

ORDINANCE NO. 2022- _____

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3
4 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA AMENDING THE
5 CITY OF TAMPA CODE OF ORDINANCES CHAPTER 12 TO ADD
6 "ARTICLE VII. TENANT'S BILL OF RIGHTS AND THE PROHIBITION OF
7 SOURCE OF INCOME DISCRIMINATION" AND SECTIONS 12-140 – 12-
8 145 WITHIN SAID ARTICLE; PROVIDING FOR A TITLE; PROVIDING FOR
9 DEFINITIONS; PROVIDING FOR A REQUIREMENT TO PROVIDE
10 TENANTS WITH A NOTICE OF RIGHTS; PROVIDING FOR A
11 PROHIBITION ON SOURCE OF INCOME DISCRIMINATION; PROVIDING
12 FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING
13 FOR EXEMPTIONS; AMENDING SECTIONS 12-4.(a), 12-5.(e), 19-4.(a)
14 AND 23.5-5.(d) OF THE CITY OF TAMPA CODE OF ORDINANCES IN
15 CONNECTION WITH THIS NEW ARTICLE VII; REPEALING ALL
16 ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH;
17 PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
18 DATE.
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20
21 **WHEREAS**, the City of Tampa ("City") is experiencing a significant demand
22 for affordable rental housing units; and
23

24 **WHEREAS**, the availability of safe and affordable housing is an essential
25 component of individual and community well-being; and
26

27 **WHEREAS**, protecting residential tenants from discrimination and unfair
28 and illegal rental practices is fundamental to the health, safety and welfare of
29 the community; and
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31 **WHEREAS**, it is in the City's best interests to adopt a Tenant's Bill of Rights
32 in order to increase tenant awareness of their rights and to provide guidance to
33 tenants regarding available community resources; and
34

35 **WHEREAS**, government programs exist which assist families, the elderly,
36 veterans and persons with disabilities to afford decent and safe housing in the
37 private rental market through financial subsidies, including Housing Choice
38 (Section 8) Vouchers and Veterans Affairs Supportive Housing vouchers; and
39

40 **WHEREAS**, the U.S. Department of Housing and Urban Development
41 reports that some landlords avoid renting to voucher recipients because of the
42 administrative burdens of participating in such programs and other landlords
43 resist renting to voucher recipients because they perceive this group to be
44 undesirable tenants and/or they fear that other tenants would object to voucher
recipients as neighbors; and

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WHEREAS, the City desires to eliminate discrimination in a person’s ability to obtain housing based on a person’s lawful source of income for rental payments, thereby increasing the number of households who are able to successfully locate safe, affordable, and accessible housing in the City.

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA THAT:**

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

Section 2. Chapter 12 of the City of Tampa Code of Ordinances is hereby amended by adding the following underlined words to create an Article VII, Sections 12-140 through 12-145, as follows:

“ARTICLE VII.- TENANT’S BILL OF RIGHTS AND THE PROHIBITION OF SOURCE OF INCOME DISCRIMINATION

Sec. 12-140. - Title.

This Article shall be known and may be cited as the “Tenant’s Bill of Rights and Source of Income Anti-Discrimination Ordinance”.

Sec. 12-141. - Definitions.

For the purpose of this Article, the following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall," "will" and "must" are mandatory and the word "may" is permissive.

Lawful Source of Income shall mean the income from: 1) a lawful profession, occupation or job; 2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; 3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran’s benefits; or 4) the sale

1 of property or an interest in property. A Person renting more than one Rental
2 Unit may require reasonable verification of the Lawful Source of Income from a
3 Tenant so long as such verification is required from all Tenants leasing or renting
4 Rental Units from that same Person.

5
6 Notice of Rights shall mean a printed, paper copy, available in both English
7 and Spanish, in font 12-pt or larger and on paper of 8 ½ by 11 inches or larger,
8 of a notice of rights and services available to Tenants in the City, in a form
9 approved by the City by resolution. For purposes of this Article, if a Tenant has
10 consented to receiving and signing documents via electronic means, then the
11 Notice of Rights may be provided to the Tenant in electronic form rather than
12 as a printed, paper copy.

13
14 Person shall mean any individual, firm, corporation or other organization or
15 group of persons however organized, including but not limited to any landlord,
16 owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real
17 estate broker, salesperson, condominium association, homeowners'
18 association, cooperative association, or any representative of any of the
19 foregoing.

20
21 Rental Agreement shall mean an agreement, either written or oral, by which
22 a Tenant is entitled to possess a Rental Unit in exchange for consideration, or is
23 a "Rental Agreement", as defined in section 83.43 of the Florida Statutes, as it
24 may be amended.

25
26 Rental Unit shall mean a residential housing unit that is or may be occupied
27 by a Tenant who does not own the property in exchange for consideration and
28 by virtue of an agreement with the owner of such residential property, or which
29 is a "Dwelling Unit", as defined in section 83.43 of the Florida Statutes, as it may
30 be amended.

31
32 Tenant shall mean a natural person or persons who shall occupy, attempt to
33 occupy, or inquire about occupying a Rental Unit in exchange for consideration
34 and by virtue of a written or oral agreement with the owner of such Rental Unit,
35 or are a "Tenant" as defined in section 83.43 of the Florida Statutes, as it may
36 be amended.

37 **Sec. 12-142. - Notice of Tenants Rights Required.**

38
39 (a) It shall be unlawful for a Person to allow a Tenant to apply to rent, or in
40 instances where no application is required, to occupy, a Rental Unit under
41 said Person's control or authority without first providing the Tenant with a
42 copy of the Notice of Rights.

1 (b) For existing Tenants already occupying a Rental Unit as of the date of
2 enactment of this Article, the Notice of Rights shall be provided prior to the
3 commencement of a new rental term. For Tenants with recurring rental terms
4 of 30 days or less, the Notice of Rights shall be provided prior to initial
5 commencement of the rental term and thereafter no less than once per year.
6 Notices are not required for short term rentals with non-recurring rental
7 terms of 30 days or less.

8
9 (c) The contents of the Notice of Rights will be approved by City Council
10 resolution, but it shall generally include information on Tenants' rights under
11 federal, state and local law and contact information for organizations
12 available to provide assistance to Tenants.

13
14 (d) There shall be a rebuttable presumption that a Person has complied with
15 this Section if the Person can provide a written, dated and signed affirmation
16 from the Tenant stating that the Tenant has received the Notice of Rights.
17 The signed affirmation shall be retained for at least one year after the Tenant
18 vacates the Rental Unit.

19
20 (e) No penalties shall be assessed for conduct violating this Section occurring
21 prior to March 1, 2022.

22
23 (f) For a Person's first violation of this Section, the City's Division of
24 Neighborhood Enhancement or any successor City division or department
25 responsible for enforcement of the City's Code shall have the discretion to
26 provide a reasonable time period, not to exceed 21 calendar days, within
27 which the Person must correct the violation, as provided in Sec. 9-3.(b) of the
28 City's Code of Ordinances.

29
30 (g) This Section does not create any private causes of action and may only be
31 enforced as provided herein.

32 **Sec. 12-143. - Prohibition of Source of Income Discrimination.**

33
34 (a) It shall be unlawful and is hereby prohibited for any Person:

35
36 (1) To refuse to rent, show or lease, to refuse to negotiate for the
37 rental of, or otherwise to make unavailable or deny, a Rental Unit to
38 any Tenant because of that Tenant's Lawful Source of Income, or
39 because of the Tenant's status with regard to a public assistance
40 program, or because of any requirements of a public assistance
41 program. However, this section shall not be construed as requiring a
42 Person to: (a) reduce the amount of rent normally charged for a Rental
43 Unit; (b) waive any security deposit, fee or similar charge required from
44 all Tenants renting Rental Units from that Person; or (c) make repairs

1 or improvements to a Rental Unit or conduct maintenance activities
2 not otherwise legally required by City Code or by the applicable laws
3 and regulations of the State of Florida.

4
5 (2) To discriminate against any Tenant in the terms, conditions, or
6 privileges of the rental or lease of a Rental Unit, or in the provision of
7 services or facilities in connection therewith, because of that Tenant's
8 Lawful Source of Income.

9
10 (3) To use a financial or income standard in assessing eligibility for
11 the rental of a Rental Unit that is not based on the portion of the rent
12 to be paid by the Tenant in instances where there is a government rent
13 subsidy or assistance, which will be used to pay for a portion of the rent
14 for that Rental Unit. The financial or income standard, if used, may
15 include reasonable living costs and utilities in addition to rent; however
16 a Person may only use a financial or income standard in assessing
17 eligibility for the rental of Rental Units, if the same standard is applied
18 to all of that Person's Tenants renting a Rental Unit regardless of Lawful
19 Source of Income.

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21 (4) To represent to any Tenant because of the Tenant's Lawful
22 Source of Income that any Rental Unit is not available for inspection or
23 rental when such Rental Unit is in fact so available.

24
25 (5) To make, print, or publish, or cause to be made, printed, or
26 published, any notice, statement, or advertisement with respect to the
27 rental of a Rental Unit that indicates any preference, limitation, or
28 discrimination based on a Lawful Source of Income, or an intention to
29 make any such preference, limitation, or discrimination.

30
31 (6) To induce or attempt to induce another Person, for profit, to
32 rent any Rental Unit by representations regarding the entry or
33 prospective entry into the neighborhood of a Tenant with particular
34 Lawful Sources of Income.

35 (b) Complaints regarding any alleged violation of this Section shall be
36 initially investigated by the Office of Human Rights. Based on that
37 investigation, if the administrator of the Office of Human Rights finds
38 reasonable cause that this Section has been violated, then the
39 administrator shall refer its investigation report to the City's Division of
40 Neighborhood Enhancement for further investigation and enforcement as
41 set forth in Sec. 12-144 below. In addition, either the City's Office of
42 Human Rights or Division of Neighborhood Enhancement is authorized to
43 report violations to any local, state or federal authority. Investigation and
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1 enforcement by the City may occur concurrently with any investigation
2 and enforcement actions by local, state or federal authorities.

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4 (c) No penalties shall be assessed for conduct violating this Section
5 occurring prior to March 1, 2022.

6
7 (d) This Section does not create any private causes of action and may only
8 be enforced as set forth herein.

9
10 **Sec. 12-144. - Enforcement and Penalties.**

11 (a) The City of Tampa Division of Neighborhood Enhancement (or such
12 successor City division or department responsible for the enforcement of
13 the City Code of Ordinances) is empowered to investigate any situation
14 where a Person is alleged to be violating this Article.

15
16 (b) The City of Tampa Division of Neighborhood Enhancement (or such
17 successor City division or department responsible for the enforcement of
18 the City Code of Ordinances) is authorized to enforce this Article through
19 the issuance of a noncriminal civil citation in accordance with Part II of
20 Chapter 162, Florida Statutes, and the "City of Tampa Supplemental
21 Enforcement Procedures Ordinance" contained in Chapter 23.5 of the City
22 of Tampa Code of Ordinances.

23
24 (c) Violations of this Article shall be considered a "Class IV" violation and
25 subject to a fine as provided in Section 23.5-5 of the City of Tampa Code of
26 Ordinances.

27
28 **Sec. 12-145. - Exemptions.**

29
30 (a) This Article shall not apply to Rental Units governed exclusively by Chapter
31 723 of the Florida Statutes relating to mobile home park lot tenancies."

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34 **Section 3. Section 12-4.(a)** of the City of Tampa Code of Ordinances is hereby
35 amended to remove the words and section numbers that have been stricken
36 through and to include the underlined words as follows:

37
38 **"Sec. 12-4. Administrative authority; powers and duties.**

39
40 (a) Unless otherwise expressly provided below, ~~the~~ provisions of this chapter shall
41 be administered and enforced by the ~~official~~ administrator, who shall be
42 appointed by the mayor or the mayor's designee. ~~Except as otherwise set forth~~
43 in section ~~12-6~~, below, for purposes of administration of the provisions of this
44

1 ~~chapter, the official's designee shall be the administrator, who shall be~~
2 ~~appointed by the official."~~
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5 **Section 4. Section 12-5.(e)** of the City of Tampa Code of Ordinances is
6 hereby amended to remove the words that have been stricken through and to
7 include the underlined words as follows:
8

9 "(e) *Powers and duties.* Except as otherwise expressly provided in this Chapter,
10 the powers and duties of the board shall be:
11

12 (1) To receive and initiate complaints alleging any violation of this chapter for
13 investigation by the administrator;

14 (2) To adopt, promulgate, amend and rescind rules and regulations for the
15 operation of the board and to effectuate the policies of this chapter;

16 (3) Upon failure of conciliation, to review whether the evidence supports the
17 administrator's decision to find reasonable cause, and to order further
18 investigation if it does not;

19 (4) Any other powers and duties provided elsewhere in this chapter not
20 otherwise expressly delegated to another city department or division."
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23 **Section 5. Section 19-4.(a)** of the City of Tampa Code of Ordinances is
24 hereby amended to remove the words and numbers that have been stricken
25 through and to include the underlined words, numbers and section numbers as
26 follows:
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28 "**Sec. 19-4. Department of code enforcement; duties and scope of authority of the**
29 **director.**
30

31 (a) The director shall have all powers, duties and responsibilities to administer and
32 enforce the following City Code chapters or sections. The director shall be
33 deemed to be an officer for the purpose of enforcing the provisions of this
34 chapter under authority provided in section 1-14 of this Code.
35

36 (1) Section 5-105;

37 (2) Sections 12-142 and 12-143

38 ~~(2)(3)~~ Chapter 14, articles III, IV and X;

39 ~~(3)(4)~~ Chapter 19;

40 (4)(5) Chapter 21, articles I, II, III and V;

41 ~~(5)(6)~~ Chapter 22, articles I and III;

42 ~~(6)(7)~~ Chapter 25, article I;
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PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,
ON _____.

CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

ATTEST:

CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON _____

Jane Castor, MAYOR

PREPARED AND APPROVED
AS TO LEGAL SUFFICIENCY BY:

/es/ Morris Massey
Deputy City Attorney