



March 5, 2021


MR ERNEST L REDDICK
DEPARTMENT OF STATE
ADMINISTRATIVE CODE AND REGISTER
500 SOUTH BRONOUGH ST - RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #21-7
Ordinance Amending Hillsborough County Code of Laws and Ordinances
Pertaining to a Tenant's Bill of Rights Titled "Tenant's Bill of Rights Source of
Income Anti-Discrimination and Notice of Late Fees Ordinance"

Dear Mr. Reddick:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding an executed electronic original of Hillsborough County Ordinance #21-7 adopted by the Board of County Commissioners on March 3, 2021. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance by return e-mail.

Sincerely,

 for Sharon Sweet-Grant
Sharon Sweet-Grant, Manager
BOCC Records/VAB

md
Attachment

ORDINANCE NO. 21-7

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES, PART A, CHAPTER 16, CREATING ARTICLE IV, AS PERTAINING TO A TENANT’S BILL OF RIGHTS, THE PROHIBITION OF SOURCE OF INCOME DISCRIMINATION AND NOTICE OF LATE FEES; PROVIDING FOR A TITLE, “TENANT’S BILL OF RIGHTS, SOURCE OF INCOME ANTI-DISCRIMINATION AND NOTICE OF LATE FEES ORDINANCE”; PROVIDING FOR DEFINITIONS; PROVIDING FOR A REQUIREMENT TO PROVIDE TENANTS WITH A NOTICE OF RIGHTS; PROVIDING FOR A PROHIBITION ON SOURCE OF INCOME DISCRIMINATION; PROVIDING FOR A REQUIREMENT TO PROVIDE TENANTS WITH NOTICE OF LATE FEES; PROVIDING FOR ENFORCEMENT AND FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR APPLICABILITY AND NON-APPLICABILITY; PROVIDING FOR FILING OF ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hillsborough County is experiencing a significant demand for affordable rental housing units; and

WHEREAS, the availability of safe and affordable housing is an essential component of individual and community well-being; and

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

WHEREAS, the Board of County Commissioners (BOCC) wishes to adopt a Tenant’s Bill of Rights in order to increase tenant awareness of their rights and to provide guidance to tenants regarding available community resources; and

WHEREAS, government programs exist which assist families, the elderly, veterans and persons with disabilities to afford decent and safe housing in the private rental market through financial subsidies, including Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) vouchers; and

WHEREAS, the U.S. Department of Housing and Urban Development reports that some landlords avoid renting to voucher recipients because of the administrative burdens of participating in such programs and other landlords resist renting to voucher recipients because they perceive

this group to be undesirable tenants and/or they fear that other tenants would object to voucher recipients as neighbors; and

WHEREAS, the BOCC desires to eliminate discrimination in a person's ability to obtain housing based on a person's lawful source of income for rental payments, thereby increasing the number of households who are able to successfully locate safe, affordable, and accessible housing in Hillsborough County; and

WHEREAS, the BOCC recognizes that while reasonable late fees may be an important aspect of the landlord/tenant relationship, it is essential that tenants understand and know when they incur these fees.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 3rd DAY March, 2021, AS FOLLOWS:

1. **A new Section of Part A, Chapter 16, of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:**

Title.

This Ordinance shall be known and may be cited as the "Tenant's Bill of Rights, Source of Income Anti-Discrimination and Notice of Late Fees Ordinance".

2. **A new Section of Part A, Chapter 16, of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:**

Definitions.

For the purpose of this Article, the following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall," "will" and "must" are mandatory and the word "may" is permissive.

Lawful Source of Income shall mean income from: 1) a lawful profession, occupation or job; 2) any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income; 3) a gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or 4) the sale of property or an interest in property.

Late Fee shall mean a charge of any kind, levied against a Tenant, associated with the time or date on which a Tenant pays their rent, pursuant to a Rental Agreement.

Notice of Rights shall mean a printed, paper copy, available in both English and Spanish, in font 12-pt or larger and on paper of 8 ½ by 11 inches or larger, of a notice of rights and services available to Tenants in the County, in a form approved by the Hillsborough County Board of County Commissioners by resolution. For purposes of this Article, if a Tenant has consented to receiving and signing documents via electronic means, then the Notice of Rights may be provided to the Tenant in electronic form rather than as a printed, paper copy.

Person shall mean any individual, firm, corporation or other organization or group of persons however organized, including but not limited to any landlord, owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker, salesperson, condominium association, homeowners' association, cooperative association, or any representative of any of the foregoing.

Rental Agreement shall mean an agreement, either written or oral, by which a Tenant is entitled to possess a Rental Unit in exchange for consideration, or is a “Rental Agreement”, as defined in section 83.43 of the Florida Statutes, as it may be amended.

Rental Unit shall mean a residential housing unit that is or may be occupied by a Tenant who does not own the property in exchange for consideration and by virtue of an agreement with the owner of such residential property, or which is a “Dwelling Unit”, as defined in section 83.43 of the Florida Statutes, as it may be amended.

Tenant shall mean a natural person or persons who shall occupy, attempt to occupy, or inquire about occupying a Rental Unit in exchange for consideration and by virtue of a written or oral agreement with the owner of such Rental Unit, or are a “Tenant” as defined in section 83.43 of the Florida Statutes, as it may be amended.

3. **A new Section of Part A, Chapter 16, of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:**

- (a) It shall be unlawful for a Person to allow a Tenant to apply to rent, or in instances where no application is required, to occupy, a Rental Unit under said Person’s control or authority without first providing the Tenant with a copy of the Notice of Rights.
- (b) For existing Tenants already occupying a Rental Unit as of the date of enactment of this Article, the Notice of Rights shall be provided prior to the commencement of a new rental term. For Tenants with rental terms of 30 days or less, the Notice of Rights shall be provided prior to initial commencement of the rental term and thereafter no less than once per year. Notices are not required for short term rentals with non-recurring rental terms of 30 days or less.

- (c) The Board of County Commissioners shall prescribe the contents of the Notice of Rights by resolution, but it shall generally include information on Tenants' rights under federal, state and local law and contact information for organizations available to provide assistance to Tenants.
- (d) There shall be a rebuttable presumption that a Person has complied with this Section if the Person can provide a written, dated and signed affirmation from the Tenant stating that the Tenant has received the Notice of Rights. The signed affirmation shall be retained for at least one year after the Tenant vacates the Rental Unit.
- (e) No penalties shall be assessed for conduct violating this Section occurring prior to July 1, 2021.
- (f) For a Person's first violation of this Section, the Hillsborough County Code Enforcement Department and/or the Hillsborough County Consumer & Veterans Services Department shall have the discretion to provide a reasonable time period, not to exceed 30 days, within which the Person must correct the violation, as provided in Sec. 14-67 of the Hillsborough County Code of Laws and Ordinances, Part A, Chapter 14, Article III.
- (g) This Section does not create any private causes of action and may only be enforced as provided herein.

4. **A new Section of Part A, Chapter 16, of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:**

- (a) It shall be unlawful and is hereby prohibited for any Person:
 - (1) To refuse to rent, show or lease, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a Rental Unit to any Tenant because of that Tenant's Lawful Source of Income, or because of the Tenant's status with regard to a public assistance program, or because of any requirements of a public assistance program.
 - (2) To discriminate against any Tenant in the terms, conditions, or privileges of the rental or lease of a Rental Unit, or in the provision of services or facilities in connection therewith, because of that Tenant's Lawful Source of Income.
 - (3) To use a financial or income standard in assessing eligibility for the rental of a Rental Unit that is not based on the portion of the rent to be paid by the Tenant in instances where there is a government rent subsidy which will be used to pay for a portion of the rent.
 - (4) To represent to any Tenant because of the Tenant's Lawful Source of Income that any Rental Unit is not available for inspection or rental when such Rental Unit is in fact so available.

- (5) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a Rental Unit that indicates any preference, limitation, or discrimination based on a Lawful Source of Income, or an intention to make any such preference, limitation, or discrimination.
- (6) To induce or attempt to induce another Person, for profit, to rent any Rental Unit by representations regarding the entry or prospective entry into the neighborhood of a Tenant with particular Lawful Sources of Income.
- (b) Violations of this Section shall be punishable as set forth in Section 5, below. In addition, the County Administrator, through his or her designee, is authorized to report violations to any local, state or federal authority. Investigation and enforcement by the County may occur concurrently with any investigation and enforcement actions by local, state or federal authorities.
- (c) No penalties shall be assessed for conduct violating this Section occurring prior to July 1, 2021.
- (d) This Section does not create any private causes of action and may only be enforced as set forth herein.

5. A new Section of Part A, Chapter 16, of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:

- (a) It shall be unlawful for any Person to assess a Late Fee against a Tenant without first providing written notice to the Tenant, against whom the Late Fee is assessed, for each Late Fee assessed.
- (b) This written notice shall be separate from any notice requirements provided for in a Rental Agreement, and shall be required each time a new Late Fee is assessed. Only one notice shall be required if the same Late Fee continues to accrue after delivery of the notice.
- (c) A written notice, for purposes of this Section, shall include a statement informing the Tenant that:
 - (1) A Late Fee has been incurred;
 - (2) The justification for the Late Fee;
 - (3) The amount of the Late Fee which is due at the time of the notice, and if Late Fees will continue to accrue, a statement explaining the rate at which such fees will continue to accrue; and

- (4) A reference to the language in the applicable Rental Agreement which establishes the amount of late fees to be assessed.
- (d) A written notice, for purposes of this Section, may be delivered:
 - (1) In an email to an email address provided by a Tenant on a Rental Agreement or subsequent written agreement for receiving notices;
 - (2) On paper, and delivered via certified mail to an address provided by a Tenant on a Rental Agreement; or
 - (3)_ On paper, and posted securely on the front door of the Rental Unit subject to the late fee; or
 - (4) On paper, and hand delivered to the Tenant.
- (e) There shall be a rebuttable presumption that a Person has complied with this Section if the Person can produce one of the following, which was sent or posted on the day the Late Fee was assessed:
 - (1) A copy of an email, with the required information set forth above, sent to an email address for the Tenant that is provided for as a contact method in that Tenant's written Rental Agreement or subsequent written agreement; or
 - (2) A copy of a written and dated letter, with the required information set forth above, and either:
 - (i) a dated certification from the USPS of delivery of the letter to an address for the Tenant that is provided for as a contact method in that Tenant's written Rental Agreement; or
 - (ii) a time-stamped photograph of the letter clearly posted on the front door of the Rental Unit subject to the Late Fee; or
 - (iii) A signed and dated affidavit by the delivery person certifying hand delivery of the notice to the Tenant on the date delivered.
- (f) No penalties shall be assessed for conduct violating this Section occurring prior to July 1, 2021.
- (g) This Section does not create any private causes of action and may only be enforced as set forth herein.

6. **A new Section of Part A, Chapter 16, of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:**

- (a) The Hillsborough County Code Enforcement Department and/or the Hillsborough County Consumer & Veterans Services Department are empowered to investigate any situation where a Person is alleged to be violating this Article. The Hillsborough County Code Enforcement Department and/or the Hillsborough County Consumer & Veterans Services Department are authorized to enforce this Article through the issuance of a noncriminal civil citation as provided in Sections 125.69 and 775.083, Florida Statutes, and Hillsborough County Code of Laws and Ordinances, Part A, Chapter 14, Article III and/or Hillsborough County Code of Laws and Ordinances, Part A, Chapter 16, Article II. Employees or agents of the Hillsborough County Consumer & Veterans Services Department who are authorized to enforce this Section are designated as code enforcement officers for purposes of effectuating this Ordinance.
- (b) Violation of this Article is punishable by a fine of \$500 for a first offense and any subsequent offenses.

7. **Severability.**

If any clause, sentence, paragraph, subdivision or other part of this Ordinance or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Ordinance which shall remain in full force and effect except as limited by such order or judgment.

8. **Inclusion in the Code of Laws and Ordinances.**

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established. The recitations contained in the "WHEREAS" clauses are incorporated herein by reference, but are not required to be reproduced and included in the Code.

9. **Applicability; Non-Applicability.**

- (a) All provisions of this Ordinance shall be applicable throughout the unincorporated areas of Hillsborough County.
- (b) This Ordinance shall not apply to Rental Units governed exclusively by Chapter 723 of the Florida Statutes relating to mobile home park lot tenancies.

10. **Filing of Ordinance.**

In accordance with the provisions of Section 125.66, Florida Statutes, governing Ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the BOCC.

11. **Effective Date.**

This Ordinance shall take effect starting March 15, 2021.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, **CINDY STUART**, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of this Ordinance adopted by the Board at its regular meeting of **March 3**, 2021, by a vote of **5** voting yes and **1** voting no, the same appears in record in Minute Book **538** of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this **5th** day of **March**, 2021.

CINDY STUART
CLERK OF THE CIRCUIT COURT

BY: *Wanda K. Ditt*
Deputy Clerk



Approved by County Attorney
As to Form and Legal Sufficiency:

BY: *Nancy Y. Takemori*
Sr. Assistant County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 8, 2021

Honorable Cindy Stuart
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon

Dear Ms. Stuart:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 21-7, which was filed in this office on March 5, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb