



COVID-19
Contract and
Lease
Webinar



Jonathan Arias

- Owner of the Onyx Group
- Practicing since 2016
- Focused on contract litigation in both residential and commercial leases
- Based in Miami-Dade but litigate Landlord/Tenant cases all over the state

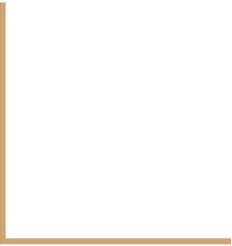


Overview

-  Cares Act
-  Gov. DeSantis' Executive Order
-  Miami-Dade State of Emergency
-  What COVID-19 means for Landlords
-  What COVID-19 means for Tenants
-  Q&A



POLL: *Are you a Landlord or a
Tenant?*



CARES Act

- 🏠 Coronavirus Aid, Relief, and Economic Security (CARES) Act
- 🏠 120-day moratorium on certain evictions, started Mar. 27 ends Jul. 25
- 🏠 Only pertains to residential leases, no provision for commercial leases
- 🏠 Only pertains to “Covered Property.” Important to know what this means.

Covered Property

-  In the government's Covered Housing Program
-  Has a Federally backed mortgage loan or a Federally backed multifamily mortgage loan

Federally Backed?

-  Secured by a loan in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any agency of the Federal Government or in connection with HUD, or any other government agency

-  Purchased or securitized with Fannie Mae or Freddie Mac

Prohibited Under CARES Act

-  1. Legal action to recover possession of property for nonpayment of rent or other fees or charges;
-  2. charge fees, penalties, or other charges to the tenant related to nonpayment of rent.

Prohibited Under CARES Act

-  “May not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate”
-  My interpretation is that even after the moratorium is over, you must give tenants at least 30 days notice. Not just a 3-day notice as required in Florida.



POLL: Is Your Rental Property
Mortgage Backed?



QTHE N Y X GROUP

Evictions Under CARES Act

- Is your property federally backed under the definition?
- Yes? Then you cannot take action until July 25
- No? You can take action under the CARES Act but may run into state and county obstacles

Gov. Desantis' Executive Order

- Suspends all actions on evictions for non-payment of rent
- Only applies to residential tenants
- Lasts for 45 days from the date of the order
- Signed on April 2, so 45 days is Monday, May 17
- Could be extended

Miami-Dade State of Emergency

- Mayor Gimenez Declared a State of Emergency on March 11
- Miami-Dade Police will not assist with evictions during state of Emergency
- Last year, during Hurricane Dorian, police evicted an elderly woman
- State of Emergency extended again until May 14
- Original expiration date was March 19

Parties Needed for Eviction Process

- 1. Clerk of Courts 2. Judge 3. Police
- Clerk of Courts- Process filings & issues summons and writ of possession
- Courts are closed- you can file suit electronically but cannot get summons

Parties Needed for Eviction Process

- 🏠 Judges- make rulings on your case
- 🏠 Courts are closed- some judges meet via Zoom but likely not for evictions
- 🏠 Police- serve writs of possession and forcibly remove people
- 🏠 Miami-Dade police will not serve writs or remove anyone during State of Emergency

Recap

- If DeSantis order is not extended, you can only get in line, but not possible to complete process
- If Miami-Dade State of Emergency order is not extended, police will begin assisting with evictions but courts will still be closed
- Police had a 4-week delay on executing writs of possession **pre-COVID**
- CARES Act and Florida Executive Order do not protect commercial tenants, only the Miami-Dade State of Emergency



COVID-19 for Tenants

- Should still pay your rent
- Force Majeure- Acts of God, terrorism, weather events
- Impossibility- Performance under contract is impossible
- Frustration of Purpose- Sole purpose of contract is no longer possible
- I believe most leases will be restructured, but performance not excused

**TRYING TO MAKE IT
THROUGH 2020 BE LIKE**



THE NYX GROUP

Q&A Time



QTHE NYX GROUP

Thank You!



QTHE NYXGROUP