

**ORDINANCE NO. 2022-018**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING CHAPTER 50 OF THE CITY OF HIALEAH CODE OF ORDINANCES ENTITLED "HOUSING", CREATING A NEW ARTICLE, IV, ENTITLED "RENTAL HOUSING", SECTION 50-121; "WRITTEN NOTICE REQUIRED TO INCREASE RENT", ESTABLISHING A REQUIRED NOTICE PERIOD, TO WHICH ALL RESIDENTIAL LANDLORDS MUST COMPLY, PRIOR TO INCREASING THE RENTAL RATE OF TENANTS ABOVE A CERTAIN PERCENTAGE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, many residential tenants within the City are subjected to landlords suddenly seeking an increase in rent and being forced to pursue new housing in a short amount of time; and

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

**WHEREAS**, section 83.57 of the Act provides that a tenancy without a specific duration may be terminated by either party giving written notice as follows: (1) when the tenancy is from year-to-year, by giving not less than 60 days' notice prior to the end of any annual period; (2) when the tenancy is from quarter-to-quarter, by giving not less than 30 days' notice prior to the end of any quarterly period; (3) when the tenancy is from month-to-month, by giving not less than 15 days' notice prior to the end of any monthly period; and (4) when the tenancy is from week-to-week, by giving not less than seven days' notice prior to the end of any weekly period; and

**WHEREAS**, pursuant to Florida Attorney General Opinion No. 94-91, the City of Miami Beach had the authority to require residential landlords to provide tenants up to a 60 days' notice prior to increasing the rent of or terminating a residential tenancy without specific duration; and

**WHEREAS**, the Attorney General, in the same opinion, also opined that the Florida Legislature has not preempted local governments from enacting an ordinance that would increase the notice provisions in 83.57; and

**WHEREAS**, consequently, the Attorney General concluded that the Florida Legislature has only provided a minimum notice requirement in F.S. 83.57, and an enlargement of the notification period would only supplement the state statute and the proposed Miami Beach ordinance would not violate 83.57; and

**WHEREAS**, as a result of the Attorney General's opinion, and in an effort to assist residential tenants who have leases with no specific duration, the City of Miami Beach, *Sec. 58-386*, the City of Miami, *Sec. 47-1*, and Miami-Dade County, *Sec. 17-03*, enacted ordinances enlarging the notice requirement for month to month tenancies from a 15-day written notice to a 30-day written notice in 1994, 2017, and 2021, respectively; and

**WHEREAS**, the Mayor and the City Council of the City of Hialeah, Florida, hereby find this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Hialeah.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, THAT:

**Section 1:** Chapter 50 of the City of Hialeah Code of Ordinances Entitled "Housing", is hereby amended by creating a new Article IV, Section 50-121 as follows:

## CHAPTER 50

### HOUSING

\* \* \* \*

#### **Article IV. – Rental Housing**

##### **Sec. 50-121. – Written notice required to increase rent.**

- (a) In any residential tenancy without a specific duration as defined by the Florida Residential Landlord and Tenant Act (F.S. §83.40 et seq), as amended from time to time, where rent is paid on a month to month basis, prior to any increase in rent by more than 10%, the landlord must give the tenant advance written notice of the proposed rent increase no less than 60 days prior to the proposed increase taking effect. Upon receipt of written notice of proposed increase in rent, the tenant shall either:
- (1) accept the proposed increase to rent;
  - (2) reach an agreeable compromise with the landlord; or
  - (3) reject the proposed increase to rent.

- (b) If the tenant has rejected the rent increase or the tenant has not reached a compromise, the landlord may enforce the rent increase at the end of the 60-day notice.
  
- (c) Except for the notice provisions set forth in subsection (a), all other provisions set forth in the Florida Residential Landlord and Tenant Act, Part II of Chapter 83, Florida Statutes, as such may be amended, shall govern residential tenancies.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Inclusion in Code.**

The Code Amendments provided for in this ordinance shall be included and incorporated

in the Code of Ordinances of the City of Hialeah, Florida.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

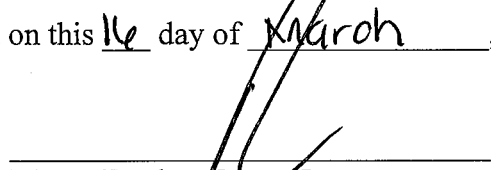
PASSED and ADOPTED this 8 day of March, 2022.



Carl Zogby  
Council President

Attest:

Approved on this 16 day of March, 2022.

  
Marbelys Fatjo, City Clerk  
Mayor Esteban Bovo, Jr.

Ordinance was adopted by 6-0-1 vote with Councilmembers, Calvo, Casals-Munoz, Garcia-Roves, Perez, Rodriguez, and Zogby voting "Yes" and Council Member Tundidor not present during roll call.



Lorena E. Bravo, City Attorney

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(B)  
3-1-22

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO TERMINATION OF CERTAIN RESIDENTIAL TENANCIES AND FAIR NOTICE FOR RENT INCREASES FOR RESIDENTIAL TENANCIES; AMENDING SECTION 17-03 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING WRITTEN NOTIFICATION PERIOD RELATED TO RENT INCREASES IN INCORPORATED AND UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; INCREASING NOTIFICATION PERIOD RELATED TO TERMINATION OF CERTAIN MONTH-TO-MONTH RESIDENTIAL TENANCIES IN INCORPORATED AND UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, it is the intention of this Board to provide all Miami-Dade County residents with a fair notice if their rents are to increase; and

**WHEREAS**, according to the University of Florida’s Shimberg Center for Housing Studies’ 2019 Rental Market Study, there are 2.6 million renter households in the State of Florida; and

**WHEREAS**, of the 895,801 households in Miami-Dade County, almost half are renting; and

**WHEREAS**, according to a 2019 study by Florida International University, 48.4 percent of households in Miami-Dade County are considered “cost burdened,” which, according to the United States Department of Housing and Urban Development, includes households who pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care; and

**WHEREAS**, during the coronavirus-2019 (COVID-19) pandemic, there has been an influx of people moving to Florida from states with higher wages and cost of living which has caused an upsurge in rental rates in Florida; and

**WHEREAS**, according to a recent Miami Herald editorial report, as of December 2021, the average monthly rent in Miami was \$3,020.00, which represents a 34 percent annual increase; and

**WHEREAS**, according to the website Zillow, the average rent in the tri-county area of Miami-Dade, Broward and West Palm Beach, as of December 2021, was \$2,564.00; and

**WHEREAS**, recently it was reported through various media outlets that one landlord in the City of Hialeah informed their tenants that the tenants' rent would be increased by 65 percent; and

**WHEREAS**, part II of chapter 83, Florida Statutes, commonly known as the "Florida Residential Landlord and Tenant Act" ("the act"), applies to the rental of residential dwelling units and sets forth the 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**, although some lease agreements contain provisions regarding increases in rental rates, a landlord generally may not raise rent during the term of a lease; and

**WHEREAS**, therefore, a landlord will have to wait until the end of the term of the lease to raise the rent and it is expected that notice of such will be provided in accordance with termination notices set forth by law or in accordance with the lease agreement; and

**WHEREAS**, with respect to notices of termination of tenancy, if there is a written lease, section 83.575 of the act provides that the notice required to terminate a tenancy is no more than 60 days notice; and

**WHEREAS**, where there is no lease, on the other hand, section 83.57 provides that the landlord should provide a seven-day notice to a tenant renting week-to-week, a 15-day notice to a tenant renting month-to-month, a 30-day notice to a tenant renting quarter-to-quarter, and a 60-day notice to a tenant renting year-to-year; and

**WHEREAS**, on January 20, 2021, this Board adopted Ordinance No. 21-1, which extended the written notification requirement for termination of a month-to-month residential tenancy from 15 days to 30 days throughout Miami-Dade County; and

**WHEREAS**, nevertheless, this ordinance does not provide a notice provision for increases in rent and there is no explicit notice provision for increases in rent in the act; and

**WHEREAS**, according to court opinions and Florida Attorney General Opinion No. 94-91, the Florida Legislature has not preempted local governments from enacting ordinances that enlarge the notification period for month-to-month tenancies without a specific duration pursuant to section 83.57 of the act; and

**WHEREAS**, the Attorney General concluded that such enlargement of the notification period would be supplemental to the state statute, and compliance with such ordinance is possible without violating section 83.57; and

**WHEREAS**, in response to the Attorney General's opinion and to assist renters, the City of Miami Beach recently enacted an ordinance that requires 60 days written notification be given by Miami Beach residential landlords to their tenants prior to increasing the tenants' rent beyond a specified percent; and

**WHEREAS**, additionally, states, including Alabama, Alaska, Arizona, California, Indiana, Iowa, Kansas, Massachusetts, Missouri, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, and Texas, have laws that require landlords to provide notice to their tenants prior to increasing their rents; and

**WHEREAS**, accordingly, this Board desires to require that residential landlords in unincorporated and incorporated Miami-Dade County who proposes 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, this Board desires to amend Ordinance No. 21-1 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,

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

**Section 1.** Section 17-03 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 17-03. Required written >>fair<< notice of termination of monthly residential tenancy without specific duration >>and written notification requirements related to rental payment increases for all residential tenancies<<.**

- (a) 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 ~~[[30]]~~ >>60<< days written notice prior to the end of any monthly

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<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.



period. ~~[[The requirements of this ordinance shall apply within incorporated and unincorporated areas of Miami-Dade County.]]~~

>>(b) A residential 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 60 days written fair notice to the tenant before the tenant must either:

- (1) accept the proposed amendment;
- (2) reach an acceptable compromise; or
- (3) reject the proposed amendment to their tenancy.

If the required 60 days written fair notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended term(s) or require the tenant(s) to vacate the residence.

(c) The requirements of this ordinance shall apply within incorporated and unincorporated areas of Miami-Dade County.<<

~~[[b]]>>(d)<< Except for the notice provisions set forth in subsection (a) >>and (b)<<, all other provisions set forth in part II of chapter 83, Florida Statutes, as such may be amended, shall govern residential tenancies.~~

**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:**

Approved by County Attorney as  
to form and legal sufficiency:

Handwritten initials "GBK" in a bold, blocky font, with a signature below it that appears to be "LCS".

Prepared by:

Terrence A. Smith  
Leigh C. Kobrinski

Prime Sponsor: Commissioner Eileen Higgins

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(D)  
3-1-22

ORDINANCE NO. \_\_\_\_\_

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 tenants, 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 upon 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.

- (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 temporary housing 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.

**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 and its 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, 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.

- (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, consider, or require disclosure from a prospective or current tenant regarding their eviction history when considering 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.
  - (e) Take an adverse action against a tenant who makes necessary repairs on their own and deducts the cost from their rental payment, if:
    - (i) The landlord has failed to maintain the dwelling unit in accordance with section 83.51, Florida Statutes, and chapter 17, article II of the Code, and 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

- (ii) The tenant has withheld rent and provided a 7-day notice of the landlord's failure to maintain the dwelling unit in accordance with section 83.56, Florida Statutes; and
  - (iii) The landlord fails to make the repairs required under law, despite the tenant's notice.
- (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.
- (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 signed 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, 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 may request that the landlord furnish signed copies of the tenant's rights notice for each tenant.
- (6) 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.
- (7) Notwithstanding the foregoing, in the event the tenant does not timely sign the tenant's rights notice, the landlord shall document all attempts to acquire the tenant's signature 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, temporary restraining order, actual and punitive 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 annual reports to the Board of County Commissioners 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 annual 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:

Approved by County Attorney as  
to form and legal sufficiency:



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