

MEMORANDUM

Amended
Agenda Item No. 7(D)

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

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating the Miami-Dade County Tenant’s Bill of Rights; creating chapter 17, article XIII of the Code; providing intent, purpose and definitions; creating Office of Housing Advocacy; establishing unlawful practices; providing for a tenant’s notice of rights; providing for a tenant information helpline and website; establishing enforcement procedures; requiring annual reports

Ordinance No. 22-47

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jean Monestime and Commissioner Raquel A. Regalado and Co-Sponsors Vice-Chairman Oliver G. Gilbert, III, Commissioner Danielle Cohen Higgins, Commissioner Eileen Higgins and Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney


GBK/uw

Memorandum



Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for the Ordinance Creating the Miami-Dade County
Tenant’s Bill of Rights – File No. 220263

This ordinance creates Chapter 17, Article XIII of the Code of Miami-Dade County and provides the duties and responsibilities of the Office of Housing and Tenant Advocacy. The Board approved funding in Fiscal Year 2021-2022 for three positions to carry out the duties of the housing advocate. At this time, it is not anticipated that there will be an additional fiscal impact beyond what has been budgeted in FY 2021-22. Any additional fiscal impact in the future will be addressed in that respective budget.

A handwritten signature in blue ink, appearing to read "Morris Copeland", written over a horizontal line.


Morris Copeland
Chief Community Services Officer

Memorandum



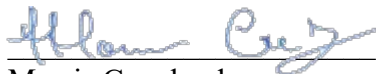
Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for the Ordinance Creating the Miami-Dade County
Tenant’s Bill of Rights – File No. 220263

The proposed ordinance creates Chapter 17, Article XIII of the Code of Miami-Dade County and the Office of Housing and Tenant Advocacy. This ordinance is anticipated to have a social benefit because it will enable tenants to seek information and assistance directly from the Office of Housing and Tenant Advocacy regarding laws which protect and afford rights to them. Additionally, this legislation will: connect tenants to entities which can assist them when seeking redress; offer guidance on how to address evictions, retaliation, and discrimination; and require landlords to provide tenants with notice of their rights. The office will be able to provide effective engagement with other government agencies to assist tenants and ensure that their rights under their leases are respected.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(D)

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 _____

Amended
Agenda Item No. 7(D)
5-3-22

ORDINANCE NO. **O-22-47**

ORDINANCE CREATING THE MIAMI-DADE COUNTY TENANT’S BILL OF RIGHTS; CREATING CHAPTER 17, ARTICLE XIII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING INTENT, PURPOSE AND DEFINITIONS; CREATING OFFICE OF HOUSING ADVOCACY; ESTABLISHING UNLAWFUL PRACTICES; PROVIDING FOR A TENANT’S NOTICE OF RIGHTS; PROVIDING FOR A TENANT INFORMATION HELPLINE AND WEBSITE; ESTABLISHING ENFORCEMENT PROCEDURES; REQUIRING ANNUAL REPORTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

WHEREAS, studies show that Miami-Dade County has the highest proportion 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, the housing crisis has negative impacts on the health and safety of Miami-Dade County residents, including by increasing homelessness; and

WHEREAS, tenants may also be forced to live in housing with substandard conditions, including water leaks, poor ventilation, structural damage, or rodent infestation; and

WHEREAS, federal, state and local laws, including, the Code of Miami-Dade County (the “Code”) afford tenants with certain protections and rights, including, but, not limited to, laws that: (1) ensure that dwelling units are free from blight and decay, and

safeguard public health, safety, morals, and welfare by setting forth minimum housing standards; (2) establish processes related to residential evictions; and (3) protect tenants from discrimination based on certain classifications; and

WHEREAS, for example, tenants and landlords have certain rights and responsibilities set forth in chapter 83, part II, Florida Statutes, commonly known as the Florida Residential Landlord and Tenant Act; and

WHEREAS, additionally, section 17-2 *et seq.* of the Code establishes minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises which are let to another for occupancy, and chapter 11A, article II of the Code prohibits discrimination in housing on the basis 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; and

WHEREAS, various nonprofit entities and federal, state, and local government agencies, including the County's housing department, Miami-Dade County Department of Public Housing and Community Development, have resources to provide assistance to Miami-Dade County tenants facing challenges with their landlords; and

WHEREAS, despite these protections and rights and resources, many tenants in Miami-Dade County are unaware of the full extent of the laws that protect and afford rights to them, or the steps they can take to seek redress with other agencies or entities; and

WHEREAS, many tenants also lack the financial means to hire an attorney to seek redress in court or with such agencies or entities; and

WHEREAS, additionally, many tenants, who may wish to assert their rights may not do so due to fears that their landlord may unlawfully retaliate against them by increasing the rent, ending a tenancy, or engaging in prohibited housing practices, such as shutting off utilities or changing the locks; and

WHEREAS, in an effort to assist tenants, on March 3, 2021, Hillsborough County enacted a Tenant's Bill of Rights ordinance to provide additional protections to residential tenants in unincorporated Hillsborough County, including protection from income discrimination, and as a result are provided more affordable housing opportunities and offered more protection from homelessness; and

WHEREAS, additionally, on November 7, 2019, the City of St. Petersburg enacted a Tenant's Bill of Rights ordinance which prohibits discrimination in housing and makes it unlawful for a landlord to assess a late fee against a tenant without first providing written notice to the tenant(s), against whom the late fee is assessed, for each late fee assessed; and

WHEREAS, the Real Property Probate and Trust Law Section of The Florida Bar ("RPPTL Section") serves the citizens of the State of Florida, the legal community, and its section members with the highest levels of knowledge, experience and commitment to real property, probate, and trust law; and

WHEREAS, the RPPTL Section has created a Real Property Leasing Committee ("RPL Committee"), which is, in part, comprised of legal aid organizations and other representatives of landlords and tenants; and

WHEREAS, the RPL Committee provides information about legislative and case law developments in all areas of real estate leasing and landlord/tenant law, provides expertise and input regarding proposed legislation affecting real estate leasing areas of

Florida law; acts as a resource to its members to discuss and share information about landlord/tenant and leasing practice matters; and cooperates with Continuing Legal Education Committee of The Florida Bar to educate members of The Florida Bar as to any developments in the area of real estate leasing law; and

WHEREAS, the RPL Committee recommends that local governments, such as the Miami-Dade County, when considering enacting a tenant's bill of rights, should ensure that such legislation provides residents with access to the resources necessary to exercise the tenant rights currently available under existing law, including the Florida Residential Landlord and Tenant Act and fair housing regulations; and

WHEREAS, the RPL Committee further recommends that one useful service could be guiding landlords and tenants to the proper forms for exercising their rights; and

WHEREAS, the Eleventh Judicial Circuit of Florida and legal organizations, such as the Florida Bar, have created forms that can be utilized by tenants to exercise their rights; and

WHEREAS, the RPL Committee further recommends the County should focus on establishing a website with the pre-existing resources and information available to landlords and tenants, that any office that is created should have dedicated staff with a broad understanding of landlord tenant issues that can help Miami-Dade residents maneuver such disputes, and that such office should also have the capacity to interface with legal aid organizations, building code enforcement departments, and fair housing groups, which all work on similar issues facing Miami-Dade County renters; and

WHEREAS, this Board agrees that by providing accurate information to Miami-Dade County residents concerning existing laws that protect tenants, the rights afforded under such laws, and connecting tenants to community agencies or other entities that can assist them to seek redress will enable tenants to address certain challenges and potentially assist them to avoid eviction and homelessness; and

WHEREAS, this Board also believes that promoting access to accurate information will also improve housing stability across Miami-Dade County; and

WHEREAS, in furtherance of these purposes and beliefs, this Board approved funding in Miami-Dade County's Fiscal Year 2021-2022 budget for the purpose of employing housing advocates, who will be assigned to the Department of Regulatory and Economic Resources, to assist individuals with obtaining housing-related resources; and

WHEREAS, in furtherance of these purposes, this Board wishes to adopt a Tenant's Bill of Rights in order to increase tenants' awareness of their rights and to provide guidance to tenants regarding available community resources; and

WHEREAS, this Board further wishes that an Office of Housing Advocacy or such other person or office be designated by the County Mayor to monitor the provisions of this ordinance,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 17, article XIII of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE XIII.

MIAMI-DADE COUNTY TENANT’S BILL OF RIGHTS

Sec. 17-162. Short Title.

This article shall be known as the “Miami-Dade County Tenant’s Bill of Rights.”

Sec. 17-163. Legislative Intent and Purpose.

It is the intent of the Board of County Commissioners, in accordance with the Home Rule Amendment and Charter and its authority to exercise its police powers for the public safety, health, and general welfare, to create a Tenant’s Bill of Rights to promote and further housing stability in Miami-Dade County. It is further the desire of this Board to ensure that an Office of Housing Advocacy or such other person or office be designated by the County Mayor to monitor the provisions herein.

This Board finds that Miami-Dade County is experiencing a significant demand for affordable rental housing units, and the availability of safe and affordable housing is an essential component of individual and community well-being. This Board further finds that protecting residential tenants from discrimination and unfair and illegal rental practices is fundamental to the health, safety and welfare of the community. However, this Board finds that tenants are often unaware of their rights or lack the financial resources to hire attorneys to seek redress in court or with other agencies and entities.

The purpose of this ordinance is 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. In furtherance of this purpose, this Board desires to make certain practices unlawful, to require landlords to provide tenants with a notice of their rights under federal, state, and local laws and regulations, to inform tenants of

agencies and entities that may assist them in exercising those rights and potentially avoiding wrongful eviction and homelessness, and to promote and utilize policy advocacy to further housing stability in Miami-Dade County.

Sec. 17-164. Applicability and Exclusions.

This article shall be applicable to tenancies subject to chapter 83, part II, Florida Statutes, and which are in existence on or after the effective date of this ordinance, and any extensions of such tenancies. This article shall further apply to dwelling units located in the unincorporated and incorporated areas of Miami-Dade County with the monitoring of the provisions of this article being the responsibility of the County. The County Mayor or the County Mayor's designee shall designate an Office of Housing Advocacy or such other person or office designated by the County Mayor to monitor the provisions of this article.

In accordance with chapter 83, part II, Florida Statutes, this article or the rights conferred herein shall not apply to: (1) residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services; (2) occupancy under a contract of sale of a dwelling unit or the property of which it is a part in which the buyer has paid at least 12 months' rent or in which the buyer has paid at least 1 month's rent and a deposit of at least 5 percent of the purchase price of the property; (3) transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or transient occupancy in a mobile home park; (4) occupancy by a holder of a proprietary lease in a cooperative apartment; (5) occupancy by an owner of a condominium unit; (6) occupancy of a dwelling unit by a squatter or any person who does not have a lawful right to occupy a dwelling unit; and (7) housing owned by the United States government, State of Florida, or Miami-Dade County.

Sec. 17-165. Definitions.

The following words and phrases, as used in this article, shall have the following meanings:

- (1) The term *adverse action* means when a landlord brings or threatens to bring an action for possession of the tenant's residential rental unit, unlawfully raises or threatens to raise the tenant's rent, or otherwise adversely alters the living

conditions of the tenant's dwelling unit for the purpose of intimidating or retaliating against a tenant who exercises any of the rights conferred herein.

- (2) The term *dwelling* means any building which is let, including, to the extent not inconsistent with federal, state, or local laws, and a manufactured home or mobile home, which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating, provided that transient occupancy as hereinafter defined shall not be regarded as a dwelling.
- (3) The term *dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.
- (4) The term *landlord* means the owner or lessor of a dwelling unit, their agents and employees.
- (5) The term *Office of Housing Advocacy* shall be the office, or such other person or office designated by the County Mayor to monitor this article.
- (6) The term *squatter* means any individual who is occupying a dwelling unit without lawful consent from the property owner. This term does not apply to tenants.
- (7) The term *tenant* means any person entitled to occupy a dwelling unit under a rental agreement, whether the agreement is written or oral.
- (8) The term *transient occupancy* means occupancy when it is the intention of the parties that the occupancy will be temporary.

Sec. 17-166. Office of Housing Advocacy.

- (1) The provisions of the Miami-Dade County Tenant's Bill of Rights shall be monitored by the Office of Housing Advocacy, or such other person or office designated by the County Mayor.

- (2) The duties, functions, powers, and responsibilities of the Office of Housing Advocacy or such other designee of the County Mayor include but are not limited to:
- (a) Coordinating with and referring matters and complaints to federal, state, and local agencies or organizations (including legal and other advocacy organizations) that may have the authority or expertise to address certain housing-related issues;
 - (b) Referring matters related to Section 8 programs and other federally subsidized housing to the Public Housing and Community Development Department or successor department;
 - (c) Publishing and disseminating information and educational materials relating to this article, including to landlords to promote their participation in existing affordable housing programs;
 - (d) Conducting trainings and outreach for tenants and landlords at a minimum of four times per year;
 - (e) Serving as an advisor to the County Mayor on housing related policy matters;
 - (f) Assisting the County Mayor to secure resources to support tenant legal advocacy, including grants;
 - (g) Developing resources for landlords and tenants to promote housing stability;
 - (h) Serving as liaison with community and professional groups representing tenants and landlords;
 - (i) Performing such other administrative duties related to the Miami-Dade County Tenant's Bill of Rights as may be assigned by the County Mayor or the County Mayor's designee; and
 - (j) Performing such other duties, functions, powers, and responsibilities to further the purposes of this article.
- (3) *County Attorney.* The County Attorney's Office shall serve as legal counsel to the Office of Housing Advocacy, or such

other person or office designated by the County Mayor. The Office of Housing Advocacy, or such other person or office designated by the County Mayor, shall consult with the County Attorney's Office regarding the interpretation of the provisions of this ordinance and the enforcement thereof, and shall be bound by any opinions issued by the County Attorney's Office regarding the provisions of this ordinance.

Sec. 17-167. Unlawful Practices

- (1) *Existing laws affording protections for tenants.* It is the intent of this Board to restate and incorporate by reference the following unlawful practices, which are presently codified in the Code and state law, and it shall be unlawful for any landlord to:
 - (a) Terminate or interrupt any utility service in violation of section 83.67, Florida Statutes, whether the utility service is under the control of, or payment is made by, the landlord.
 - (b) Attempt to collect rent payments from a tenant or take any adverse action against such tenant in violation of section 83.64(1)(e), Florida Statutes, if:
 - (i) The tenant occupies a dwelling unit located in a condominium; and
 - (ii) The landlord is delinquent in paying any monetary obligation due to the condominium association, and a condominium association, in accordance with section 718.116(11), Florida Statutes, makes a written demand that the tenant pay to the association the subsequent rental payments and any other rental payments until all monetary obligations of the landlord related to the dwelling unit have been paid in full to the association or the association releases the tenant from making such payments, or the tenant discontinues tenancy in the dwelling unit.
 - (c) Engage in any prohibited acts as set forth in chapter 11A of the Code, including discrimination on the

basis of a tenant's 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 stalking, or source of income. Any person aggrieved by this section may file a housing discrimination complaint as prescribed by section 11A-14 or may file a civil action in a court of competent jurisdiction in accordance with section 11A-15 of the Code. Notwithstanding the foregoing, it is not the intent of this subsection (c) to supersede the requirements or the remedies set forth in chapter 11A of the Code.

- (d) Fail to comply with the fair notice requirements as set forth in section 17-03(a) of the Code, that requires that for a residential tenancy without a specific duration in which the rent is payable on a monthly basis may be terminated by either the landlord or tenant by giving not less than 60 days' written notice prior to the end of any monthly period.
- (e) Fail to comply with the fair notice requirements as set forth in section 17-03(b) of the Code that requires that a landlord that proposes to increase the rental rate by more than five percent at the end of a lease for a specific term, or during a tenancy without a specific duration in which the rent is payable on a monthly basis, must provide a minimum of 60 days written fair notice to the tenant before the tenant must either:
 - (i) accept the proposed amendment;
 - (ii) reach an acceptable compromise; or
 - (iii) reject the proposed amendment to their tenancy.
- (f) Fail to comply with the requirements as set forth in section 8-5(f)(2) of the Code that requires when the Building Official orders an occupied residential building, unit, or units to be vacated, and deems that the actual or immediate danger of the failure or

collapse of a building, unit, or structure, or health, windstorm, or fire hazard, is a result of the negligent or intentional act or failure to act by the owner, the owner shall, within eight hours from the time of the order to vacate, make, or cause to be made, all necessary arrangements to relocate the displaced residents into housing that is safe, sanitary, and secure until such time that the building, unit, or units are made safe for re-occupation, or for at least a three-month period, and further requires the owner to pay or cause to be paid all of the reasonable expenses involved in such relocation.

- (2) *Additional tenant rights.* It is the intent of this Board to afford the following additional tenant rights, and it shall be unlawful for any landlord to:
- (a) Fail to timely provide to each tenant the notice of tenant's rights as set forth in section 17-168 of this article.
 - (b) Fail to provide to each tenant a copy of the notice within 14 days of receipt of such notice from a government entity or from a condominium association that a residential building may be unsafe as defined by chapter 8, section 8-5 of the Code or other applicable state or local laws.
 - (c) Fail to provide a tenant who occupies a dwelling unit on a month-to-month basis a written notice of a change in ownership of such dwelling unit where such change in ownership may result in the tenant's tenancy being terminated. Notice must be provided at least 60-days prior to or simultaneously with change in ownership.
 - (d) Inquire about or require disclosure from a prospective or current tenant regarding their eviction history on an application for admission to, or continuing occupancy of, a dwelling unit until the prospective tenant or current tenant has been determined qualified for admission to, or continuing occupancy of, a dwelling unit. However, nothing herein prohibits a landlord from conducting residential screening pursuant to applicable laws.

- (e) Take an adverse action against a tenant who makes necessary reasonable repairs on their own for health and safety reasons and deducts the cost from their rental payment, if:
 - (i) The tenant provides the landlord with seven days' written notice that such repairs are needed;
 - (ii) The landlord has failed to make the repairs to the dwelling unit in accordance with section 83.51, Florida Statutes, and chapter 17, article II of the Code;
 - (iii) The tenant has obtained a minimum of two estimates from licensed professionals;
 - (iv) The tenant has evidence of such repairs, including, but not limited to, receipts, before and after photographs of the area of the dwelling unit that was repaired, and other similar documentation; and
 - (v) The tenant has withheld rent or any portion thereof and provided a seven-day notice of the landlord's failure to maintain the dwelling unit in accordance with sections 83.56 or 83.60, Florida Statutes.
 - (vi) Notwithstanding the foregoing, the tenant may not make repairs to the dwelling unit, at the landlord's expense, if the tenant, a member of tenant's family, or other persons on the premises with the tenant's consent intentionally or inadvertently causes damage to the dwelling unit.
- (f) Take any adverse action against a tenant in retaliation for the tenant's use of the Tenant Information Helpline established in accordance with section 17-169 of this article, or any agency or entity to which they are referred pursuant to using the helpline. There will be a rebuttable presumption that an

adverse action is retaliatory if it occurs within 60 days after a tenant utilizes the Tenant Information Helpline, and no other reasonable basis for the adverse action exists between the tenant utilizing the Tenant Information Helpline and the landlord's adverse action.

- (g) Retaliate, coerce, intimidate, make threats, or harass a tenant or any other person, who aides, or assist such tenant, in the exercise or enjoyment of any right granted or protected by this article.
 - (h) Fail to comply with any future rights that may be established by the Board.
- (3) The provisions of this section 17-167 and the rights conferred herein shall apply to lease extensions and/or renewals of such leases.

Sec. 17-168. Notice of Tenants' Rights.

- (1) A landlord of a dwelling unit shall provide to each tenant, no later than 10 days after the commencement or renewal of a tenancy, a Notice of Tenant Rights ("tenant's rights notice"), published by the Office of Housing Advocacy, as outlined in subsection (6) of this section.
- (2) The tenant shall review, acknowledge, sign and date the tenant's rights notice. The tenant must return the tenants' rights notice to the landlord within 7 days of receipt and be provided with a copy for the tenant's records.
- (3) The landlord of a dwelling unit shall maintain the most recent tenants' rights notice in the tenant's file until at least 60 days after the end of the tenant's tenancy.
- (4) A tenant shall be provided with a new tenant's rights notice within 10 days after the renewal date of the tenant's lease. The tenant must review, acknowledge, sign and date the tenant's rights notice. The tenant must return the tenant's rights notice to the landlord within 7 days of receipt and be provided with a copy for the tenant's records.
- (5) The Office of Housing Advocacy shall publish the tenant's rights notice that can be downloaded or printed for

distribution by landlords. The tenant's rights notice and any updates thereto shall be in plain language and translated into English, Spanish and Creole. The tenant's rights notice shall be approved by the County Attorney's Office and shall contain the following:

- (a) Information regarding existing rights for tenants under federal, state, and local laws, including, but not limited to, those provided for in the following: the Federal Fair Housing Act (42 U.S.C. § 3601), Florida Fair Housing Act (Fla. Stat. § 760.20), Florida Residential Landlord and Tenant Act (chapter 83, Florida Statutes), and section 17-27 and chapter 11A, including, section 11A-2 of the Miami-Dade County Code.
 - (b) Information regarding the tenant information helpline as provided set forth in section 17-169.
 - (c) A web address to a list of federal, state, and local governmental and private agencies that may have the authority or expertise to address certain housing-related issues.
 - (d) A printed name block and a signature block for the tenant.
- (6) Notwithstanding the foregoing, in the event the tenant does not timely sign the tenant's rights notice, the landlord shall make two attempts to acquire the tenant's signature and document the attempts in the tenant's file. A tenant's failure to sign the tenant's rights notice shall not be deemed to constitute a waiver of the tenant's right to file a civil action in a court of competent jurisdiction.

Sec. 17-169. Tenant Information Helpline and Website.

- (1) The County Mayor or the County Mayor's designee shall establish, or contract to establish, a Tenant Information Helpline and to publicly post its phone number and hours of availability on the County website. The Tenant Information Helpline shall refer tenants to any agency or entity that can render assistance to the tenant for their particular issue. The Tenant Information Helpline shall be available in English, Spanish, and Creole.

- (2) Information about the Tenant Information Helpline shall be included in the tenant's rights notice to be provided to tenants pursuant to section 17-168 of this article.
- (3) In addition to the information related to the Tenant Information Helpline, the County Mayor or County Mayor's designee shall include on the website additional resource information that includes weblinks to such sources, including but not limited to legal services programs, and court and other related self-help programs for tenants. Additionally, the County Mayor or the County Mayor's designee shall include on such website downloadable forms approved by the Florida Bar. Such forms shall be available in English, Spanish, and Creole.

Sec. 17-170. Enforcement by private persons.

- (1) A tenant may file a civil action in a court of competent jurisdiction no later than two years after the alleged violation of this article.
- (2) In a private enforcement proceeding under this article, the court may issue an order prohibiting the unlawful practice and providing affirmative relief from the effects of the practice, including equitable relief, injunctive relief, actual damages, reasonable attorney's fees, interest, costs, or other relief, upon a finding that a violation of section 17-167 has occurred or is about to occur.

Sec. 17-171. Reports to the Board of County Commissioners.

The County Mayor or the County Mayor's designee shall prepare and submit reports to the Board of County commissioners every six months summarizing the activities undertaken pursuant to this article. The report shall include, but is not limited to: (1) the number of complaints that were referred to other federal, state or local agencies; (2) the outreach and training activities undertaken by the Office of Housing Advocacy, including the dates and location of such outreach and training activities; and (3) any housing policy recommendations for the Board's consideration. The reports shall be placed on the agenda of the committee of the Board of jurisdiction in accordance with Ordinance No. 14-65.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

May 3, 2022

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Terrence A. Smith
Melissa M. Gallo
Leigh C. Kobrinski

Handwritten signature in blue ink, appearing to be "GBL".

Co-Prime Sponsors: Commissioner Jean Monestime
Commissioner Raquel A. Regalado
Co-Sponsors: Vice-Chairman Oliver G. Gilbert, III
Commissioner Daniella Cohen Higgins
Commissioner Eileen Higgins
Commissioner Kionne McGhee