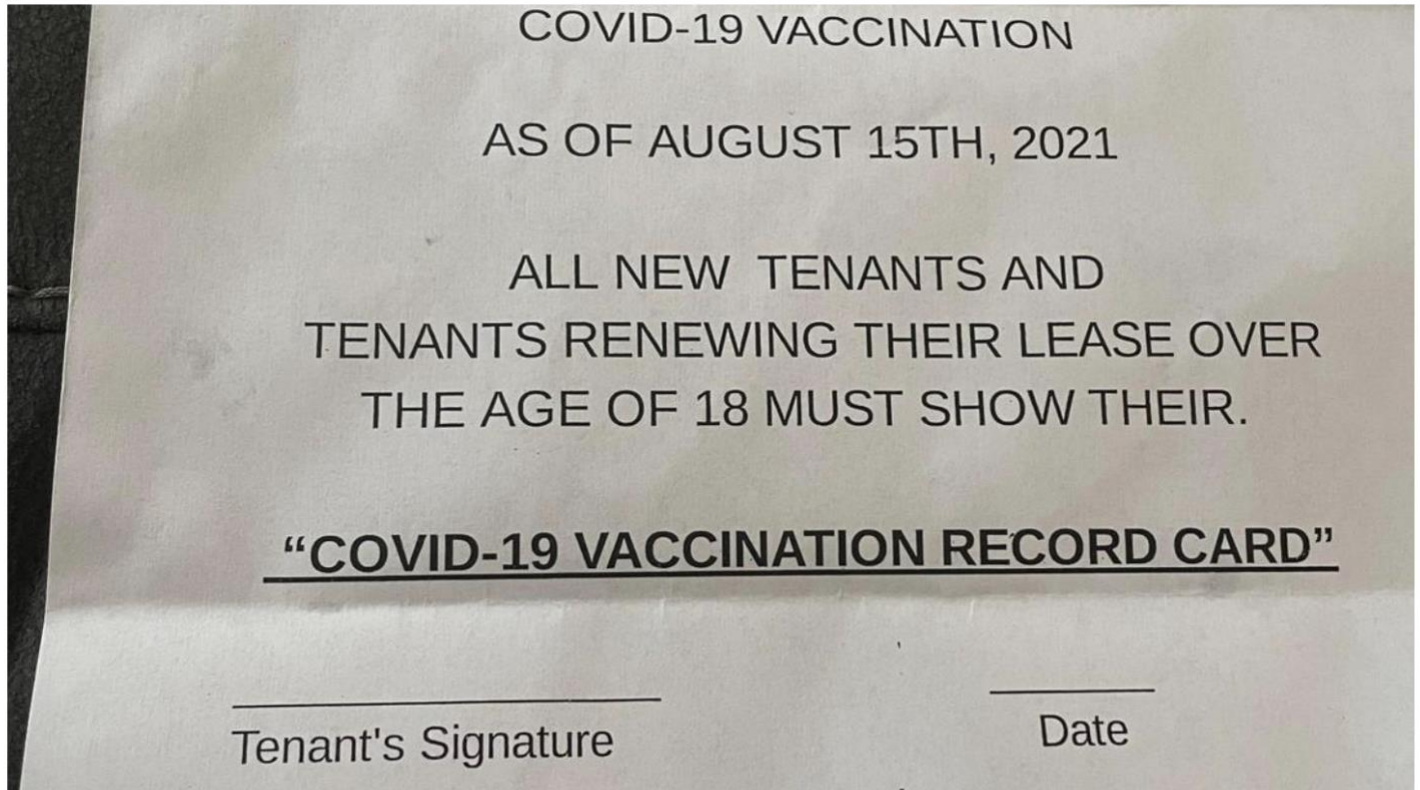


A Broward resident is now looking for a new home after landlord mandates vaccinations

BY KALIA RICHARDSON



Jasmine Irby received a notice at the front door of her Royal Palms Apartment in Lauderdale on Aug. 17. The note requires all new and returning tenants to show proof of vaccination. *JASMINE IRBY*

Jasmine Irby was gathering Sesame Street decorations last month for her 2-year-old daughter's birthday party and preparing for her son's first day of kindergarten — when she received a notice on her front door.

All residents must show proof of vaccination against COVID-19 starting Aug. 15, it read.

Irby, who is unvaccinated, intended to renew her lease by Aug. 31 before receiving the new policy. The Lauderdale resident said she was not given adequate notice and is still looking for a new home.

"I take care of my kids, I work, I mind my business, I pay my bills, and that's it," Irby, 28, said. "So this completely caught me off guard."

Santiago Alvarez, the landlord who owns Royal Palms Apartments where Irby lived and thousands of Broward and Miami-Dade units, said residents had several months before the policy change to renew their leases. He also said the notice was added due to a spike in COVID-19 cases in Florida during July and August.

According to national experts, Alvarez is believed to be the [first landlord to introduce a vaccine mandate](#) for his employees and residents. Although Florida Gov. Ron DeSantis signed a bill to ban vaccine passports, an employment lawyer said Alvarez's policy is enforceable as long as it benefits the health and safety of the majority of the residents. People can be exempted for health or religious reasons.

In early August, the U.S. Centers for Disease Control and Prevention reported [23,903 new COVID-19 cases](#) in a single day in Florida — the highest single-day case count at the time — and record-breaking hospitalization numbers. After a spike in COVID-19 deaths and cases, Alvarez said he had to address this emergency situation.

If Irby had renewed before Aug. 15, she could have continued to live there without getting vaccinated. Alvarez explained that residents who signed beforehand were bonded by the former lease terms, but because she waited, those rules did not apply.

Irby said the notice never specified whether she had to receive the first or both doses and argued it was not enough time to decide whether to get the shots or to find a new apartment. Some apartments require first and last month's rent along with a security deposit, whereas others are not available until December, she said.

"This is what you guys are implementing, this is what you guys are doing. Go about it the right way," she said. "Give people heads up."

Alvarez argued that Irby could've received a vaccine in a Walgreens or Publix in less than 30 minutes.

Irby said she had an attorney forward a letter to the apartment complex and received no response. She also said she applied for legal aid and filed a complaint with the state's Department of Agriculture but didn't receive a response until the first week of September. By then, she had already moved out.

"Somebody has to pick up, somebody has to tell me what exactly is going on or what can I do in such a timely manner," Irby said. "Like two weeks is not long enough for anything."

Irby said she received 80% of her security deposit on Monday and has never been evicted — which will make it easier to find a new place. Additionally, [she contacted WSVN-Fox 7's Help Me Howard](#) to answer questions such as when a landlord can evict a resident and if a landlord can require vaccinations.

“At least now, I could walk away with my head held high because I did what I could. I did put up a good fight because I wasn’t going to let anybody snatch the roof over me and my kids’ head,” she said.

With DeSantis’ vaccine-passport ban, businesses are [prohibited from requiring proof of COVID-19 vaccinations](#) from customers or members of the public. Since Thursday, the state’s Department of Health can [fine violators up to \\$5,000](#). A business will first receive a notice of an infraction in addition to an opportunity to appeal the fine. Once the fine is finalized, the business has 30 days to pay it.

Alvarez’s attorney, Juan C. Zorrilla, said his client’s policy does not violate the law because the [landlord’s vaccination requirement applies to tenants, whereas the DeSantis-signed law applies to customers](#), according to a South Florida Sun Sentinel article.

Michael Landen, an employment and commercial-litigation lawyer who handles landlord-tenant issues, said landlords can enforce such mandates as long as they believe the health and safety issues outweigh the potential impact on those who don’t want to get vaccinated. If Alvarez’s complexes are fined, Landen noted that the landlord will likely challenge the penalties in court.

“I don’t think there’s been a situation really where, at least in recent memory, you have most of society dealing with the same exact issue about vaccinations and requirements about that,” he added, “and nor do I think there’s been an issue like this that’s been so politically driven.”

Landen said there shouldn’t be an issue with the policy as long as it doesn’t violate the Americans with Disabilities Act, infringe on one’s religious beliefs or fails to give exemptions for health reasons. A company isn’t required to make an accommodation if it’s unreasonable through the lens of the law, Landen added.

“There are tons of apartment complexes that say, ‘no smoking, no dogs,’” Landen said. “Obviously, if somebody has a dog because they have a physical impairment or they’re blind or something, generally that can be an exception to the no-dog policy, right? However, just wanting to have a dog because you want a companion usually doesn’t kick it out of the no-dogs-allowed clause in your lease.”