2020.
- CLAY: For pending eviction cases where the court has already issued an order for eviction, evictions are stayed through April 30, 2020.
- ST. JOHNS: Court orders for eviction are stayed through May 31, 2020.
- NASSAU: No eviction cases may proceed until further order of the court.
- BRADFORD: Activity in all eviction lawsuits for rent nonpayment is suspended through May 18, 2020.
- BAKER: Activity in all eviction lawsuits for rent nonpayment is suspended through May 18, 2020.
- To check your county’s eviction policy: <https://florida.evictionprotection.org/#check-your-county>.

Has the federal government enacted any eviction protections for tenants facing eviction due to COVID-19?

- Yes, the federal CARES Act, effective March 27, 2020, prohibits some landlords from filing new eviction cases for failure to pay rent. It also prohibits some landlords from charging fees or interest for late payment during this period.
- The prohibition on filing new eviction cases lasts through July 24, 2020.
- The Act doesn’t eliminate or waive rent.

Which landlords must comply with the federal CARES Act?

- Landlords who participate in federal programs, including:
 - Public Housing,
 - Section 8 Housing Choice Voucher Program,
 - HUD-subsidized family or senior housing (Section 8, 202, 811, 236, 221(d)(3)),

- USDA-subsidized rural housing, and
- Low Income Housing Tax Credit (LIHTC).
- Private housing where the landlord has a federally backed mortgage:
 - HUD (including FHA) mortgages,
 - USDA mortgages,
 - VA (Veteran Affairs) mortgages, and
 - Fannie Mae or Freddie Mac mortgages.
 - Note: Landlords that receive forbearances of federally backed multifamily mortgage loans must respect identical renter protections for the duration of the forbearance.

****Talk to a lawyer if you have questions or need help finding out if your housing is covered by the CARES Act.***

To what type of evictions does the CARES Act apply?

- It applies to cases for unpaid rent. If you live in housing covered by the CARES Act (see above), your landlord cannot file an eviction case against you for unpaid rent until July 25, 2020.
- Your landlord must give you written notice at least 30 days before filing an eviction case in court.
- Your landlord can still file an eviction lawsuit against you for other reasons.

What happens if I can't pay the rent after the protections expire?

- Assuming the landlord sends a proper notice, the landlord can then file an eviction lawsuit.
- If you are a tenant who can't pay the rent, contact your landlord and ask your landlord to give you more time to pay your rent.
- For your protection, get any agreement with the landlord in writing. Do not sign the agreement unless you understand everything in the agreement.
- There may be social service or non-profit agencies in your area that might be able to assist with the rent, contact the United Way at 211 for help locating those agencies.
- When negotiating a payment plan, make sure the agreement includes:
 - A ledger of all amounts currently owed;
 - The date(s) and amount(s) of all the payments;
 - Whether the payment plan includes the rent that will become due during the payment plan;
 - What will happen if you miss a payment; and
 - A promise from your landlord that by agreeing to the payment plan, the landlord will not take legal action against you.
- If a tenant lives in a unit that is subsidized by the federal government, and is facing eviction due to nonpayment of rent, additional eviction protections may apply after May 17, 2020.

If you are a tenant facing eviction and have questions about your situation, contact JALA. You can also go to JALA's website at www.jaxlegalaid.org or www.floridalawhelp.org to learn more about tenant rights, as well as for some assistance in drafting a response to an eviction lawsuit.

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**This fact sheet is for general education only. It is not intended to be used to solve *individual problems*.
If you have specific questions, contact a lawyer.**