

Broward County



Legislation Text

File #: 22-1477, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on October 11, 2022, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO LANDLORD-TENANT RELATIONS AND RENTAL NOTICES; AMENDING SECTIONS 20-105 AND 20-106 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); EXPANDING THE EXCEPTIONS TO THE REQUIRED NOTICES FOR TERMINATION OF A RESIDENTIAL TENANCY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Lamar P. Fisher)

Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of August 25, 2022.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting the proposed Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On May 2, 2022, the Board of County Commissioners ("Board") enacted Ordinance No. 2022-21 that created Sections 20-105 and 20-106 of the Broward County Code of Ordinances ("Code") to require 60 days' notice for terminations or increases in rent for certain residential tenancies in Broward County. Specifically, 60 days' advance notice of termination is required for quarterly and monthly residential tenancies without specific duration; and unless a lease expressly provides for a set rental increase, landlords are required to provide 60 days' advance notice prior to a rental increase of greater than five percent (5%) for residential tenancies whether or not they have a specific duration.

This proposed Ordinance would modify the types of residential tenancies to which these notice requirements apply, including by expressly excluding assisted living facilities, and would exempt the following from the 60-day notice requirement:

- (1) Terminations of residential tenancies by servicemembers under specific conditions set forth in Section 83.682, Florida Statutes (e.g., deployment, involuntary separation from military service, transfer of station greater than thirty-five (35) miles from the property being rented, etc.);
- (2) Terminations of residential tenancies by the landlord or the tenant for specific breaches of the rental agreement, such as the requirement of the landlord or tenant to properly maintain the residential property as required in Sections 83.51 and 83.52, Florida Statutes, or a failure of the tenant to timely pay rent;
- (3) Terminations of residential tenancies resulting from issuance of a writ of possession or after entry of a final judgment or final order of eviction or unlawful detainer in a civil action filed pursuant to Chapter 82 or 83 of the Florida Statutes, or other applicable law; and
- (4) Increases in rent pursuant to Section 83.58, Florida Statutes, for tenants who hold over after expiration of a rental agreement and continue to possess residential property without the consent of the landlord.

Source of Additional Information

Maite Azcoitia, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.