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RE: Update on Execution of Writs of Possession in Miami-Dade County

Dear Valued Client:

We hope this correspondence finds you well. As you may be aware, we recently sent you an advisory outlining our most up to date information about Miami-Dade County's policy regarding execution of writs of possession. As stated in that advisory, we have been using all the tools at our disposal to both lobby the Miami-Dade County Mayor's office for a change to their current policy and to provide you with the information you need to make informed decisions for your business.

With that in mind, our firm was able to meet with senior Miami-Dade County officials in order to voice your concerns regarding their current policy and to make sure we raised the issues you are going through on a daily basis. Specifically, on April 13, 2021, our firm and members of the South East Florida Apartment Association, of which Barfield McCain serves as general counsel, spoke with Miami-Dade County Chief Public Safety Officer, J.D. Patterson, Chief Community Services Officer, Morris Copeland, Director of the Miami Dade Police Department, Freddy Ramirez, and many others. We were informed that Mayor Daniella Levine Cava's order limiting the execution of writs of possession for residential evictions has expired and Miami-Dade County is attempting to resume normal procedures for executing writs in cases which are not covered by the CDC moratorium.

However, the County informed there would continue to be significant delays before we begin to see anything like the pre-COVID era process for the execution of writs as there is a substantial backlog of writs awaiting execution. Specifically, officials noted there are approximately three thousand (3,000) writs pending execution and, after a revamp of processing and hiring additional staff, the County is able to execute approximately 90 writs per day.

Furthermore, the County informed us of their additional procedures for vetting cases submitted for writ execution. The new procedures tentatively include the following:

- The County will verify that the tenant has not submitted a CDC declaration;
- The County will verify whether the tenant will qualify for a rental assistance program such as the ERAP program;
- If the tenant may qualify, the County is contacting both the landlord and tenant in order to determine whether they wish to participate;
- After all the above has been verified, the writ is sent for execution.



Another potential issue that the County mentioned is that if the tenant produces a signed CDC declaration at any point in this process, including up to the time of writ execution, they are going to pause execution in order to conduct a “second look” at the file. We were informed that this “second look” procedure should last no more than 1-2 days, but is simply being done in order to verify that nothing was missed in their initial screening.

Because of this new process and the sheer volume of writs pending execution, you should begin to finally see some movement on older cases but we want to caution you, it will be slow going. It should also be noted that certain newer cases may be finalized before older ones simply because of how the new process works and the added bureaucracy involved in the County’s screening procedure.

What You Can Do

In the meantime, you should determine whether or not you are willing to participate in the Miami-Dade County ERAP program or other rental assistance programs, and you should determine whether any of your tenants with a pending eviction have filed a CDC declaration. Having this information readily available may assist in speeding up writ execution procedures in Miami-Dade County as you will be able to provide officials with the most up to date information as they are making their determination.

As always, our highest priority remains to support our valued clients through these uncharted waters and we wish you continued success and prosperity through all your endeavors.

Warm Regards,

Your Friends at Barfield, McCain PA