

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael A. Paz, City Attorney  
DATE: December 14, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO AMEND THE FLORIDA RESIDENTIAL AND TENANT ACT TO ESTABLISH A REQUIRED NOTICE PERIOD OF SIXTY (60) DAYS, WITH WHICH ALL RESIDENTIAL LANDLORDS MUST COMPLY, PRIOR TO IMPOSING A RENTAL RATE INCREASE GREATER THAN FIVE PERCENT (5%).

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### ANALYSIS

Pursuant to the request of Commissioner Alex Fernandez, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the December 14, 2022 Commission meeting.

### SUPPORTING SURVEY DATA

N/A

### FINANCIAL INFORMATION

N/A

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

### Legislative Tracking

Office of the City Attorney

### Sponsor

Commissioner Alex Fernandez

### ATTACHMENTS:

**Description**

▫ Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO AMEND THE FLORIDA RESIDENTIAL AND TENANT ACT TO ESTABLISH A REQUIRED NOTICE PERIOD OF SIXTY (60) DAYS, WITH WHICH ALL RESIDENTIAL LANDLORDS MUST COMPLY, PRIOR TO IMPOSING A RENTAL RATE INCREASE GREATER THAN FIVE PERCENT (5%).**

**WHEREAS**, South Florida is currently in the worst housing affordability crisis in the last 40 years; and

**WHEREAS**, rental markets in Miami are roughly 22 percent above their long-term premium, making South Florida the most overpriced market in the country; and

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

**WHEREAS**, many tenants who were previously able to find and secure a residential property 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**, on February 9, 2022, the Mayor and City Commission of the City of Miami Beach unanimously approved an ordinance, sponsored by Commissioner Alex J. Fernandez, requiring residential landlords to give their tenants at least 60 days written notice before imposing a rent increase greater than 5%; and

**WHEREAS**, the notice period aims to avoid last-minute rent increases that place many lower-income tenants at a disadvantage, and provides tenants the time necessary to negotiate terms with their landlords or make alternative arrangements; and

**WHEREAS**, a substantially similar version of the City's ordinance was subsequently adopted by Miami-Dade County for all of unincorporated Miami-Dade County, as well as Orange County, Florida, Palm Beach County, and the City of Hialeah; and

**WHEREAS**, adopting the 60 days written notice requirement before imposing a rent increase greater than 5% would protect and benefit all tenants in the state of Florida.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby urge urging the Florida Legislature to amend the Florida Residential and Tenant Act to establish a required notice period of sixty (60) days, with which all residential landlords must comply, prior to increasing the rental rate of certain tenants beyond a specified percent.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *FA*

*12-5-22*  
\_\_\_\_\_  
Date