

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE IV, ENTITLED "RENTAL HOUSING," BY AMENDING DIVISION 3, ENTITLED "TERMINATION OF TENANCY," BY AMENDING SECTION 58-386, ENTITLED "WRITTEN NOTICE OR TERMINATION OF TENANCY," BY ESTABLISHING THE REQUIRED NOTICE PERIOD, WITH WHICH ALL RESIDENTIAL LANDLORDS MUST COMPLY, PRIOR TO INCREASING THE RENTAL RATE OF CERTAIN TENANTS BEYOND A SPECIFIED PERCENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, many tenants residing in the City may be unable to afford the purchase price, and the corresponding cost(s) of ownership, of a residential property in the City; and

WHEREAS, due to a number of factors (including the ongoing Covid-19 pandemic), it has become increasingly difficult for potential renters to find suitable housing, at an affordable price; and

WHEREAS, many tenants who were previously able to find and secure a residential property, in which to reside within the City, have been surprised by landlords suddenly seeking to increase (and sometimes very substantially) the tenant's periodic rental payment, or seeking to amend other material terms of the lease agreement; and

WHEREAS, such notice has all too often been provided by landlords, to their tenants, at the last possible moment, which has forced many tenants into precarious positions and being forced to move; and

WHEREAS, pursuant to Florida Attorney General Opinion AGO 94-41, in conjunction with Florida Statute 83.575, the City has the legal authority to require that residential landlords provide up to 60 days' notice to tenants prior to amending or terminating a residential tenancy; and

WHEREAS, the Mayor and City Commission hereby find it necessary, in order to better protect tenants in the City, to establish a required minimum notice period (with which all residential landlords must comply) prior to increasing the rental rate of certain tenants beyond a specified percent.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That section 58-386 of Chapter 58 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 58
HOUSING**

* * *

ARTICLE IV. RENTAL HOUSING

* * *

Sec. 58-386. Written notice of amendment or termination of tenancy.

- (a) *Required.* 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 days' written notice prior to the end of any monthly period.
- (b) A residential landlord that proposes to increase the rental rate by more than 5 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 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 notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise within 30 days of receiving the notice, (i) the landlord may impose the proposed amended term(s) at the end of the sixty-day notice period or (ii) in the case of an expiring lease, either party may terminate the tenancy at the conclusion of the lease term, ~~require the tenant(s) to vacate the residence or~~ (iii) in the case of a month-to-month tenancy, either party may terminate the tenancy by providing the 30 day notice of termination required by subsection (a) of this section.

- (c) *Applicability of state law.* Except for the notice provisions set forth in subsections (a) and (b) of this section, all other provisions set forth within F.S. Ch. 83, pt. II, governing residential tenancies shall apply to the rental of a residential dwelling unit within the city.

(Ord. No. 94-2936, § 1, 7-28-94)

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Miami Beach City Code. 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 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2022.

PASSED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double Underline denotes additions made at First Reading

~~Double Strikethrough~~ denotes deletions made at First Reading

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-4-22

Date

