

ORDINANCE NO. 2022-_____

2
4 AN ORDINANCE RELATING TO RESIDENTIAL
TENANCIES IN INCORPORATED AND
6 UNINCORPORATED AREAS OF ORANGE COUNTY;
AMENDING CHAPTER 25 OF THE ORANGE COUNTY
8 CODE OF ORDINANCES (“CODE”); CREATING ARTICLE
XIII, SECTIONS 25-370 THROUGH 25-449 OF THE CODE;
10 REQUIRING A WRITTEN NOTIFICATION PERIOD FOR
THE TERMINATION OF CERTAIN RESIDENTIAL
12 TENANCIES; REQUIRING A WRITTEN NOTIFICATION
PERIOD FOR RENT INCREASES FOR CERTAIN
14 RESIDENTIAL TENANCIES; PROVIDING FOR
ENFORCEMENT AND PENALTIES FOR VIOLATION;
16 AMENDING SECTION 11-62 OF THE CODE; PROVIDING
FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING
FOR FILING OF ORDINANCE AND EFFECTIVE DATE.

18
20 **WHEREAS**, Part II of Chapter 83, Florida Statutes, known as the “Florida Residential
Landlord and Tenant Act” (the “Act”), applies to tenancies of residential dwelling units and sets
forth the rights and duties of landlords and tenants; and

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24 **WHEREAS**, Section 83.57 of the Act provides that, where there is no specific term or
duration, either landlord or tenant may terminate the rental agreement by giving not less than: (i)
sixty (60) days’ notice prior to the end of any annual period when the tenancy is from year to year;
26 (ii) thirty (30) days’ notice prior to the end of any quarterly period when the tenancy is from quarter
to quarter; (iii) fifteen (15) days’ notice prior to the end of any monthly period when the tenancy
28 is from month to month; and (iv) seven (7) days’ notice prior to the end of any weekly period when
the tenancy is from week to week; and

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32 **WHEREAS**, Florida Attorney General Opinion No. 94-41 states that an “...ordinance that
merely supplements the notice provisions in section 83.57, Florida Statutes, would not conflict
with the statute and would, therefore, be valid.”; and

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36 **WHEREAS**, the Orange County Board of County Commissioners (the “Board”) desires
to supplement the notice provisions in Section 83.57, Florida Statutes; and

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40 **WHEREAS**, according to ESRI, GAI Consultants, Inc., and the Shimberg Center for
Housing Studies, there are approximately two hundred thirty thousand (230,000) housing units
occupied by renters in Orange County, Florida (the “County”), and 53.4% of households in the
County are considered “cost burdened” which the U.S. Department of Housing and Urban
42 Development defines to include households who pay more than thirty-percent (30%) of their
income for housing and may have difficulty affording necessities such as food, clothing,
44 transportation, and medical care; and

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

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

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

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

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

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

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

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

73 **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.

75 **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
25-370 through Section 25-449, is hereby enacted to read as follows:

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

80 * * *

ARTICLE XIII. RENTAL NOTICES

82 **Section 25-370. Title.**

84 This article shall be titled “Rental Notices.”

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

98 (a) A residential tenancy without a specific duration and in which
94 the rent is payable on a quarterly or monthly basis may be
96 terminated by either the landlord or tenant by giving not less
98 than sixty (60) days’ written notice prior to the end of the
applicable quarterly or monthly period.

100 (b) A residential landlord that proposes to increase the rental rate by
102 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
104 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:

- 106 (i) Accept the rental increase;
- 108 (ii) Reach an acceptable compromise on rental amount; or
- 110 (iii) Reject the rental increase.

112 (2) If the required sixty (60) days’ written notice has been
114 provided and the tenant has rejected the rental increase or
116 failed to reach an acceptable compromise on rental amount,
then the landlord may impose the rental increase or require
118 the tenant(s) to vacate the residence upon the tenancy’s
termination.

120 (3) The landlord shall retain a copy of the notice of rental
122 increase and proof of delivery for a period of one (1) year.

124 (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
127 landlord-tenant relationships.

128
129 (d) Except for the notice provisions set forth in subsections (a) and
130 (b) above, all other provisions of Part II of Chapter 83, Florida
131 Statutes, as may be amended, shall govern residential tenancies.

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

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

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

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

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

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

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

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161 A schedule of codes and ordinances, which may be enforced
162 pursuant to the supplemental code enforcement citation procedures
163 contained herein, is set out directly below as Schedule “A”. Where
164 a chapter or part of a chapter is referenced, all sections within that
165 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

168 the maximum penalty permitted by F.S. ch. 162, as amended. The
 170 schedule of codes and ordinances shall include such codes and
 172 ordinances as they may be from time to time amended, renumbered,
 174 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__.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners
By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk