



Broward County

Legislation Text

File #: 22-999, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO RESIDENTIAL TENANCIES; AMENDING CHAPTER 20 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), AMENDING THE TITLE TO ARTICLE IV AND CREATING DIVISIONS THEREIN; AMENDING SECTIONS 20-104 AND 20-106, RELATING TO NOTIFICATION OF TERMINATION AND RENT INCREASES FOR CERTAIN RESIDENTIAL TENANCIES; CREATING SECTIONS 20-107 THROUGH 20-112 OF THE CODE, ESTABLISHING THE "TENANT'S BILL OF RIGHTS AND NOTICE OF LATE FEES ORDINANCE," PROVIDING FOR COUNTYWIDE APPLICABILITY, REQUIRING RESIDENTIAL LESSORS AND/OR THEIR AGENTS TO PROVIDE TENANTS WITH A "TENANT'S BILL OF RIGHTS" DOCUMENT, REQUIRING WRITTEN NOTICES RELATING TO RENTAL LATE FEES, AND PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Senator Nan H. Rich)

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of May 24, 2022.

What Action Accomplishes

Allows for the Board's consideration of the proposed Ordinance.

Is this Action Goal Related

Yes

Previous Action Taken

Summary Explanation/Background

This item supports the Board Value, "Offering sustainable, compatible, innovative housing options for all income-levels, including integrated, permanent supportive housing."

Broward County and communities across the nation continue to experience a significant need for

affordable rental housing. The availability of safe and affordable housing is an essential component of individual and community well-being, and protecting residential tenants from discrimination and unfair and illegal rental practices is fundamental to the health, safety, and welfare of Broward County residents.

The proposed Ordinance will require landlords or their agents to provide all applicants for residential rental units with a “Tenant’s Bill of Rights” describing their rights as tenants under applicable law. The proposed Ordinance will further require landlords of residential rental units to provide written notice to tenants regarding late fees being assessed under their rental agreements.

The proposed Ordinance will apply countywide and would apply prospectively to new residential leases and renewals after October 1, 2022. The proposed Ordinance may be enforced by code enforcement officers, including municipal code enforcement officers, and any law enforcement agency having jurisdiction of the area within which the residential rental unit is located pursuant to Section 125.69 and Chapter 162, Florida Statutes, or pursuant to any applicable municipal code enforcement provision.

In addition to the provisions relating to the “Tenant’s Bill of Rights” and notice of rental late fees, the proposed Ordinance also makes small nonsubstantive changes in Chapter 20 to a recently enacted ordinance requiring certain advance notice to residential tenants of lease terminations and rent increases.

A proposed technical amendment has been submitted by the item’s sponsor, Senator Rich (Exhibit 2). Substantive amendments have been submitted by Senator Geller (Exhibit 3) and by County Administration (Exhibit 4). Senator Geller’s proposed amendment would limit application of the proposed Ordinance to landlords who lease five or more residential units. County Administration’s proposed amendment would eliminate the notice of late fees component to the ordinance and eliminate County enforcement of the requirement for landlords to deliver the “Notice of Rights” to tenants, instead creating a private right of action that tenants may pursue against landlords who violate the Ordinance.

If this item is approved, the Board will consider a separate item to adopt a Resolution approving the initial content of the “Notice of Rights” to be published by the Resilient Environment Department (“RED”) on the County’s website for use in connection with this Ordinance, which item would also authorize the Director of RED to update the “Notice of Rights” as appropriate, subject to review of the updates for legal sufficiency by the Office of the County Attorney.

Source of Additional Information

Nathaniel A. Klitsberg, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 5.