

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: May 5, 2022

DEPARTMENT: City Attorney

TITLE:

Ordinance No. 10-2022 – First Reading – Notice Requirements for Rental Increases and Termination of Monthly Non-Residential Tenancies Without a Specific Duration

SUMMARY:

The proposed Ordinance will add two (2) provisions to the City's code to require a 60-day written notice of an increase in rental rates that exceeds five percent (5%) and the termination of monthly non-residential tenancies without a specific duration.

BACKGROUND AND JUSTIFICATION:

Over the past year, the City Commission has witnessed and heard of substantial and steady increases in non-residential rental rates within the City. When there is no lease, section 83.03, Florida Statutes, provides that the non-residential landlord must provide at least a seven-day notice to a tenant renting week-to-week, a 15-day notice to a tenant renting month-to-month, a 45-day notice to a tenant renting quarter-to-quarter, and a 3 month notice to a tenant renting year-to-year. This means that non-residential tenants renting on a month-to-month basis without a lease could be evicted after receiving only 15 days written notice of a rental rate increase and/or termination of their tenancy. The Commission has been searching for ways to assist rental tenants, and Ordinance No. 10-2022 seeks to assist non-residential rental tenants in the City in two ways:

First, due to the above-average increases in rental rates, Ordinance No. 10-2022 will require non-residential landlords in the City to give 60 days prior written notice to all non-residential tenants with a set lease term, or a monthly tenancy without a specific duration, of a proposed rental rate increase that exceeds five percent (5%). This ensures that tenants with a set lease term and monthly tenants without a set lease term or duration are given fair notice (60 days) of any potential rent increase before the rental increase commences. Currently, there is no law that requires such notice.

Secondly, due to concerns with availability of rentals and above-average increases in rental rates, Ordinance No. 10-2022 will require non-residential landlords in the City to give 60 days prior written notice of termination to all non-residential tenants without a specific duration in which the rent is payable on a monthly basis. The notice will need to be provided prior to the end of any monthly period. Currently, section 83.03(3), Florida Statutes, only requires 15 days prior notice before a month-to-month tenancy without a set duration may be terminated.

MOTION:

Move to approve / disapprove Ordinance No. 10-2022 on first reading and set the second reading and public hearing for May 17, 2022.

ATTACHMENTS:

Ordinance No. 10-2022