



## ITEM SUMMARY

**MEETING DATE:** November 6, 2023

**FROM:** Tanya Earley, City Attorney's Office

**SUBJECT:** Ordinance 2023-17: First Reading – Ordinance repealing Chapter 9, sections 9-30 and 9-31, due to state preemption of regulation of the residential landlord-tenant relationship.

### BACKGROUND

On July 18, 2022, the City adopted Ordinance No. 2022-18, establishing landlord/resident notice requirements for residential tenancies. The Florida Legislature has since enacted legislation that preempts the regulation of residential tenancies. The proposed ordinance would repeal the preempted provisions.

### ANALYSIS

Chapter 9 "Miscellaneous Offenses," Article III "Landlord/Tenant Notice Requirements," at Section 9-30 "Required fair written notice of termination of monthly residential tenancy without specific duration" and Section 9-31 "Required fair written notice of rental payment increases for residential tenancies," provides for termination and rental increase notice requirements between landlords and tenants of residential tenancies. This year, the Florida Legislature adopted a new law, Section 83.425, Florida Statutes, effective July 1, 2023, that preempts the City and other local governments from the "regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under this part..." The City of West Palm Beach was sued for their continued enforcement of similar ordinances. Based upon the Legislature's preemption of the field of residential tenancies, it is prudent for the City to repeal Section 9-30 and Section 9-31 to avoid litigation and liability. Because sections 90-30 and 9-31 are the only sections in Article III, the proposed ordinance provides for the current title of Article III to be deleted, and Article III to be reserved.

### FINANCIAL INFORMATION

A business impact estimate has been posted. There is no anticipated financial impact on the City.

### LEGAL

City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

### STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2023-17 on first reading.