

STAFF REPORT REGULAR MEETING

AGENDA DATE: November 7, 2023

DEPARTMENT: City Attorney

TITLE:

Ordinance No. 19-2023 – Second Reading - Repeal of Section 20-20 “Required Fair Written Notice of Termination of Monthly Residential Tenancy without Specific Duration” and Section 20-21 “Required Fair Written Notice of Rental Payment Increases for Residential Tenancies”

SUMMARY:

Due to preemption by the Florida Legislature, the proposed Ordinance will repeal Section 20-20 “Required Fair Written Notice of Termination of Monthly Residential Tenancy without Specific Duration” and Section 20-21 “Required Fair Written Notice of Rental Payment Increases for Residential Tenancies.”

BACKGROUND AND JUSTIFICATION:

Chapter 20 “Civil Rights,” Article IV “Landlord Tenant Notice Requirements” at Section 20-20 “Required Fair Written Notice of Termination of Monthly Residential Tenancy without Specific Duration” and Section 20-21 “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 and was required to quickly settle the litigation. The City Attorney’s Office was contacted, as a courtesy, by the same attorney who sued West Palm Beach to inquire as to the status of the City’s subject ordinances. Based upon the Legislature’s preemption of the field of residential tenancies, it is prudent for the City to repeal Section 20-20 and Section 20-21 to avoid litigation and liability.

The ordinance was approved unanimously at the October 17 city commission meeting.

MOTION:

Move to approve / disapprove Ordinance No. 19-2023, repealing Section 20-20 “Required Fair Written Notice of Termination of Monthly Residential Tenancy without Specific Duration” and Section 20-21 “Required Fair Written Notice of Rental Payment Increases for Residential Tenancies” .

ATTACHMENTS:

Ordinance No. 19-2023
Copy of Section 83.425, Florida Statutes