



THE FOODMAN FIRM
MEET YOUR EXPECTATIONS

SEPTEMBER 2021



WHO WE ARE

WITH NEARLY **TWENTY YEARS** OF EXPERIENCE HANDLING **COMPLEX, HIGH-STAKES** MATTERS FOR A VARIETY OF CLIENTS – BOTH **INDIVIDUALS** AND **CORPORATIONS**, **DOMESTIC** AND **INTERNATIONAL** – **THE FOODMAN FIRM CONSISTENTLY PRODUCES** VALUE-DRIVEN **RESULTS** FOR OUR CLIENTS, WITH AN EMPHASIS ON **QUALITY OVER QUANTITY**.

OUR PRIMARY FOCUS AT **THE FOODMAN FIRM** IS TO PROVIDE OUR CLIENTS WITH THE MOST EFFECTIVE COUNSEL, AND TO **FOSTER LONG-TERM RELATIONSHIPS** THAT OUR CLIENTS CAN DEPEND ON.

THE FOODMAN FIRM TAILORS ITS INNOVATIVE FEE STRATEGIES TO MEET THE INDIVIDUAL NEEDS OF EACH CLIENT.

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UPDATE ON EVICTION MORATORIUM + VOLUNTEER LEGAL ASSISTANCE

After last month's opinion from the Supreme Court that a new nationwide eviction moratorium could not be enacted by the CDC and would instead need Congressional action, the CDC enacted a new eviction moratorium.

In that regard, on August 27, 2021, the United States Supreme Court issued an opinion in the case of Alabama Association of Realtors et al. v. Department of Health and Human Services stating that "the CDC has imposed a nationwide moratorium on evictions in reliance on a decades-old statute that authorizes it to implement measures like fumigation and pest extermination." Additionally, the Supreme Court stated that "it strains credulity to believe that this statute grants the CDC the sweeping authority that it asserts."

Millions of Americans are facing housing uncertainty because of this decision, and while Congress could act, they have not. Citing a U.S. Census Bureau survey, U.S. Attorney General Merrick Garland stated that more than 6 million households are behind on rent, and of that amount more than 3 million believe they will be evicted within the next two months. This statement was contained in Garland's letter to the legal community asking for volunteer legal services to help the millions of Americans facing evictions. ABA President Reginald M. Turner Jr. echoed Garland's request in a statement on August 30, 2020, "[w]ith volunteer actions, individual lawyers and law students can make an enormous difference in ensuring access to justice and minimizing the impact of evictions on individuals, families and communities, as well as landlords, during this critical time."





Specifically, volunteer lawyers and law students are needed to help applicants access the Federal Rental Assistance Program that provides economic rental assistance, and to assist courts with eviction diversion programs. In particular, the Federal Rental Assistant program is for those individuals who have lost money because of Covid-19 or its economic fallout, they qualify as low- or middle-income households, and they will have difficulty finding a new place to live.

This additional assistance will be necessary, especially if the eviction process is simultaneous for the approximately 3 million Americans behind on rent that fear

imminent eviction without a moratorium. Without Congressional approval, landlords who have also been struggling to receive payments throughout the pandemic will certainly look to begin the eviction process as soon as possible. Accordingly, without volunteer efforts, there is a concern that Americans already struggling financially will not be able to obtain legal assistance that could help them through the process.

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FLORIDA LEGAL UPDATE

On August 27, 2021, Judge John Cooper of the 2nd Judicial Circuit Court of Florida struck down Governor Ron DeSantis' early July emergency order banning mask mandates for children in public schools.

The emergency order was based on Florida's Parents' Bill of Rights, which became effective on July 1, 2021. The Parent's Bill of Right "[p]rovides parental rights relating to a minor child's education, upbringing, & health care; provides school district, health care practitioner, hospital requirements & specified penalties."

In his decision, Judge Cooper mentioned that Parents' rights are very important, but they are not without some reasonable limitation, depending on safety. In his opinion, a major point was the prevalence of the Delta variant along with other forms of the virus.

Judge Cooper noted that when Governor DeSantis originally issued his emergency order, there was not a Covid-19 State of Emergency in effect in Florida, and that because of the emergence of Delta and other Covid-19 variants, the situation has sufficiently changed for school districts to impose mask mandates without the possibility of opting out. Judge Cooper also noted that policies can be implemented that impact minors under the Parents' Bill of Rights if they are reasonable and necessary to achieve a compelling state

interest and are narrowly tailored. Judge Cooper found that the danger of the current Covid-19 pandemic and protecting the health and safety of school staff and other children constituted a compelling state interest and were narrowly tailored enough to make the mandates sufficient.

Governor DeSantis appealed Judge Cooper's decision to the 1st District Court of Appeal, because as he has stated, he believes that there are "really good grounds" for a successful appeal. Indeed, the Florida Education

Commissioner announced he was withholding money from Broward and Alachua County School Districts.

In his ruling, Judge Cooper stated that the Florida Department of Education would not be able to withhold funds from school districts for enacting mask mandates, however, the appeals process will effectively continue the game of chicken between the state and the school boards for now as the appeal process continues and the school boards potentially struggle without funds.



THE FOODMAN FIRM

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