

MEMORANDUM

Agenda Item No. 11(A)(6)

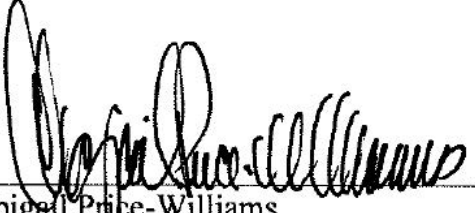
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to eliminate the
preemption on the ability of
local governments to enact
residential rent regulations

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



Abigail Price-Williams
County Attorney

APW/Imp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
10-20-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ELIMINATE THE PREEMPTION ON THE ABILITY OF LOCAL
GOVERNMENTS TO ENACT RESIDENTIAL RENT
REGULATIONS

WHEREAS, Miami-Dade County has a current shortage of affordable housing and anticipates this shortage will worsen in the coming years; and

WHEREAS, this Board desires to have the ability to enact local legislation affecting the rents landlords can charge residential tenants as part of this Board’s efforts to curb the affordable housing shortage affecting County residents; and

WHEREAS, state law currently prohibits local governments from adopting rent restrictions except under certain narrow conditions; and

WHEREAS, section 125.0103, Florida Statutes, authorizes counties to enact rent controls only if the county governing body meets the following criteria:

1. provides notice and holds a public hearing;
2. makes findings and recites them in the legislation that “such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public”; and
3. has the rent control measure approved by the voters of the county; and

WHEREAS, in the event such criteria are met, section 125.0103 limits the effect of any rent restrictions adopted to only one year; and

WHEREAS, rent controls adopted in accordance with section 125.0103, Florida Statutes, may not be extended or renewed except by the adoption of a new measure meeting all the above-listed requirements again; and

WHEREAS, section 166.043, Florida Statutes, imposes similar restrictions upon municipalities which desire to enact rent controls; and

WHEREAS, this Board desires to have more flexibility to address current and future affordable housing shortages than what state law currently permits; and

WHEREAS, this Board desires to urge the Florida Legislature to eliminate the State’s preemption upon on the ability of local governments to enact residential rent regulations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board urges the Florida Legislature to eliminate the preemption on the ability of local governments to enact residential rent regulations.

Section 2. This Board directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the passage of the legislation set forth in section 1, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2021 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Brenda Kuhns Neuman