



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **August 25, 2021, beginning at 6:00 PM** to consider the adoption of the 2021 Update to the City's Low Impact Development (LID) Master Plan. The meeting will be held at the **City of Doral, Government Center, Council Chambers** located at **8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 21-

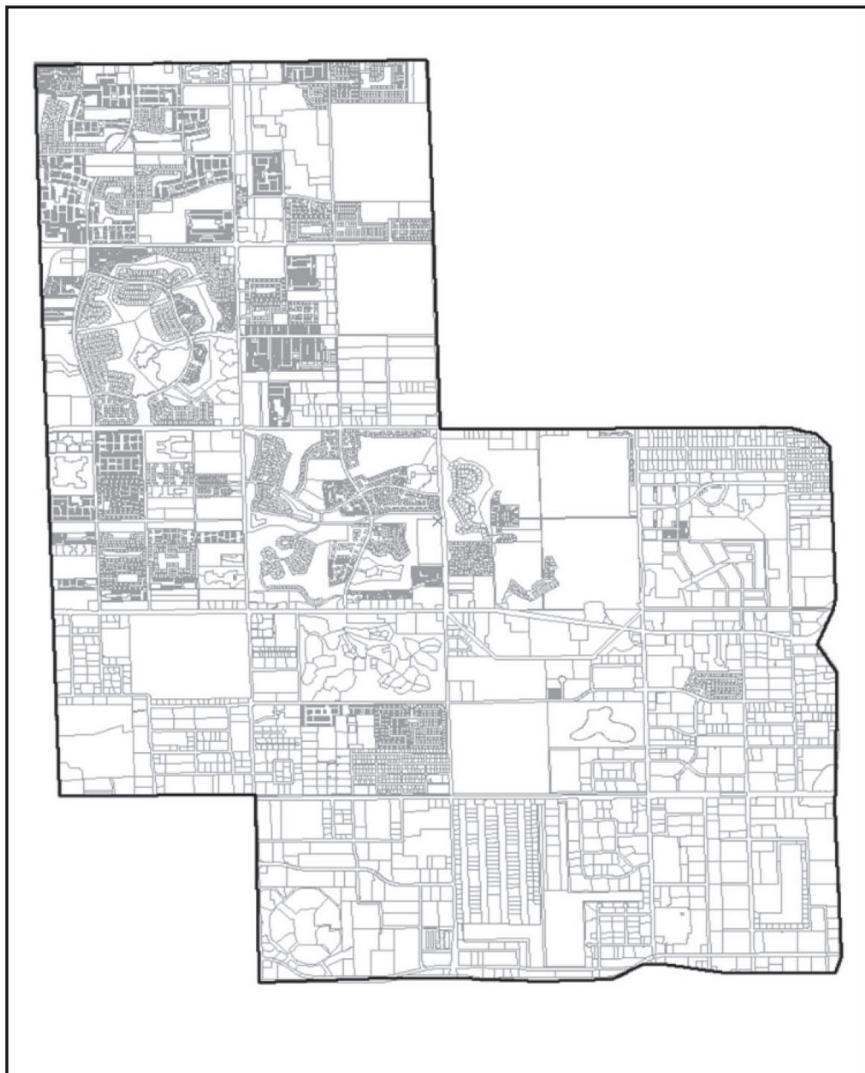
A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ADOPTING THE CITY OF DORAL 2021 LOW IMPACT DEVELOPMENT MASTER PLAN UPDATE; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-08-DOR-06

APPLICANT: City of Doral

REQUEST: The City Manager's Office respectfully recommends that the Mayor and City Councilmembers adopt the 2021 Update to the City's Low Impact (LID) Development Master Plan.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

FROM THE COURTS

Judge Wrestles Over Administration's Latest Eviction Moratorium



DIEGO M. RADZINSCHI

U.S. District Judge Dabney Friedrich in May ruled that the U.S. Centers for Disease Control and Prevention lacked the statutory authority to issue a national eviction moratorium, but later stayed her ruling.

by **Jacqueline Thomsen**

A federal judge in Washington, D.C., questioned the Biden administration's approach to the latest extension of an eviction moratorium, raising statements officials made before and after a U.S. Supreme Court ruling on the federal block on evictions.

U.S. District Judge Dabney Friedrich of the District of Columbia in May had ruled the Centers for Disease Control and Prevention lacked the statutory authority to issue a national eviction moratorium, but later stayed her ruling. A team from Jones Day, representing landlords challenging the moratorium, took the case up to the U.S. Supreme Court, which declined to lift the stay in a 5-4 ruling.

After the Biden administration announced another version of the moratorium, which would only apply to areas with at least "substantial" transmission of the virus, the Jones Day lawyers returned to Friedrich to ask her to lift the stay on her past decision and again block the moratorium. At the end of Monday's hearing, it was unclear as to how exactly the judge will rule on the latest extension.

Friedrich said she had difficulty understanding how she was not bound by a decision issued by a motions panel on the U.S. Court of Appeals for the D.C. Circuit, which maintained the stay on her ruling.

"I'm having a hard time with your argument because the D.C. Circuit considered on appeal the same issues I'm facing now, in the same case," Friedrich said.

Jones Day partner Brett Shumate, previously a top lawyer in DOJ's civil division, countered by pointing to the U.S. Supreme Court's ruling on the motion to lift the stay. He argued that Justice Brett Kavanaugh's concurring opinion in the case, in which the justice said he did not believe the CDC had the authority to issue a national moratorium but wouldn't lift the stay because the policy would expire soon, was a controlling opinion.

Friedrich also questioned how strongly she should consider the Supreme Court's ruling. "None of those justices gave a reason," she said of the four justices who voted to lift the stay. "We don't know exactly what they thought."

The judge similarly raised concerns with the Justice Department about its own reasoning for the new moratorium. Friedrich pressed Brian Netter, a former Mayer Brown partner who is now a top lawyer in DOJ's civil division, about

whether the latest extension should be considered a new order or was issued under a different legal authority.

Netter said the Justice Department considers the latest extension to be based on the same statutory authority used to issue past versions of the moratorium, and it was appropriate to consider it as part of the existing litigation challenging the past national version of the eviction block.

Friedrich asked whether the new order was effectively a national moratorium again, because it affected so many counties in the U.S. Netter said that while statistics showed it would apply to about 80% of counties, the order was tailored so that percentage would fall in line with a drop in COVID cases.

Netter argued that the rise of the delta variant of COVID made it necessary to again halt evictions, a move that CDC officials said would help curb the spread of the virus. Friedrich noted that more Americans are now vaccinated, a fact that Netter acknowledged. However, he pointed to findings from the CDC that even vaccinated people could transmit the delta variant.

The DOJ attorney told Friedrich that a ruling from the U.S. Court of Appeals for the Sixth Circuit against the moratorium, as well as the Supreme Court's stay ruling, should not impact her decision.

Netter also countered claims by Shumate that the administration was acting in "bad faith" and under political pressure in issuing the new moratorium. He said the federal government, under both the Trump and Biden administrations, believed the CDC had the authority to issue the order and that "the executive branch continues to stand behind that interpretation 100%." He acknowledged there are questions about whether courts would line up with that interpretation.

"Given that this order is almost identical to the CDC's earlier order, as to the effect of it, it's really hard in light of the Supreme Court's decision, in light of the Sixth Circuit's decision, in light of statements this administration has made both before and after the Supreme Court decision, to conclude there's not a degree of gamesmanship going on," Friedrich replied.

Friedrich did not issue an order at the conclusion of the hearing, but said she would "endeavor to issue a decision in the near future."

Jacqueline Thomsen covers Washington, D.C., federal courts and the legal side of politics. Contact her at jathomsen@alm.com. On Twitter: [@jacq_thomsen](https://twitter.com/jacq_thomsen).