

ORDINANCE NO. 2022-27

AN ORDINANCE RELATING TO RESIDENTIAL TENANCIES IN INCORPORATED AND UNINCORPORATED AREAS OF ORANGE COUNTY; AMENDING CHAPTER 25 OF THE ORANGE COUNTY CODE OF ORDINANCES (“CODE”); CREATING ARTICLE XIII, SECTIONS 25-370 THROUGH 25-449 OF THE CODE; REQUIRING A WRITTEN NOTIFICATION PERIOD FOR THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES; REQUIRING A WRITTEN NOTIFICATION PERIOD FOR RENT INCREASES FOR CERTAIN RESIDENTIAL TENANCIES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; AMENDING SECTION 11-62 OF THE CODE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR FILING OF ORDINANCE AND EFFECTIVE DATE.

WHEREAS, Part II of Chapter 83, Florida Statutes, known as the “Florida Residential Landlord and Tenant Act” (the “Act”), applies to tenancies of residential dwelling units and sets forth the rights and duties of landlords and tenants; and

WHEREAS, Section 83.57 of the Act provides that, where there is no specific term or duration, either landlord or tenant may terminate the rental agreement by giving not less than: (i) sixty (60) days’ notice prior to the end of any annual period when the tenancy is from year to year; (ii) thirty (30) days’ notice prior to the end of any quarterly period when the tenancy is from quarter to quarter; (iii) fifteen (15) days’ notice prior to the end of any monthly period when the tenancy is from month to month; and (iv) seven (7) days’ notice prior to the end of any weekly period when the tenancy is from week to week; and

WHEREAS, Florida Attorney General Opinion No. 94-41 states that an “...ordinance that merely supplements the notice provisions in section 83.57, Florida Statutes, would not conflict with the statute and would, therefore, be valid.”; and

WHEREAS, the Orange County Board of County Commissioners (the “Board”) desires to supplement the notice provisions in Section 83.57, Florida Statutes; and

WHEREAS, according to ESRI, GAI Consultants, Inc., and the Shimberg Center for Housing Studies, there are approximately two hundred thirty thousand (230,000) housing units occupied by renters in Orange County, Florida (the “County”), and 53.4% of households in the County are considered “cost burdened” which the U.S. Department of Housing and Urban Development defines to include households who pay more than thirty-percent (30%) of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care; and

STATE OF FLORIDA, COUNTY OF ORANGE
I HEREBY CERTIFY this is a copy of a document
approved by the BCC on July 26, 2022
PHIL DIAMOND, COUNTY COMPTROLLER
BY: *Noelia Perez*
FOR DEPUTY CLERK 07/29/2022



WHEREAS, according to CoStar and GAI Consultants, Inc., asking rent in the County is \$1,697.00 which represents a twenty-five-percent (25%) year-over-year increase; and

WHEREAS, the Act does not provide for specific notice provisions 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 an increase 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 rental agreement with a specific duration and a notice of termination provision, Section 83.575 of the Act provides that the notice required to terminate the tenancy may not exceed 60 days; and

WHEREAS, protecting residential tenants from unfair rental practices is fundamental to the health, safety, and welfare of the community; and

WHEREAS, accordingly, the Board desires to require that residential landlords in incorporated and unincorporated areas of Orange County provide tenants with a fair notice if their rents are to increase by more than five-percent (5%) to protect tenants from extensive increases in rent without adequate time to secure alternative housing.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Enactment of New Chapter 25, Article XIII, Rental Notices. A new Rental Notices ordinance, to be codified at Chapter 25, Article XIII of the Orange County Code, Section 25-370 through Section 25-449, is hereby enacted to read as follows:

**CHAPTER 25. LICENSES, TAXATION AND
MISCELLANEOUS BUSINESS REGULATIONS**

* * *

ARTICLE XIII. RENTAL NOTICES

Section 25-370. Title.

This article shall be titled "Rental Notices."

Section 25-371. *Required written fair notice of termination of quarterly and monthly residential tenancies without specific duration; written notification requirements related to rental payment increases for certain residential tenancies.*

- (a) A residential tenancy without a specific duration and in which the rent is payable on a quarterly or monthly basis may be terminated by either the landlord or tenant by giving not less than sixty (60) days' written notice prior to the end of the applicable quarterly or monthly period.
- (b) A residential landlord that proposes to increase the rental rate by more than five-percent (5%) 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 quarterly or monthly basis, shall provide sixty (60) days' written notice of the increase to the tenant.
 - (1) Within said sixty (60) day period, the tenant shall either:
 - (i) Accept the rental increase;
 - (ii) Reach an acceptable compromise on rental amount; or
 - (iii) Reject the rental increase.
 - (2) If the required sixty (60) days' written notice has been provided and the tenant has rejected the rental increase or failed to reach an acceptable compromise on rental amount, then the landlord may impose the rental increase or require the tenant(s) to vacate the residence upon the tenancy's termination.
 - (3) The landlord shall retain a copy of the notice of rental increase and proof of delivery for a period of one (1) year.
- (c) The requirements of this article shall apply within incorporated and unincorporated areas of Orange County. In accordance with Chapter 723, Florida Statutes, this article shall not apply to

mobile home lot rents in mobile home parks or the related landlord-tenant relationships.

- (d) Except for the notice provisions set forth in subsections (a) and (b) above, all other provisions of Part II of Chapter 83, Florida Statutes, as may be amended, shall govern residential tenancies.

Section 25-372. Enforcement and Penalties.

- (a) The Orange County Neighborhood Services Division (or such successor County division or department responsible for the enforcement of the County Code of Ordinances) is empowered to investigate any situation where a complaint is made that this article has been violated.
- (b) The Orange County Neighborhood Services Division (or such successor County division or department responsible for the enforcement of the County Code of Ordinances) is authorized to enforce this article through the issuance of a noncriminal civil citation in accordance with Part II of Chapter 162, Florida Statutes, and the County's Code Enforcement Citation Program contained in Chapter 11, Article III of the Orange County Code of Ordinances.
- (c) Violations of this article shall be considered a Class III violation and subject to a fine as provided in Section 11-67 of the Orange County Code of Ordinances.

Sections 25-373 – 25-449. Reserved.

Section 3. Amendment to Section 11-62. Section 11-62 (“Applicable codes and ordinances”) is amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

Sec. 11-62. Applicable codes and ordinances.

A schedule of codes and ordinances, which may be enforced pursuant to the supplemental code enforcement citation procedures contained herein, is set out directly below as Schedule “A”. Where a chapter or part of a chapter is referenced, all sections within that chapter or part are subject to enforcement by citation. If a section within a referenced chapter has a specific penalty identified therein, that more-specific penalty shall prevail so long as it does not exceed

the maximum penalty permitted by F.S. ch. 162, as amended. The schedule of codes and ordinances shall include such codes and ordinances as they may be from time to time amended, renumbered, codified, or recodified including codes and ordinances enacted subsequent to the adoption of this article.

SCHEDULE "A"

Code Provision	Description	Class
Chapter 2, Article IX	Emergency management	III
Section 3-101	Adult entertainment establishment general operational rules	II
Section 9-277	Property maintenance	I
Chapter 15	Environmental control	III
Chapter 18	Fire prevention and protection	III
Section 21-3	Uniform numbering system	I
Section 21-239	Vending operation on public right-of-way or unpermitted vending operation on property abutting a public right-of-way	II
Chapter 24	Landscaping, buffering and open space	I
Chapter 25, Article II	Garage Sales	I
Chapter 25, Article III	Local business taxes	II

<u>Chapter 25, Article XIII</u>	<u>Rental Notices</u>	<u>III</u>
Chapter 28, Article II	Lot Cleaning	I
Chapter 28, Article III	Parking of motor vehicles on residentially and agriculturally zoned property	II
Chapter 31.5	Signs	III
Chapter 32	Solid Waste	II
Chapter 38	Zoning	II

Section 4. Repeal of Laws in Conflict. All local laws and ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Filing of Ordinance and Effective Date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS 26 DAY OF July, 20 22.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk