MEMORANDUM

Agenda Item No. 11(A)(28)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	**DATE:**	March 7, 2023
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Resolution opposing Senate Bill 1586, House Bill 1417, or similar legislation that would preempt local government regulation of residential tenancies and landlord-tenant relationships to the State

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

Geri Bonzon-Keenan
County Attorney

GBK/ks

MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(28)

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)(28)
3-7-23

RESOLUTION NO. _____

RESOLUTION OPPOSING SENATE BILL 1586, HOUSE BILL 1417, OR SIMILAR LEGISLATION THAT WOULD PREEMPT LOCAL GOVERNMENT REGULATION OF RESIDENTIAL TENANCIES AND LANDLORD-TENANT RELATIONSHIPS TO THE STATE

WHEREAS, Miami-Dade County has been experiencing a significant shortage of safe and stable affordable rental housing; and

WHEREAS, studies show that Miami-Dade County has the highest portion of cost-burdened tenants in the nation by a significant margin, with more than half of tenants spending more than 30 percent or more of their income on rent; and

WHEREAS, this Board has recently adopted legislation in an effort to remedy this crisis; and

WHEREAS, part II of chapter 83, Florida Statutes, known as the "Florida Residential Landlord and Tenant Act," (the "Act") applies to the rental of residential dwelling units and sets forth rights and duties of landlords and tenants; and

WHEREAS, the Act does not provide specific notification requirements for landlords seeking to increase rental rates; and

WHEREAS, accordingly, on March 15, 2022, to supplement the Act and afford greater protections to tenants in this community, this Board adopted Ordinance No. 22-30, codified in the Code of Miami-Dade County as section 17-03, which provides that residential landlords in unincorporated and incorporated Miami-Dade County who propose to increase the rents of their tenants by five percent or more shall provide such tenants with advance written notice of such increase; and

WHEREAS, further, Ordinance No. 22-30 amended Ordinance No. 21-01 to supplement the notification period requirements for month-to-month tenancies under section 83.57 of the Act by enlarging such notification period from 30 days to 60 days; and

WHEREAS, additionally, this Board, on May 3, 2022, adopted Ordinance No. 22-47, known as the Miami-Dade County Tenant's Bill of Rights, to improve housing stability across Miami-Dade County, provide accurate information to County residents concerning existing laws that protect tenants and the rights afforded under such laws, and connect tenants to community agencies or other entities that can assist them; and

WHEREAS, this Board adopted the Tenant's Bill of Rights to afford all Miami-Dade County tenants, regardless of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, actual or perceived status as a victim of domestic violence, dating violence or stalking, or source of income, the right to have a place to call home, freedom from arbitrary eviction, retaliation and discrimination, safe and healthy living conditions, strong consumer protections, full and fair access to the courts, government policies that prioritize leveling the playing field between tenants and landlords, and respect and regard equal to that of homeowners; and

WHEREAS, on March 3, 2023, Florida Senator Jay Trumbull (R – Panama City) filed Senate Bill ("SB") 1586 and Florida House Representative Tiffany Esposito (R – Estero) filed House Bill ("HB") 1417 for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, SB 1586 and HB 1417 are identical companion bills that preempt local government regulation of residential tenancies and the landlord-tenant relationship to the state; and

WHEREAS, specifically, the bills would supersede any local government regulation on matters covered in the Florida Residential Landlord and Tenant Act, including but not limited to the following:

- The screening process used by a landlord in approving tenancies;
- Security deposits;
- Rental agreement applications and fees associated with such applications;
- Terms and conditions of rental agreements;
- The rights and responsibilities of the landlord and tenant;
- Disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant;
- Fees charged by the landlord; or
- Notice requirements; and

WHEREAS, if SB 1586, HB 1417, or similar legislation is enacted, Miami-Dade County's fair notice requirements and Tenant's Bill of Rights may be preempted, rendering the protections adopted by this Board ineffective; and

WHEREAS, this Board wishes to oppose SB 1586, HB 1417, or similar legislation that would preempt local government regulation of residential tenancies and landlord-tenant relationships to the State,

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

Section 1. Urges the Florida Legislature to oppose the enactment of Senate Bill 1586, House Bill 1417, or similar legislation that would preempt local government regulation of residential tenancies and landlord-tenant relationships to the State.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, Senator Jay Trumbull, Representative Tiffany Esposito, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. 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:

Oliver G. Gilbert, III, Chairman
Anthony Rodríguez, Vice Chairman

Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jose I. Ortega