

State Of Miami Renters



A report by Power U Center for Social Change, DataCenter
and Community Justice Project of Florida Legal Services

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About the Partners

Power U Center for Social Change

Power U's mission is to organize and build power in low-income communities of color impacted by social, economic and institutional injustice. Their vision is to stand shoulder to shoulder among all people in Miami as an ethnically represented, thriving community in control of its resources and the preservation of its history.

<http://www.poweru.org/>

Community Justice Project, Florida Legal Services

The Community Justice Project, a project of Florida Legal Services, Inc., was founded in 2008 to provide legal support to grassroots community organizations in Miami's low-income communities. Rooted in the law and organizing movement among poverty lawyers, the CJP's dynamic style of law practice has many names - community lawyering, movement lawyering, or political lawyering -but is fundamentally rooted in the belief that those most impacted by marginalization or oppression lead their own fight for social justice. We believe lawyers are most effective when they support community organizations accountable to the persons most affected by social injustice. The CJP's current priority areas are affordable housing and workers rights. For more on our history and our work:

<http://www.floridalegal.org/cjp/>

DataCenter

DataCenter is a national research and training organization for social justice movements and grassroots organizing. Rooted in progressive social movements and grounded in values of justice and self-determination for communities, DataCenter uses research as a tool to centralize community power and transform society. DataCenter believes in advancing the concept and strategy of Research Justice - a theory and practice for social change that validates all forms of knowledge, and puts information in the hands of communities organizing for justice. With over 30 years of experience in Research Justice, the DataCenter provides critical research support for community based organizations and social justice movements.

<http://www.datacenter.org>

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0.1 Executive Summary

Renters are a critical component of healthy, vibrant, and sustainable communities. Affordable and livable rental housing provides families with shelter and is the foundation of a strong and stable community. In the City of Miami, renters are not only important, but the majority, comprising 64 percent of the population.¹ However, despite being the majority, the needs of renters are often ignored by policymakers and elected officials in Miami while the needs of landlords, developers and homeowners are prioritized. As a result, renters in the low income neighborhoods in Miami face a host of challenges including a shortage of affordable housing, widespread slum conditions, and limited legal protections.

Florida is among the top five states in the country with the least affordable housing.² After a brief respite at the beginning of the real estate crash, Miami has recently seen skyrocketing rental costs, a lull in new rental housing production, and an increased loss of funding for affordable units. These followed a substantial loss of rental housing to condominium ownership and the preference for homeownership development over rental housing, which preceded the crash.³ Even when rental cost increases are slowed or reversed, they still significantly outpace low wage workers' income. Aside from rent, tenants directly pay high fuel and utility costs which have further deteriorated affordability over the last decade.⁴

Miami rental housing has suffered severely through each stage of the recent boom-bust economy. Prior to the bust, gentrification, the process where higher-income households move back into the central cities they once abandoned, was particularly prevalent in the low income neighborhoods in Miami.⁵ After the bust, Miami, along with several other cities in Florida, has had some of the highest foreclosure rates in the country.⁶ The economic bust resulted in a significant loss of income for many low income renters. Moreover, the tsunami of foreclosures has pushed many middle-income homeowners into the rental market, competing with existing renters for increasingly scarce units.⁷

The shortage of affordable housing in Miami exists in a state with very few protections for renters. Florida statutes fail to provide any authority for tenants to repair serious housing problems and deduct the cost of repairs from the rent. In fact, Florida tenants who have spent their rent making repairs on seriously dilapidated housing must nevertheless pay the full amount of rent to the court or face immediate eviction. Lack of decent affordable housing has renters confined to housing of poor quality and unsafe conditions. However if they dispute those conditions they are vul-

nerable to eviction and homelessness. In either case, as is documented by this study, low-income families face unstable and dangerous living conditions.

In 2008, the Power U Center for Social Change, created the Renter Majority Project (RMP) in response to growing epidemic of substandard conditions and illegal evictions in the low-income historically African-American neighborhood of Overtown. As one of its initial projects the RMP began working with the Community Justice Project (CJP) of Florida Legal Services to raise awareness about renters' legal rights. In discussions with tenants during these educational efforts RMP heard over and over again stories of poor tenants who were living in horribly unsafe and unhealthy conditions without running water, with dangerous structural hazards, and with little or no protection from the law.

As a result, Power U with the support of the DataCenter launched this study to document the experiences of renters in Miami's poor and minority neighborhoods. While much has been written about the state of homeownership or commercial real estate in Miami, not much has been written about renters in Miami, much less poor and minority renters. In 2009, Power U collected 954 surveys in the neighborhoods of Liberty City, Little Haiti, Wynwood, Allapattah, Overtown, Coconut Grove, and Little Havana. The result was one of the largest surveys of individual renter conditions of its kind. The survey covered key areas of housing costs, quality and renter rights. In addition to the survey, CJP analyzed the dockets of over 24,000 residential eviction cases filed in the 16 months between January 2008 and April 2009. The following outlines the key findings from the study:

Poor and minority Miami renters are cost-burdened by high rents

The study found that the majority of families surveyed suffer from the burden of extreme rent costs. Eighty seven percent of households surveyed are cost-burdened as they are paying more than 30 percent of their income on rent. More than half (59%) are severely cost burdened and spend more than 50 percent of their income on rent. Further, the price of utilities adds to the cost-burden on the household. Severe housing cost burdens have impacts beyond housing conditions. When families are forced to overspend on housing, they do not have enough money to pay for other life necessities, such as food and medicine. In addition, high rents force individuals and families to live together in a single unit. The survey found that one quarter of the respondents are living in overcrowded homes, in comparison to the 9 percent of the general population of Miami residents.

Poor and minority Miami renters live in substandard housing conditions.

The survey sought to document housing conditions of rental properties in the aforementioned neighborhoods and found that the conditions are substandard. Three quarters (76%) of the residents surveyed experienced some type of housing problem; a much higher incidence rate than the greater Miami area. More than half (59%) of the residents had cockroaches and one quarter (26%) reported seeing rats or mice. Other problems reported included structural issues, plumbing and electrical problems, and mold and mildew. The residents surveyed reported that landlords were unresponsive or slow in addressing the poor housing conditions. More than one third (35%) of the households surveyed reported landlords took 3 or more weeks to make repairs. In addition, 15 percent of respondents reported that the landlord failed to make any repairs at all.



The type of health conditions experienced by residents is also important to note. More than half (56%) experienced at least one health issue. The most common health problem reported was depression (22%), followed by asthma (19%) and headaches (18%). In addition, some residents experienced fatigue, spider or insect bites and skin rashes.

Poor and minority Miami renters lack basic protections

Written long-term leases provide stability in housing and rent prices. Yet very few respondents had written year-to-year leases. Two-thirds reported having some form of month-to-month lease. Forty percent of respondents said they had an oral month-to-month lease. Oral leases do not provide the minimal security of a basic description of rights of the parties. The lack of housing stability is also apparent in the length of tenancy. Nearly half (48%) of those surveyed had moved one or two times in the past five years, and over 20 percent had moved three or more times.

There is no governmental agency at the city, county or state level, whose function it is to mediate private landlord-tenant disputes. A search of the Miami-Dade County government website for “tenants’ rights” only turns up a page on “Evictions” with step by step instructions for a landlord to evict a tenant. In the CJP eviction study of court dockets, there were

numerous cases with tenants who had housing problems such as sewage overflow or leaking roofs and were unable to get rent reduced or an order of repair from a County Court judge. In their analysis of eviction cases, they found that lack of effective remedies so discouraged renters that the vast majority (75%) failed to even respond to eviction complaints in the complex court system. This inability to access the courts is of particular concern since a disproportionate number of evictions occur in the poorest city neighborhoods (which overlap with the zip codes in the renter survey).

Conclusion

The survey findings show that without adequate affordable housing, low income residents in Miami suffer from severe rent cost-burden, overcrowding, displacement, and substandard housing conditions with potential increased health risks. Moreover, without improved legal protections for tenants, renters are unable to access the court system or obtain effective remedies against their landlords.

The following sections include the major findings from the survey. The first section begins with a description of the methodology and provides background on who was surveyed and the neighborhoods that were included. The subsequent three sections contain the key findings from the survey. Section 3 details the findings related to the rent cost burden and its effects such as instability and overcrowding. Section 4 summarizes the findings on housing conditions and health problems experienced by tenants. Section 5 explores the shortfall of renter protections in city. The report ends with a short conclusion that highlights the need for stronger policies that support renter rights.

0.2 Background and Methodology

This study utilized a community-based participatory research (CBPR) approach involving tenants from poor and minority communities in the design and implementation of the survey. The survey was reviewed by the project partners. Power U finalized, piloted and implemented the survey. The survey covered the key areas of housing costs, quality and legal issues.

The survey was undertaken in 2008 and 2009 by staff, residents and volunteers of Power U. The information was collected largely through door to door canvassing in the Liberty City, Little Haiti, Wynwood, Allapattah, Overtown, Coconut Grove, and Little Havana neighborhoods. Most of

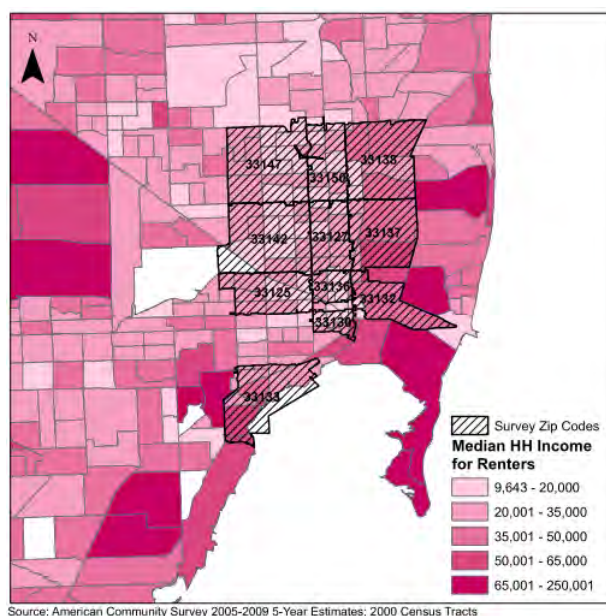
these neighborhoods are predominantly low-income and their central locations make them targets of gentrification and redevelopment.⁸ A total of 954 surveys were collected - making this one of the largest survey samples of Miami renters of its kind. DataCenter analyzed the survey data and co-wrote the final report with the assistance of Community Justice Project (CJP) of Florida Legal Services.

In addition to the survey, CJP conducted a study of eviction cases filed in Miami-Dade County. They reviewed the dataset of all evictions filed in the 16 months between January 2008 and April 2009 and analyzed the dockets of over 24,000 residential eviction cases. Some of the results of that survey are also discussed.

Who Was Surveyed

As can be seen in the map below, the survey respondents are from the poorest neighborhoods in Miami. Sixty-four percent of surveyed residents make below 50 percent of the median family income for the city of Miami. These residents represent very low-income renters for whom public and other forms of affordable housing are especially crucial.

Figure 1: Cost Burden by Respondent, City and County



The predominant racial group surveyed is Latino/Latina making up 47 percent, followed by Black/African American with 38 percent and Haitian American with 8 percent. Fifty seven percent of the survey respondents are female and 43 percent are male respondents. The age groups are fairly-

evenly distributed, with the smallest group being 55 and older making up only 21 percent. The language makeup is fairly evenly split between English (45%) and Spanish (41%), with Creole being third (7%). Six percent of those surveyed speak two or more languages.

About the Neighborhoods

The neighborhoods where the surveys were conducted have rich histories and strong community identities that are being threatened by redevelopment and gentrification. The neighborhoods are described below.

Liberty City, also called Model City, was created in 1934, initially as a single New Deal housing project.⁹ Located in the north of Miami, the majority of its residents are African American with a small (3%) Latino population. Like other black neighborhoods in Miami, it was a vibrant neighborhood that faced “white flight, abject poverty, low educational achievement, high unemployment rates, urban blight, and crime.”¹⁰ It has recently suffered from residential gentrification due to its “prime location near the downtown area, availability of inexpensive, vacant land, and a politically marginalized populace” followed by devastating loss of homeownership and resident equity due to the foreclosure epidemic.¹¹

Little Haiti is home to thousands of Haitian immigrants who arrived after 1980. The enclave is comprised of “largest concentration of [Haitian Americans] living at or below the poverty line.”¹² Little Haiti is another neighborhood feeling the pressures of gentrification. “With very little undeveloped land remaining, developers are looking at older neighborhoods, such as Little Haiti, as new candidates for development. Residents who are pushed out of Little Haiti will find it very difficult to locate alternative housing. Moreover, for Haitians dependent on the Creole-speaking services accessible only in Little Haiti, displacement from the neighborhood could have deeper consequences for their well-being.”¹³

Wynwood, Buena Vista and Allapattah are working class Latino neighborhoods. These neighborhoods are at risk of wholesale gentrifica-

Table 1: Profile of Survey Respondents

Race/Ethnicity	%
Hispanic/Latino	47
Black/African American	38
Haitian American	8
White	3
Other	1
Asian	<1
Native American/Pacific Islander	<1
Gender	%
Female	56
Male	43
Transgender	<1
Age	%
18-35	39
36-54	40
55 and over	21
Language	%
English	45
Spanish	41
Creole	7
Other	<1
<i>Source: Power U Rental Survey 2009</i>	

tion. Wynwood is being developed into a major hub for arts and fashion. “Allapattah is facing wide spread slumlord situations and Buena Vista is getting assaulted with raising rents for working class people as Wynwood is gentrified.”¹⁴

Overtown, once considered the Harlem of the South, is a predominantly Black community located adjacent to downtown. “More than 50 percent of its residents live in poverty. This marks a dramatic shift from less than 50 years ago, when many Black residents owned businesses and homes.”¹⁵ The decline of the community began when a major highway project ran through the central business district of Overtown. “More than 10,000 people were removed from the area, mirroring the abandonment of many urban areas across the country by the federal government, industry, and working- and middle-class whites. Long neglected, the Overtown neighborhood has in recent years become an area of interest to the city and to developers.”¹⁶

Coconut Grove is one of the oldest neighborhoods in the City of Miami. It was established more than a century ago and settled by people from the Bahamas with many descendants of the first families still living here. Many of the original Bahamas-style pine houses can still be found in the neighborhood. Coconut Grove “contrasts sharply with its affluent neighbors, with 25 percent of residents earning \$12,000 or less just blocks from the upscale CocoWalk mall and downtown Coconut Grove. The biggest challenge today in the West Grove is ameliorating the effects of gentrification brought about by land values in the area. Homes within a block of the West Grove border have tripled in value over the past five years.”¹⁷

Little Havana was named in the 1960s when Cubans began migrating to the city. Though many Cubans have left the area, it is now home to many other new immigrant communities from the Caribbean, Central and South America and has a population that is 98 percent Latino.¹⁸ Like the other neighborhoods, it is vulnerable to gentrification but will also be particularly impacted by the proposed new baseball stadium.

0.3 Rental Costs

April is an African American mother living in Overtown. In the 40 years that she has lived in Miami, she has moved six times. Two years ago, she lost her job and with it her apartment. She initially had nowhere to go with her children and ended up living in the streets. She found a one-bedroom

apartment and now lives there with three adults and six children. It is extremely difficult for her and her family to have that many people living in such a small apartment where they have to share beds and space. This causes a lot of fights among them and, for April, the situation makes her feel depressed and stressed. In addition to overcrowding, she's experienced numerous issues with her housing that exacerbates her already difficult living situation. Unable to pay utilities, her lights and water were cut. Their food went bad and they had no water to bathe in or drink. Their home also has problems with pests, cracks in the door and holes in the walls. When she reported these housing issues to the landlord, he said he would fix it but never did. She is finding various health problems emerge in her family such as headaches, asthma and coughing.

According to the National Low Income Housing Coalition, a household in Miami-Dade County would need an annual income of \$45,000 to afford the HUD fair market rent for a two-bedroom apartment.¹⁹ Even housing that is called "affordable" has rents that are reaching unaffordable levels. A Miami-Herald report found that affordable units are often increasing the rent to the maximum level allowed each year.²⁰

The only rental units affordable to the average renter are heavily subsidized units. Yet, many of the existing affordable development already have lengthy waiting lists. This was most apparent when 70,000 people applied for public housing and housing vouchers within 30 days of when the County opened up its lottery in 2009.²¹

Rent cost burdens, when a household pays more than 30 percent of their income on housing, have predominantly occurred at the lowest income levels.²² This lack of affordability is apparent in the survey responses. The survey found that 87 percent of families were experiencing a rent cost burden.

The majority of those surveyed are low income. Of survey respondents

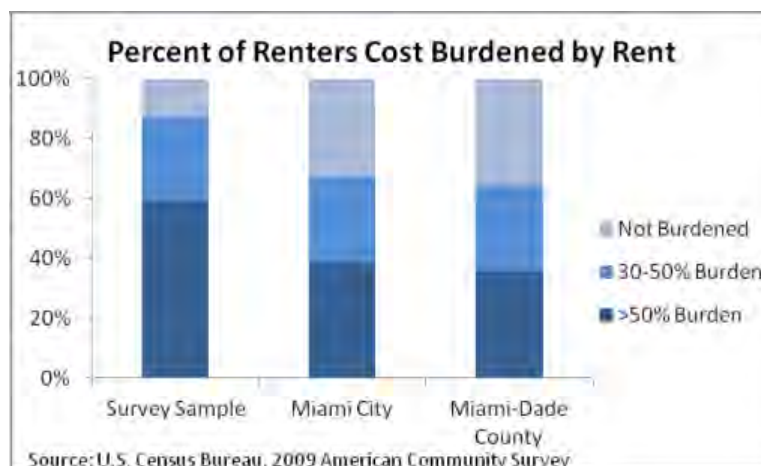
Table 2: Rental Costs

Household Monthly Income	%
1-500	7
501-1000	38
1001-1500	24
1501-2000	18
2000 or above	13
Household Monthly Rent	%
1-400	9
401-600	31
601-800	37
801-1000	18
1001 or above	5
Number of Persons Unemployed	%
One	34
Two	14
Three or more	6
Persons on Fixed Income	%
One or more	35
Subsidized Housing	%
Public housing waiting list	8
Receive section 8 vouchers	8
Cost Burden of Renters	%
None	13
Moderate (30%-50%)	28
Severe (50% or more)	59
Total burdened (>30%)	87
<i>Source: Power U Rental Survey 2009</i>	

who reported a positive (non-zero) income, the median monthly household income is \$1,200. Over one third of residents had a household income between \$501 and \$1,000 per month. More than half of the households surveyed (54%) reported at least one person as unemployed. Thirty five percent of households also reported household members with fixed-incomes. Additionally, 18 percent of respondents reported being on a public housing waiting list and only 8 percent responded that they currently receive Section 8 housing vouchers.

The median rent for those surveyed was \$650. The survey found that 87 percent of households surveyed suffered from a housing cost burden. More than half (59%) are severely cost burdened in that they are spending more than half of their income on rent. The neighborhoods surveyed are experiencing cost burden significantly higher than either the City of Miami or Miami-Dade county.

Figure 2: Cost Burden by Respondent, City and County



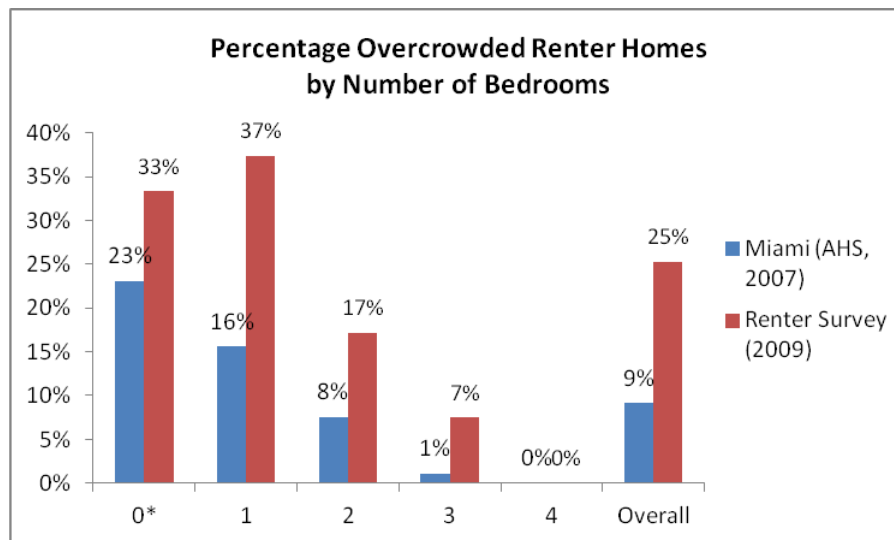
Utilities are also a part of the total cost of housing and create an additional cost-burden on the household. The average bill for utilities in the survey respondents is 103 dollars for electricity and 30 dollars for gas. “Lack of affordable housing has been linked to inadequate nutrition, especially among children. Relatively expensive housing may force low-income tenants to use more of their resources to obtain shelter, leaving less for other necessities such as food. Children from low-income families receiving housing subsidies showed increased growth compared with children whose families were on a subsidy waiting list, an observation consistent with the idea that subsidies provide a protective effect against childhood undernutrition.”²³

Low-Income renters in Miami are living in overcrowded conditions

As the cost-burden of renting increases, families are forced to combine households in order to afford the rent. Numerous studies have shown that such overcrowding has an impact on the physical and mental health of residents.²⁴ Using American Community Survey (ACS) data from 2003, a study from RISEP found that “although more than 42,000 families in the City of Miami cannot afford more than a one bedroom dwelling, the average family in the city in 2003 had at least 3 members, suggesting the need for at least two bedrooms.”²⁵ The survey found that overcrowding is an issue for a quarter of the residents.

Based on the survey respondents, the average number of bedrooms was 1.7. A U.S. Department of Housing and Urban Development (HUD) study analyzed various measures of overcrowding.²⁶ One of the accepted measures is persons per bedroom (PPB). If a residence has more than 2 persons per bedroom, it is considered overcrowded. As seen in Figure 3, one quarter of the respondents were living in overcrowded homes, much higher than the 9 percent of residents of Miami in general. Over one third of respondents in one-bedroom apartments were overcrowded and one-quarter in two or more bedroom apartments were overcrowded.

Figure 3: Percentage Overcrowded Renter Homes by Number of Bedrooms



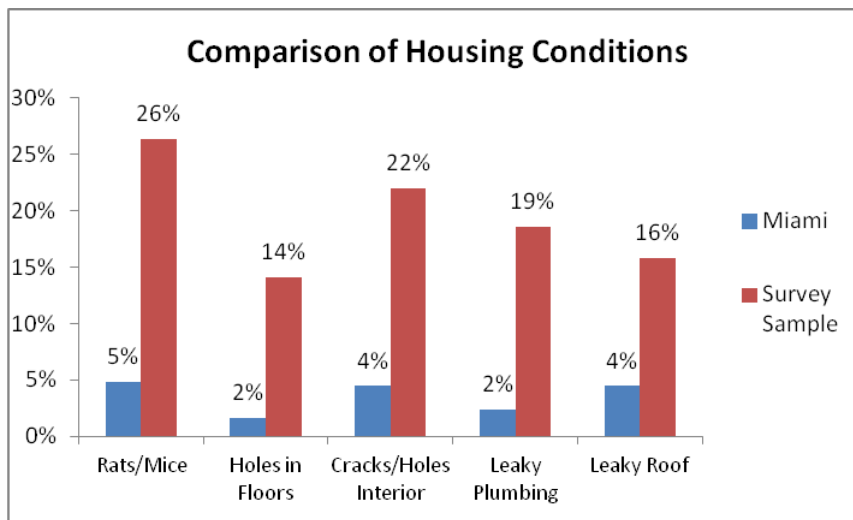
(a) *uses PPR >1 vs. PPB>2

0.4 Housing Conditions

Lance is a 29-year-old African American living in Overtown. Though he was born and raised in Miami, Lance has moved 30 times in his life. This was due to frequent periods of unemployment and not being able to pay his bills. In his current home, he finds it hard to pay his rent of \$650 because he isn't working. He's had his lights and water turned off and has gone hungry. His household consists of four people (two of them children) that are sharing a one bedroom. He cannot afford to move. The paint in his home is peeling, but the landlord hasn't done anything about it. One time the roof collapsed and they had to go to the hospital. He and his family have experienced various health issues due to their housing conditions such as headaches, coughs and shortness of breath.

The Florida Residential Landlord and Tenant Act states that “a landlord has an obligation to maintain a dwelling up to all applicable building, housing, and health codes.”²⁷ Poor health can often be attributed to an unhealthy home environment. Many studies have shown correlations between poor housing conditions and degraded health, “including respiratory infections, asthma, lead poisoning, injuries, and mental health.”²⁸

Figure 4: Housing Conditions by Respondent and City



Low-income renters in Miami are living in substandard and uninhabitable conditions

The survey sought to document housing conditions of rental properties and found that the conditions are substandard. Three quarters (76%) of

the residents surveyed experienced some type of housing problem. More than half (57%) had more than one issue and almost half (44%) had two or more of the substandard housing conditions surveyed. Comparing the survey results with conditions of the greater Miami area from the 2007 American Housing Survey (AHS), the surveyed neighborhoods had much higher incidence rates of these substandard conditions. Figure 4 shows that poor housing conditions in the surveyed neighborhoods were between 4 and almost 10 times higher than those for the metropolitan area. This demonstrates that not only are renters severely cost burdened, but they are being forced to live in substandard, illegal and unhealthy housing units.

The following looks at the key housing condition problems experienced by the respondents and the types of health impacts each may have had on the families who experienced them.

Pests

The survey found significantly more than half of residents (59%) reported cockroach problems. In addition, one quarter (26%) of surveyed households had seen rats or mice in the past three months and almost one quarter (23%) had termites. Cockroaches and rodents are pests that can cause allergic reactions and trigger diseases. Cockroaches are especially dangerous for children. Studies have found that there is an increased risk for hospitalization for children with asthma who are sensitized and exposed to cockroaches.²⁹ Similarly, mouse allergen also acts as a key cause of allergy and asthma illness.³⁰ Furthermore, “intrusion by disease vectors (e.g., insects and rats) and inadequate food storage have long been identified as

Table 3: Housing Problems

Number of Housing Problems	%
More than one	57
More than two	44
No housing problem	24
Type of Housing Problem	%
Roaches	59
Rats/Mice	26
Excessive Dust	26
Mold/Mildew	26
Termites	23
Cracks/Holes in Walls	22
Electrical Problems	20
Faulty Windows	20
Wet/Moist Walls	19
Plumbing Leaks	19
Faulty Doors	16
Leaky Roof	16
Faulty Floors	14
Rusty/Brown Tap Water	9
Sewage Backup	8
Type of Health Problem	%
Depression	22
Asthma	19
Headaches	18
Fatigue	13
Insect/Spider Bites	13
Skin Rashes	12
Coughing	11
Trouble Breathing	9
High Blood Pressure	8
Injuries from Faulty Work	4
Children w/ Learning Disabilities	2
Cancer	2
Bronchitis	2
Heart Attack	1
Eating Disorder	1
Lead Poisoning	1
Experienced A Health Problem	56
Landlord Repair Time	%
Less than a week	47
One to two weeks	18
Three weeks or longer	19
No repair	15
<i>Source: Power U Renter Survey 2009</i>	

contributing to the spread of infectious diseases.”³¹

Structural issues

Structural defects permit entry of cockroaches and rodents; leaking pipes and other sources of water provide them with water to drink.³² Poor physical housing quality can also increase potential for injury. Burns from exposed heating sources and falls from “unprotected upper-story windows and low sill heights, slippery surfaces and poorly designed stairs with inadequate lighting,”³³ are common injuries from substandard housing. The survey found various structural problems in many of the homes including cracks/holes in the wall (22%), faulty windows (20%), electrical problems (20%), plumbing leaks (19%), faulty doors (16%), leaky roof (16%) and faulty floors (14%).

Mold and mildew

There is a well documented link between the presence of mold and mildew and breathing conditions such as asthma which is “believed to be mediated by residents’ allergies to fungi.”³⁴ For example, in a study of 1,000 children between the ages of 6 and 7, a highly significant association between mold and wheezing was found.³⁵ Another study found that “Damp, cold, and moldy housing is associated with asthma and other chronic respiratory symptoms, even after potentially confounding factors such as income, social class, smoking, crowding, and unemployment are controlled for.”³⁶



Beyond asthma, there are other health issues related to damp housing conditions. For example, “cross-sectional epidemiological studies have also established associations between damp and moldy housing and recurrent headaches, fever, nausea and vomiting, and sore throats.”³⁷ The environment created by dampness in homes is ideal “for mites, roaches, respiratory viruses, and molds, all of which play a role in respiratory disease pathogenesis.”³⁸ House dust mites (HDMs) can emerge in parts of homes where humidity is greater than 50 percent and temperatures are warm to mild. They can cause serious allergic symptoms, including bronchial asthma and “persons with high levels of HDMs in their homes have a five times greater risk of developing atopic dermatitis,” which is a chronic skin disorder.³⁹

One quarter of survey respondents are experiencing mold and mildew in their homes and 19 percent have wet or moist walls.

Health problems experienced by residents

The survey explored various types of health conditions actually experienced by the respondents. More than half (56%) experienced at least one health issue. The most common condition was depression (22%), followed by asthma (19%) and headaches (18%). In addition, some respondents experienced fatigue, spider/insect bites and skin rashes.

Landlords unresponsive to repair requests

Even though most families experienced some housing issue, landlord response to addressing issues was problematic for many respondents. One third of the households (37%) reported landlords took one week or more to make repairs, with some zip codes/neighborhoods reaching as high as 54 percent. In addition, 15 percent of respondents reported that the landlord failed to make any repairs at all.

0.5 Renter Protections

Manex is 33 years old and lives in Little Haiti. He moved to Miami from Haiti three decades ago. Recently, he's been unemployed and as result, is having trouble paying for his rent and utilities. When he lost his job, he fell behind on his rent and did not have anyone that he could reach out to for support. His landlord evicted him and he ended up living in a shelter. Now, he lives with five other people, three of whom are children, in a one-bedroom home. He feels his home is over occupied but doesn't have money to move. His home has problems with roaches and rats. He reported these problems to his landlord but the landlord told him it was his fault and didn't do anything to address the issues. His family is dealing with asthma. Both his housing and work situation are extremely stressful. He worries about being able to pay his bills as well as his inability to find employment. The lack of privacy and alone time further exasperates his anxiety.

The affordable housing shortage in Miami is coupled with a legal and political system that has very few protections for renters. There is no governmental agency at the city, county or state level whose function it is to mediate private landlord-tenant disputes.

In the Florida Legal Services eviction study described below staff reviewed a number of dockets in which renters who had complained of housing problems such as sewage overflow or leaking roofs were unable to get rent reduced or an order of repair from a County Court judge. Indeed, the residents had been evicted or were forced to move out without ever getting an opportunity to speak to a judge. Substandard housing conditions and a failure by the landlord to repair can be grounds for tenants to withhold rent. However, if landlords then file eviction actions, the tenants are required to pay the entire rent to the court clerk as a precondition to defending themselves. Many tenants have spent the rent repairing their housing. Others have learned through previous experience that there is little or no likelihood that the Court will reduce their rent or return any portion of their rent, even though they may have had legitimate reasons for withholding it. Thus tenants are further victimized while landlords avoid responsibility for building and health codes.

Table 4: Lease and Tenure

Lease Type	%
Verbal month to month	40
Written month to month	27
One year lease	24
Six month lease	3
More than a year	2
Sublet	<1
Not sure	4
Times Moved in the Last Five Years	%
Zero	30
One to two	48
Three to four	16
Five or more	6
<i>Source: Power U Rental Survey 2009</i>	

The foreclosure crisis adds yet another element of vulnerability towards eviction on renters. “According to the National Low Income Housing Coalition (“NLIHC”), more than 20% of all properties facing foreclosure nationwide are rental units. Because rental properties often house multiple families, the NLIHC calculated that renters make up approximately 40% of the families facing eviction.”⁴⁰

Low-Income renters in Miami do not have written leases

Written long-term leases provide stability in housing and rent prices. Yet very few survey respondents had written year-to-year leases. Most had month to month leases. To terminate a month-to-month lease, landlords are only required to give 15-day notice to vacate. Furthermore, since landlords can increase the rent with only 15 days notice, tenants live in a state of perpetual insecurity. Forty percent of respondents said they had oral month-to-month leases. Oral leases do not provide the minimal security of a basic description of the rights of the parties. The next largest group had written month-to-month leases (27%). The short tenure of many of the residents surveyed reflects the level of housing instability. Nearly half of those surveyed had moved one or two times in the past five years. Over

20 percent had moved three or more times in the past five years. Only 30 percent of the respondents had lived in the same location for more than five years.

Evictions

An analysis by Florida Legal Services of eviction cases filed in Miami-Dade County found that the majority of renters (75%) failed to even respond to eviction complaints in the complex court system. This could be due to a lack of knowledge or a lack of faith in the court system. The requirement to pay all allegedly past due rent to the court (regardless of the condition of the property) likely also depresses responses. Moreover, of those who did respond, most of their responses were dismissed by the court without any hearing due to a failure to conform to the rent deposit requirements. A separate review of a number of court files showed that many of the dismissed responses contained valid defenses. In fact, several responses which fully conformed to all court procedures were nonetheless dismissed without a hearing. This inability to access the courts is especially of concern since a disproportionate number of evictions occur in the poorest city neighborhoods (which overlap with the zip codes in the renter survey). The poorest 5 of 80 (6%) zip codes, which have 11 percent of the county's renter households, had 15 percent of eviction actions filed.

Due to lack of information, complex procedural requirements, short time periods, and harsh rent deposit requirements, it is impossible for most tenants to respond to eviction cases or to even get a hearing. It is the court's responsibility to offer even handed justice; however, while there are many resources available for small landlords, there are very few for tenants. For example, the joint Court and Florida Bar webpage hosts twenty-one detailed court forms to assist landlords in the eviction process and no court forms for tenants at risk of losing their homes. Furthermore, the system is severely overtaxed, with little time to spend addressing the tenant's concerns. Representation is largely unavailable with legal services programs overwhelmed by the crush of cases.

Impact of Evictions and Displacement

Evictions have a serious impact on poor families. "Evicted families generally end up in worse housing, with higher housing costs. Displacement and relocation can also result in loss of a job, problems in school, loss of personal possessions and severe mental health impacts."⁴¹ In addition to the dislocation, there is the additional financial burden of paying a substantial move-in cost. Most landlords require first and last month's rent plus

a security deposit. According to the survey, respondents paid a median of \$1,200 for move-in costs. The survey found that 77 percent of respondents paid more than one type of fee. As seen in the previous section, the median household income was \$1,200 a month. Thus these moving costs would be an extreme hardship for poor families.

0.6 Conclusion

This study was launched based on anecdotal information that advocates of Power U and Florida Legal Services had been hearing about the challenges faced by renters in the Miami. The survey was implemented to document the extent to which the issues existed throughout at risk and low income neighborhoods in Miami. The research portrays a severely depressing picture of the conditions faced by low-income residents. The survey results showed that the respondents paid an unaffordable share of their income in rent. It also documented that many residents were living in badly maintained buildings. In addition, many of these families were living in neighborhoods significantly impacted by the unbridled development and gentrification of the past decade. These same families adversely impacted by the boom are now also suffering in the housing collapse. Moreover, the lack of legal protections for renters virtually guarantees that they can be taken advantage of by unscrupulous landlords with little possibility of recourse.

The issues are deep and structural and have resulted from the housing boom and bust cycles but also from gentrification, unbridled development and the fundamental lack of legal protections. Comprising almost two thirds of the city, the needs of renters should be prioritized by housing advocates and city and county agencies. They must address the issues of lack of affordability, lack of renter protections and substandard housing conditions that put families at risk. The city must work together to improve access to quality affordable rental housing in all of Miami for all residents.

Notes

¹U.S. Census Bureau, 2010. Profile of General Population and Housing Characteristics: 2010.

²Joint Center for Housing Studies of Harvard University, 2011. America's Rental Housing: Meeting Challenges, Building on Opportunities. Found at: <http://www.jchs.harvard.edu/new-report-finds-renters-face-record-high-affordability-problems>

³The City of Miami's 2009-2013 Consolidated Plan states that between 2004 and 2007 multi-family rental construction starts decreased by 87 percent. The Plan notes: "The end result was a significant decrease in the number of rental units available due to existing units lost through condominium conversions coupled with a sharp decrease in new rental apartment starts. Therefore, it is expected that rent prices will remain high due to the current low inventory and sharp decline in rental housing production." Between 2004 and 2006 Miami-Dade County lost over 32,000 rental units to condominium conversions. Furthermore, most new rental units are unsubsidized market rate rentals. The City's 2004-2009 plan found that before the current recession, approximately three quarters of the newly constructed rental units charged market rate rents: "76 percent of the 4,683 multi-family rental units under construction/lease-up and 73 percent of the rental units planned are market rate developments." The most common form of subsidized rental unit, Tax Credit rental units, comprised only 13 percent of the new rentals in the City of Miami. See City of Miami Department of Community Development. 2009. Consolidated Plan Fiscal Years 2009-2013. April 2009. and City of Miami Department of Community Development. 2004. Consolidated Plan Fiscal Years 2004-2009. August 2004.

⁴According to a recent study, "For much of the 1980s and 1990s, falling real energy costs helped to close the gap between rent and income growth, dropping to 84 percent of their 1980 level in 1999. However, fuel and utility costs then shot up to 112 percent of their 1980 level in 2008. While the recession moderated other prices, energy prices remain elevated. In real terms, household fuel and utility costs were up 27.1 percent from 1999 to 2010-3.7 times the increase in rents." See The Joint Center for Housing Studies of Harvard University, 2011. Rental Market Stresses: Impacts of the Great Recession on Affordability and Multifamily Lending. Found at: <http://www.urban.org/uploadedpdf/1001550-Rental-Market-Stresses.pdf>

⁵Austin, Sharon D. Wright and Leonard J. Laurenceau. "Urban Revitalization, Residential Gentrification, and Community Protests in the Liberty City Section of Miami." Bob Graham Center for Public Service. Found at: <http://bobgrahamcenter.ufl.edu/civic/urban-revitalization-residential-gentrification-and-community-protests-liberty-city-section-miami> (Henceforth cited as Austin and Laurenceau).

⁶Feldman, Marcos, 2009. Florida's Affordable Housing Needs after the Bust. Research Institute on Social and Economic Policy (RISEP). April 2009. Found at: <http://www.risep-fiu.org/2009/04/research-brief-floridas-affordable-housing-needs-after-the-bust/> (Henceforth cited as Feldman, 2009).

⁷A recent report by Harvard details the impact of foreclosures on the affordable rental market: "While some owners who have lost their homes will quickly buy another unit and others will move in with family and friends, many will become renters. Indeed, after averaging just 0.7 percent annual growth from 2003 to 2006, the number of renter households jumped by 2.8 percent or nearly one million in 2007. The growing numbers of renters must now compete for the limited supply of affordable housing, adding to the longstanding pressures in markets across the country." See Joint Center for Housing Studies of Harvard University. 2008. America's Rental Housing: The key to a balanced national policy. April 30, 2008. Found at: <http://www.jchs.harvard.edu/research/publications/americas-rental-housing-key-balanced-national-policy>

⁸Feldman, Marcos and Jen Borum, 2005. Affordable Housing Cost for Families Residing in Low-Income Miami-Dade Neighborhoods. Research Institute on Social and Economic Policy (RISEP). August, 2005. Found at: <http://www.risep-fiu.org/2005/08/affordable-housing-cost-for-families-residing-in-low-income-miami-dade-neighborhoods/>. (Henceforth cited as Feldman and Borum, 2005).

⁹Mohl, Raymond A, 1985. "The Origin's of Miami's Liberty City." Florida Environmental and Urban Issues, 12. July 1985. Found at: <http://www.housingissues.org/content/hist-libertycity.pdf>

¹⁰Austin and Laurenceau.

¹¹Austin and Laurenceau.

¹²Cruz-Taura, Ana and Jessica L. Farr. 2008. Cruz-Taura. "Miami, Florida: The Little Haiti neighborhood." The enduring challenge of concentrated poverty in America: Case studies from communities across the U.S. A joint project of the Community Affairs Offices of the Federal Reserve System and Brookings Institution. October 2008. Found at <http://www.frbsf.org/cpreport/docs/cp.pdf>. (Henceforth cited as Cruz-Taura, 2008).

¹³Cruz -Taura, 2008.

¹⁴Miami Worker Center. 2011. Grassroots councils. Found at: <http://www.theworkerscenter.org/index.php/en/our-work/grassrootscouncils>

¹⁵Samara, Tony R. and Grace Chang. 2008. "Gentrifying Downtown Miami." Race, Poverty and the Environment. Vol. 15, No. 1. Spring 2008. Found at: <http://urbanhabitat.org/node/1807>. (Henceforth cited as Samara and Chang, 2008).

¹⁶Samara and Chang, 2008.

¹⁷Miami-Dade Metropolitan Planning Organization. 2004. "Coconut Grove Community Background Report." Found at: <http://mpotransportationoutreachplanner.org/workspace/media/pdf/coconut.pdf>

¹⁸City of Miami Neighborhood Enhancement Team. 2010. Little Havana. Found at <http://www.miamigov.com/nets/pages/LittleHavana/Your%20community.asp>

¹⁹Barvve, Elina, Megan DeCrappeo, Linda Couch, and Sheila Crowley. 2012. Out of Reach 2012. The National Low Income Housing Coalition. March, 2012. Found at: <http://nlihc.org/oor/2012>

²⁰A Miami-Herald report found that even affordable units are often increasing the rent to the maximum level allowed each year. "A review of rates for one-bedroom units at several affordable rental properties in Miami shows rents have risen as much as 7 percent a year, for many consecutive years. At the 200-unit Santa Clara II, rent was initially set at \$489 in 2003, before rising to \$713 this year, an increase of 45.8 percent. At Friendship Tower, rates have jumped 21.7 percent since 2007." See Olorunnipa, Toluse. "As rents soar, 'affordable' housing is anything but." The Miami Herald. June 13, 2011.

²¹Wong, Venessa. 2011. "Miami Renters Feel the Heat." Business Week. May 5, 2011.

²²A RISEP study finds that "renting households making less than \$35,000 are the most likely to be cost-burdened by their housing expenses. About 68% of the lowest income renters (making less than \$10,000), 82% of renters earning \$10,000 to \$19,999 and 56.7% of renters earning \$20,000 to \$34,999 are spending 35% or more of monthly income on rent and utilities." See Feldman, 2009.

²³Krieger, James and Donna L. Higgins. 2002. "Housing and Health: Time Again for Public Health Action." American Journal of Public Health. Vol. 92. No. 5. May 2002. (Henceforth cited as Krieger and Higgins, 2002).

²⁴Howden-Chapman writes that: "Crowding has long been known to increase the risk of infectious diseases, such as meningococcal disease, tuberculosis, and hepatitis B, but it also has an impact on mental health and seems to be a contributor at an ecological level to premature mortality." A London-based study found that, among women aged

25 to 45; crowding was associated with psychological distress. The physical dimensions of overcrowding affecting health have been described by Gove, Hughes and Omer; they found a strong link between overcrowding and poor physical health based on indicators such as: getting insufficient sleep, catching infectious diseases, and not being cared for by others when one is sick. Overcrowded living conditions have been associated with increases in ill-health or mortality from heart disease, respiratory disease, asthma, and tuberculosis, by a number of studies. See Howden-Chapman, Philippa. 2004. "Housing Standards: a glossary of housing and health." *Journal of Epidemiology and Community Health*; Gabe, Jonthan and Paul Williams. 1993. "Women, crowding and mental health." *Unhealthy housing*. London. Chapman and Hall; Gove, Walter, Michael Hughes and Omer Galle. 1979. "Overcrowding in the home: an empirical investigation of its possible pathological consequences." *American Sociological Review*. Vol. 44, No. 1. February 1979; Landan, Megan. 1996. "Intra-urban health differentials in London - urban health indicators and policy implications." *Environment and Urbanization*. Vol. 8 No. 2. October 1996.

²⁵Feldman and Borum, 2005

²⁶Blake, K. S., Kellerson, R. L., Simic, A. 2007. *Measuring Overcrowding in Housing*. Found at: <http://www.huduser.org/portal/publications/polleg/overcrowding.html>

²⁷Elsesser, Charles F. and Purvi Shah. 2011. Amicus brief of the Community Lawyering Clinic, University of Miami Law School in support of appellant, Tracey Kendrick. Florida Legal Services.

²⁸Krieger and Higgins, 2002.

²⁹Rosenstreich D. L., Eggleston P., Kattan M., et al. 1997. "The role of cockroach allergy and exposure to cockroach allergen in causing morbidity among inner-city children with asthma." *New England Journal of Medicine*. 336. 1356-1363.

³⁰Phipatanakul W., Eggleston P. A., Wright E. C., Wood R. A. 2000. "Mouse allergen, II: The relationship of mouse allergen exposure to mouse sensitization and asthma morbidity in inner-city children with asthma." *Journal of Allergy and Clinical Immunology*. 106. 1075-1080.

³¹Krieger and Higgins, 2002.

³²Krieger and Higgins, 2002.

³³Krieger and Higgins, 2002.

³⁴Esme Fuller-Thomson, J. David Hulchanski and Stephen Hwang. 2000. "The Housing / Health Relationship: What Do We Know?" *Reviews on Environmental Health*. January 2000 (henceforth cited as Fuller-Thompson, et.al. 2000).

³⁵Strachan D. P., Flannigan B., McCabe E. M., McGarry F. 1990. "Quantification of airborne molds in the homes of children with and without wheeze." *Thorax*. 45.

³⁶Krieger and Higgins, 2002.

³⁷Fuller-Thompson, et.al. 2000.

³⁸Fuller-Thompson, et.al. 2000.

³⁹Fuller-Thompson, et.al. 2000.

⁴⁰Guo, Tony. 2011. "Tenants at foreclosure: Mitigating harm to innocent victims of the foreclosure crisis." *Depaul Journal for Social Justice*. 4.215. Found at http://works.bepress.com/tony_guo/1

⁴¹Hartman, C. Robinson, D. 2003. "Evictions: The hidden housing problem." *Housing Policy Debate*. 14(4). 461-501.