

R5 U AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING "THE HOUSING PROTECTION ORDINANCE," BY 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," TO REQUIRE RESIDENTIAL LANDLORDS TO PROVIDE AT LEAST 90 DAYS WRITTEN NOTICE TO THE CITY OF PROPOSED INCREASES IN TENANTS' MONTHLY RENT PAYMENT OF TEN PERCENT OR MORE FOR SPECIFIED RECIPIENTS OF CITY SERVICES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 10:55 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING "THE HOUSING PROTECTION ORDINANCE," BY 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," TO REQUIRE RESIDENTIAL LANDLORDS TO PROVIDE AT LEAST 90 DAYS WRITTEN NOTICE TO THE CITY OF PROPOSED INCREASES IN TENANTS' MONTHLY RENT PAYMENT OF TEN PERCENT OR MORE FOR SPECIFIED RECIPIENTS OF CITY SERVICES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

This proposed ordinance is presented on first reading by the sponsor, Vice Mayor Alex J. Fernandez, for the consideration of the Mayor and City Commission.

Many tenants residing in the City may be unable to afford the rental price, and the corresponding cost(s) of a residential property in the City. Due to a number of factors (including the recent market conditions), it has become increasingly difficult for potential renters to find suitable housing at an affordable price.

Since 2020, the City of Miami Beach Office of Housing and Community Services has processed and approved 822 applications for housing assistance across various programs, which includes rent, utility, and mortgage assistance, allocating a total of \$2,772,877.00.

Moreover, the Housing Authority of the City of Miami Beach (HACMB) administers the federal government's Housing Choice Voucher (HCV) program, assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Across the three Miami Beach zip codes (33139, 33140, 33141) the Housing Authority currently has 748 vouchers for Section 8 housing; and over half of these available vouchers are utilized by senior citizens aged 65 to 85+, underscoring the critical need for continued housing assistance for this and other vulnerable demographics. Additionally, over 500 vouchers are administered by the HACMB through eight (8) Housing and Urban Development programs, which include the Emergency Housing Vouchers, Mainstream Vouchers, HCV – Northside Commons, Moving Up Program, Stability Vouchers, Harding Village – PBV, Meridian Place – PBV, and the Veterans

Affairs Supportive Housing program.

Many media outlets have reported the problems that have befallen residents subjected to huge rent increases.

For example, the Miami Herald recently reported that large rent increases have created unsustainable burdens on some residents by encumbering large portions of residents' wages (<https://www.miamiherald.com/news/local/community/miami-dade/article293359674.html>); Moneywise recently reported that senior citizens were left scrambling for cash after their affordable housing community in Miami threatened a rent hike just months after its grand opening (<https://moneywise.com/news/seniors-left-scrambling-for-cash-after-affordable-housing-community-in-miami-threatens-rent-hike>); and the New York Times recently reported that Miami-Dade County is the second-toughest spot for renters in the United States based on five metrics: occupancy and lease renewal rates, average days vacant, prospective renters per vacant unit, and the share of newly constructed units (<https://www.nytimes.com/2024/10/03/realestate/apartment-rent-renewal-rates.html>).

Many tenants who were previously able to find and secure a residential property, in which to reside within the City, have been unable to absorb an imposed large rental increase, leading to the increased risk of the tenant(s) becoming homeless in the City.

If adopted, the proposed ordinance will require ninety (90) day advance notice to the City of large residential rental increases for specified recipients of City services in order to allow the City to potentially offer services to prevent these residents from becoming homeless in the City. It would be enforced by code compliance fines ranging normally from \$1,000.00 to \$5,000.00 per day for each violation.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/27/2024
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Is this item related to a G.O. Bond Project?

No

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

10:55 a.m. 2nd Rdg, Notice to City of Large Rent Increases for Specified Recipients of City Services. (AF) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING "THE HOUSING PROTECTION ORDINANCE," BY 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," TO REQUIRE RESIDENTIAL LANDLORDS TO PROVIDE AT LEAST 90 DAYS WRITTEN NOTICE TO THE CITY OF PROPOSED INCREASES IN TENANTS' MONTHLY RENT PAYMENT OF TEN PERCENT OR MORE FOR SPECIFIED RECIPIENTS OF CITY SERVICES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, due to a number of factors (including the recent market conditions), it has become increasingly difficult for potential renters to find suitable housing at an affordable price; and

WHEREAS, since 2020 the City of Miami Beach Office of Housing and Community Services has processed and approved 822 applications for housing assistance across various programs, which includes rent, utility, and mortgage assistance, allocating a total of \$2,772,877.60; and

WHEREAS, the Housing Authority of the City of Miami Beach (HACMB) administers the federal government's Housing Choice Voucher (HCV) program, assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market; and

WHEREAS, across the three Miami Beach zip codes (33139, 33140, 33141) the Housing Authority currently has 748 vouchers for Section 8 housing; and

WHEREAS, over half of these available vouchers are utilized by senior citizens aged 65 to 85+, underscoring the critical need for continued housing assistance for this and other vulnerable demographics; and

WHEREAS, additionally, over 500 vouchers are administered by the HACMB through eight (8) Housing and Urban Development programs, which include the Emergency Housing Vouchers, Mainstream Vouchers, HCV – Northside Commons, Moving Up Program, Stability Vouchers, Harding Village – PBV, Meridian Place – PBV, and the Veterans Affairs Supportive Housing program; and

WHEREAS, the Miami Herald recently reported that large rent increases have created unsustainable burdens on some residents by encumbering large portions of residents' wages (<https://www.miamiherald.com/news/local/community/miami-dade/article293359674.html>); and

WHEREAS, Moneywise recently reported that senior citizens were left scrambling for cash after their affordable housing community in Miami threatened a rent hike just months after its grand opening (<https://moneywise.com/news/seniors-left-scrambling-for-cash-after-affordable-housing-community-in-miami-threatens-rent-hike>); and

WHEREAS, the New York Times recently reported that Miami-Dade County is the second-toughest spot for renters in the United States based on five metrics: occupancy and lease renewal rates, average days vacant, prospective renters per vacant unit, and the share of newly constructed units (<https://www.nytimes.com/2024/10/03/realestate/apartment-rent-renewal-rates.html>); and

WHEREAS, many tenants who were previously able to find and secure a residential property, in which to reside within the City, have been unable to absorb an imposed large rental increase, leading to the increased risk of the tenant(s) becoming homeless in the City; and

WHEREAS, ninety (90) day advance notice to the City of large residential rental increases required pursuant to this section will allow the City to offer impacted tenants various forms of assistance to prevent the tenant(s) from becoming homeless in the City.

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

* * *

DIVISION 3. TERMINATION OF TENANCY

* * *

Sec. 58-386. Written notice to city of residential rent increase of ten percent or more in order to activate homelessness prevention services for specified persons. ~~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) [Notice to be given.] 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 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 60-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, 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.~~

(a) Required Notice to City. A residential landlord that proposes to increase the rental rate by more than ten percent (10%) 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 for any tenant(s) of a residential unit who receives housing vouchers from any governmental agency, who resides in any property owned by the Miami Beach Housing Authority, or any other affordable housing provider must provide ninety (90) days' written notice to the city's Office of Housing and Community Services via e-mail to rentincrease@miamibeachfl.gov. The notice must include the landlord and/or property manager's name, address, telephone number, and e-mail address as well as each impacted tenant's name, address, telephone number, e-mail address, current rent amount by relevant period (i.e. by month), new rent amount by relevant period, and percent increase that the adjustment represents.

(b) Homelessness Prevention Plan. Upon receiving the written notice required in subsection (a), the city's Office of Housing and Community Services shall contact the impacted tenant(s) via telephone, e-mail, or first class mail in order to apprise the tenant(s) of the notice received by the city from the landlord and advise the impacted tenant(s) of any services offered by the city or any other entity to prevent homelessness and/or to secure stable housing.

(c) Applicability of State Law. Nothing in this section shall be construed to regulate residential tenancies, the landlord-tenant relationship, or all other matters covered under Part II of Chapter 83, Fla. Stat., and the failure to comply with this section by any party shall not relieve a tenant of the obligation to pay any rental amount allowed pursuant to that Part.

(d) Enforcement. A residential landlord that violates this section shall, after a ninety day education period during which the city administration shall provide notice of the requirements of this ordinance to all landlords in the city holding a business tax receipt (coupled with a general education campaign for all other landlords), be served with a notice of violation by the City's Code Compliance Department and must elect to either:

a. Pay the following civil fine:

i. First violation: \$1,000 per day per violation;

ii. Second and/or subsequent violation: \$5,000 per day per violation; and

iii. \$15,000 per violation if the special magistrate finds the violation to be irreparable or irreversible in nature.

b. Request an administrative hearing before a special magistrate to appeal the notice of violation, which must be requested within ten days of the service of the notice of violation. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

(2) Failure to pay the civil fine, or to timely request an administrative hearing before a special magistrate, shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

(3) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien for the amount of the lien plus accrued interest.

(4) The special magistrate shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten days of the service of the notice of violation. The special magistrate shall not have discretion to alter the penalties prescribed in this article. Any party aggrieved by a decision of a special magistrate may appeal that decision to a court of competent jurisdiction.

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 1st day of January, 2025.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Vice Mayor 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

 11/15/2024

Date