



Interoffice Memorandum

July 1, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Jon V. Weiss, P. E., Director  
Planning, Environmental, and Development Services  
Department

SUBJECT: July 26, 2022 – Public Hearing  
Rental Notices Ordinance

At the June 23, 2022 Special Board meeting, staff provided a summary of the previous Board discussions on rent stabilization held on April 5, 2022 and June 7, 2022. Staff presented additional details regarding provisions of potential Emergency Rental Assistance Program modifications and a Tenant Bill of Rights inclusive of requirements for notice of rent increase. Following the Board discussion, there was majority interest in further developing a Tenant Bill of Rights and expanded notice of rent increases. The Board directed staff to schedule a public hearing on July 26, 2022 to consider adoption of new provisions for notices of rent increases.

At the July 26, 2022 public hearing, staff will present the proposed Rental Notices Ordinance amending Chapter 25 of Orange County Code, inclusive of notice requirements, enforcement and penalties.

**ACTION REQUESTED: Approval and execution of Ordinance Relating to Residential Tenancies in Incorporated and Unincorporated Areas of Orange County; Amending Chapter 25 of the Orange County Code of Ordinances ("Code"); Creating Article XIII, Sections 25-370 through 25-449 of the Code; Requiring a Written Notification Period for the Termination of Certain Residential Tenancies; Requiring a Written Notification Period for Rent Increases for Certain Residential Tenancies; Providing for Enforcement and Penalties for Violation; Amending Section 11-62 of the Code; Providing for Repeal of Laws in Conflict; and Providing For Filing of Ordinance and Effective Date. All Districts.**

JVW/SS  
Attachment



46           **WHEREAS**, according to CoStar and GAI Consultants, Inc., asking rent in the County is  
48           \$1,697.00 which represents a twenty-five-percent (25%) year-over-year increase; and

50           **WHEREAS**, the Act does not provide for specific notice provisions for landlords seeking  
52           to increase rental rates; and

54           **WHEREAS**, although some lease agreements contain provisions regarding increases in  
56           rental rates, a landlord generally may not raise rent during the term of a lease; and

58           **WHEREAS**, therefore, a landlord will have to wait until the end of the term of the lease  
60           to raise the rent and it is expected that notice of an increase will be provided in accordance with  
62           termination notices set forth by law or in accordance with the lease agreement; and

64           **WHEREAS**, with respect to notices of termination of tenancy, if there is a rental  
66           agreement with a specific duration and a notice of termination provision, Section 83.575 of the  
68           Act provides that the notice required to terminate the tenancy may not exceed 60 days; and

70           **WHEREAS**, protecting residential tenants from unfair rental practices is fundamental to  
72           the health, safety, and welfare of the community; and

74           **WHEREAS**, accordingly, the Board desires to require that residential landlords in  
76           incorporated and unincorporated areas of Orange County provide tenants with a fair notice if their  
78           rents are to increase by more than five-percent (5%) to protect tenants from extensive increases in  
80           rent without adequate time to secure alternative housing.

          BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE  
72    COUNTY, FLORIDA:

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

**Section 2.    Enactment of New Chapter 25, Article XIII, Rental Notices.** A new Rental  
76    Notices ordinance, to be codified at Chapter 25, Article XIII of the Orange County Code, Section  
78    25-370 through Section 25-449, is hereby enacted to read as follows:

80                                   **CHAPTER 25. LICENSES, TAXATION AND  
  MISCELLANEOUS BUSINESS REGULATIONS**

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**ARTICLE XIII. RENTAL NOTICES**

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**Section 25-370. Title.**

This article shall be titled "Rental Notices."

**Section 25-371. Required written fair notice of termination of quarterly and monthly residential tenancies without specific duration; written notification requirements related to rental payment increases for certain residential tenancies.**

- (a) A residential tenancy without a specific duration and in which the rent is payable on a quarterly or monthly basis may be terminated by either the landlord or tenant by giving not less than sixty (60) days' written notice prior to the end of the applicable quarterly or monthly period.
- (b) A residential landlord that proposes to increase the rental rate by more than five-percent (5%) at the end of a lease for a specific term, or during a tenancy without a specific duration in which the rent is payable on a quarterly or monthly basis, shall provide sixty (60) days' written notice of the increase to the tenant.
  - (1) Within said sixty (60) day period, the tenant shall either:
    - (i) Accept the rental increase;
    - (ii) Reach an acceptable compromise on rental amount; or
    - (iii) Reject the rental increase.
  - (2) If the required sixty (60) days' written notice has been provided and the tenant has rejected the rental increase or failed to reach an acceptable compromise on rental amount, then the landlord may impose the rental increase or require the tenant(s) to vacate the residence upon the tenancy's termination.
  - (3) The landlord shall retain a copy of the notice of rental increase and proof of delivery for a period of one (1) year.
- (c) The requirements of this article shall apply within incorporated and unincorporated areas of Orange County. In accordance with Chapter 723, Florida Statutes, this article shall not apply to

126 mobile home lot rents in mobile home parks or the related  
128 landlord-tenant relationships.

- 130 (d) Except for the notice provisions set forth in subsections (a) and  
132 (b) above, all other provisions of Part II of Chapter 83, Florida  
Statutes, as may be amended, shall govern residential tenancies.

134 ***Section 25-372. Enforcement and Penalties.***

- 136 (a) The Orange County Neighborhood Services Division (or such  
138 successor County division or department responsible for the  
enforcement of the County Code of Ordinances) is empowered  
to investigate any situation where a complaint is made that this  
article has been violated.

- 140 (b) The Orange County Neighborhood Services Division (or such  
142 successor County division or department responsible for the  
enforcement of the County Code of Ordinances) is authorized to  
144 enforce this article through the issuance of a noncriminal civil  
citation in accordance with Part II of Chapter 162, Florida  
146 Statutes, and the County's Code Enforcement Citation Program  
contained in Chapter 11, Article III of the Orange County Code  
148 of Ordinances.

- 150 (c) Violations of this article shall be considered a Class III violation  
152 and subject to a fine as provided in Section 11-67 of the Orange  
County Code of Ordinances.

154 ***Sections 25-373 – 25-449. Reserved.***

156 ***Section 3. Amendment to Section 11-62.*** Section 11-62 (“Applicable codes and  
ordinances”) is amended to read as follows, with additions being shown by underlines and  
158 deletions being shown by strike-throughs:

160 ***Sec. 11-62. Applicable codes and ordinances.***

162 A schedule of codes and ordinances, which may be enforced  
pursuant to the supplemental code enforcement citation procedures  
164 contained herein, is set out directly below as Schedule “A”. Where  
a chapter or part of a chapter is referenced, all sections within that  
chapter or part are subject to enforcement by citation. If a section  
166 within a referenced chapter has a specific penalty identified therein,  
that more-specific penalty shall prevail so long as it does not exceed

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the maximum penalty permitted by F.S. ch. 162, as amended. The schedule of codes and ordinances shall include such codes and ordinances as they may be from time to time amended, renumbered, codified, or recodified including codes and ordinances enacted subsequent to the adoption of this article.

SCHEDULE "A"

Code Provision	Description	Class
Chapter 2, Article IX	Emergency management	III
Section 3-101	Adult entertainment establishment general operational rules	II
Section 9-277	Property maintenance	I
Chapter 15	Environmental control	III
Chapter 18	Fire prevention and protection	III
Section 21-3	Uniform numbering system	I
Section 21-239	Vending operation on public right-of-way or unpermitted vending operation on property abutting a public right-of-way	II
Chapter 24	Landscaping, buffering and open space	I
Chapter 25, Article II	Garage Sales	I
Chapter 25, Article III	Local business taxes	II

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<u>Chapter 25,</u> <u>Article XIII</u>	<u>Rental Notices</u>	<u>III</u>
Chapter 28, Article II	Lot Cleaning	I
Chapter 28, Article III	Parking of motor vehicles on residentially and agriculturally zoned property	II
Chapter 31.5	Signs	III
Chapter 32	Solid Waste	II
Chapter 38	Zoning	II

**Section 4. Repeal of Laws in Conflict.** All local laws and ordinances in conflict with  
any provision of this ordinance are hereby repealed to the extent of such conflict.

**Section 5. Filing of Ordinance and Effective Date.** This ordinance shall take effect  
pursuant to general law.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

202 ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

204 By: \_\_\_\_\_  
Deputy Clerk