

MEMORANDUM

Agenda Item No. 11(A)(16)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact Senate Bill 580, House Bill 6017, or similar legislation eliminating the one-year limitation on local rent control ordinances or other measures adopted in accordance with sections 125.0103 and 166.043, Florida Statutes; urging the Florida Legislature to eliminate the requirements set forth in sections 125.0103(5) and 166.043(5), Florida Statutes, related to the steps counties, municipalities, and other entities of local government must comply with before the enactment of residential rent control laws or measures, or, alternatively, to exempt counties, municipalities, and other entities of local government with large proportions of their renting households being cost burdened from having to comply with the steps outlined in these statutes; waiving requirements of Resolution No. R-764-13 limiting the number of state legislative priorities; amending Resolution No. R-995-21 to include this item as an additional state legislative priority for the 2022 session; and preliminarily identifying this item as a priority for the 2023 session

Resolution No. R-69-22

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

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Gen Bonzon-Keenan
County Attorney

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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)(16)
1-19-22

RESOLUTION NO. _____ R-69-22

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 580, HOUSE BILL 6017, OR SIMILAR LEGISLATION ELIMINATING THE ONE-YEAR LIMITATION ON LOCAL RENT CONTROL ORDINANCES OR OTHER MEASURES ADOPTED IN ACCORDANCE WITH SECTIONS 125.0103 AND 166.043, FLORIDA STATUTES; URGING THE FLORIDA LEGISLATURE TO ELIMINATE THE REQUIREMENTS SET FORTH IN SECTIONS 125.0103(5) AND 166.043(5), FLORIDA STATUTES, RELATED TO THE STEPS COUNTIES, MUNICIPALITIES, AND OTHER ENTITIES OF LOCAL GOVERNMENT MUST COMPLY WITH BEFORE THE ENACTMENT OF RESIDENTIAL RENT CONTROL LAWS OR MEASURES, OR, ALTERNATIVELY, TO EXEMPT COUNTIES, MUNICIPALITIES, AND OTHER ENTITIES OF LOCAL GOVERNMENT WITH LARGE PROPORTIONS OF THEIR RENTING HOUSEHOLDS BEING COST BURDENED FROM HAVING TO COMPLY WITH THE STEPS OUTLINED IN THESE STATUTES; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING THE NUMBER OF STATE LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-995-21 TO INCLUDE THIS ITEM AS AN ADDITIONAL STATE LEGISLATIVE PRIORITY FOR THE 2022 SESSION; AND PRELIMINARILY IDENTIFYING THIS ITEM AS A PRIORITY FOR THE 2023 SESSION

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

WHEREAS, housing is affordable when it costs no more than 30 percent of a household's income; and

WHEREAS, households which pay more than this amount are considered housing cost burdened; and

WHEREAS, according to a 2020 study by the Florida Housing Coalition (the "study"), of Florida's 3.15 million low-income households, close to 2 million (1,997,040) are cost burdened, which represents 63 percent of low-income households and 26 percent of all Florida households; and

WHEREAS, the study also found that of these low-income, cost-burdened households in Florida, over 1.16 million are severely cost burdened; and

WHEREAS, the study also found that of all low-income, cost-burdened households in Florida, 669,811 are headed by seniors (age 65 or older), and for low-income households that have members with one or more disabilities, 596,088 are cost burdened; and

WHEREAS, for household heads who are elderly or have disabilities, the availability of housing that is affordable in their community can make the difference between living independently and moving into a more restrictive setting, such as a nursing home; and

WHEREAS, additionally, parents who care for a child with disabilities may find that high housing costs compete with higher medical costs and time off work associated with their role as caregivers; and

WHEREAS, many of these households would benefit from more affordable and stable rents; and

WHEREAS, while many low-income households in Florida are cost burdened, the problem is especially acute in Miami-Dade County; and

WHEREAS, according to the study, Florida's cost-burdened cities are concentrated in South Florida, with the Miami-Dade, Fort Lauderdale, and West Palm Beach metropolitan statistical areas topping the list of most cost-burdened urban areas; and

WHEREAS, according to United States census data, household median income from 2015 to 2019 in Miami-Dade County was \$51,347.00, which was \$4,313.00 less than the Florida median of \$55,660.00; and

WHEREAS, the homeownership rate in Miami-Dade County is also lower than the state average, meaning more renters and greater demand for rental housing; and

WHEREAS, from 2015 to 2019, the homeownership rate in Miami-Dade County was only 51.2 percent, over 14 percent lower than the Florida average of 65.4 percent, according to United States census data; and

WHEREAS, in Miami-Dade County, 65 percent of renter households are cost burdened, with alarming percentages of cost-burdened households in lower income levels, according to the Miami-Dade County Housing Data Appendix dated June 2020, prepared by the University of Florida Shimberg Center for Housing Studies (the “UF analysis”); and

WHEREAS, according to the UF analysis, in Miami-Dade County, 87 percent of renter households with incomes less than \$20,000.00, 81 percent of renter households with incomes between \$20,000.00 and \$34,999.00, and 66 percent of renter households with incomes between \$35,000.00 and \$49,999.00 are cost burdened; and

WHEREAS, some municipalities within Miami-Dade County, such as the City of Miami, are ranked as some of the most severely housing cost burdened in the country; and

WHEREAS, according to the study, the average City of Miami household is cost burdened, paying 39 percent of their income for housing costs; and

WHEREAS, this Board believes that these alarming statistics are evidence of a housing emergency in Miami-Dade County; 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 and emergency affecting Miami-Dade County residents; and

WHEREAS, state law currently limits the power of local governments to enact local rent restrictions; and

WHEREAS, section 125.0103(5), Florida Statutes, limits the ability for counties, municipalities, or other entities of local government to enact any law, ordinance, rule, or other measure that has the effect of establishing rent controls unless the governing body of such entities meets the following criteria:

- 1) Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, section 125.0103, Florida Statutes, and any other applicable laws; and
- 2) Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency; and
- 3) Such measure is approved by the voters in such municipality, county, or other entity of local government; and

WHEREAS, in the event such criteria are met, section 125.0103, Florida Statutes, provides that any local rent restriction duly adopted shall expire or terminate after 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 counties, municipalities and other entities of local government which desire to enact rent controls; and

WHEREAS, Senate Bill (SB) 580 and the companion House Bill (HB) 6017, which have been filed for consideration during the Florida Legislature's 2022 session by Senator Victor M. Torres, Jr. (D – Kissimmee) and Representative Anna V. Eskamani (D – Orlando), respectively, would eliminate the one-year termination or expiration of local rent control ordinances adopted in accordance with state law, permitting said restrictions to endure at the discretion of the local government; and

WHEREAS, accordingly, this Board also desires to urge the Florida Legislature to enact SB 580, HB 6017, or similar legislation; and

WHEREAS, this Board desires to have more flexibility to address current and future affordable housing shortages and emergencies without the need to follow the steps outlined in sections 125.0103 and 166.043; and

WHEREAS, this Board desires to urge the Florida Legislature to eliminate the requirements set forth in sections 125.0103(5) and 166.043(5), Florida Statutes, related to the steps counties, municipalities, and other entities must comply with before the enactment of residential rent control laws or measures, or, alternatively, to exempt counties, municipalities, and other entities of local government with large proportions of their population (50 percent or more) being cost burdened from having to comply with the steps outlined in sections 125.0103(5) and 166.043(5),

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

Section 1. Approves the foregoing recitals, which are incorporated herein by reference.

Section 2. Urges the Florida Legislature to enact SB 580, HB 6017, or similar legislation that would eliminate the one-year termination or expiration of local rent control ordinances adopted in accordance with state law.

Section 3. Urges the Florida Legislature to eliminate the requirements set forth in sections 125.0103(5) and 166.043(5), Florida Statutes, related to the steps counties, municipalities, and other entities of local government must comply with before the enactment of residential rent control laws or measures, or, alternatively, to exempt counties, municipalities, and other entities of local government with large proportions of their population (50 percent or more) being cost burdened from having to comply with the steps outlined in sections 125.0103(5) and 166.043(5), Florida Statutes.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Victor M. Torres, Jr., Representative Anna V. Eskamani, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 5. Waives the requirements of Resolution No. R-764-13 limiting the number of state legislative priorities and amends Resolution No. R-995-21 to include this item as an additional state legislative priority for the 2022 session.

Section 6. Directs the County's state lobbyists to advocate for the actions set forth in sections 2 and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item as a priority and to preliminarily identify this item as a priority when this Board determines priorities for the 2023 session as provided in Resolution No. R-764-13.

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

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of January, 2022. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Brenda Kuhns Neuman