

ORDINANCE NO. 2022 - 43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, REQUIRING LANDLORDS TO GIVE LONG TERM TENANTS 60 DAYS WRITTEN NOTICE OF A RENTAL INCREASE IN EXCESS OF 5%; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intention of this Board to provide all Collier County long term tenants with a fair notice if their rents are to increase by more than 5%; and

WHEREAS, approximately half of the housing in Collier County are rental units; and

WHEREAS, according to a 2017 study by ULI, 40 percent or 58,685 households in Collier County are considered “cost burdened”, which, according to the United States Department of Housing and Urban Development, includes households who pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care; and

WHEREAS, since the coronavirus-2019 (COVID-19) pandemic, there has been an influx of people to Florida from states with higher wages and cost of living which has caused an upsurge in rental rates in Collier County; and

WHEREAS, according to the websites RedFin and Zillow, the average rent in Collier County for a 2/2, as of April 19, 2022, was \$2,950; and

WHEREAS, part II of chapter 83, Florida Statutes, commonly known as the “Florida residential Landlord and Tenant Act” (“the Act”), applies to the rental of residential dwelling units and sets forth the rights and duties of landlords and tenants; and

WHEREAS, the Act does not provide specific notification requirements for landlords seeking to increase rental rates; and

WHEREAS, there are programs which are available to assist tenants in paying their rents, which application process takes a minimum of 30 days; and

WHEREAS, in order to give tenants sufficient time to take advantage of these programs, and to otherwise assist them, Collier County proposes to enact an ordinance that requires 60 days written notification be given by Collier County residential landlords to their long term tenants prior to increasing the tenants' rent beyond 5 percent; and

WHEREAS, other states including Alabama, Alaska, Arizona, California, Indiana, Iowa, Kansas, Massachusetts, Missouri, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, and Texas, have issued laws that require landlords to provide notice to their tenants prior to increasing their rents; and

WHEREAS, accordingly, this Board desires to require that residential landlords in unincorporated Collier County who proposes to increase the rents of their tenants by more than five percent shall provide such tenants with advance written notice of such increase.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Title and Citation

This Ordinance shall be known and cited as "The Collier County Fair Notice to Tenant Ordinance."

SECTION TWO: Findings

The Board hereby ratifies and reaffirms the above whereas clauses and incorporates them as if fully set forth herein as the Board's legislative findings.

SECTION THREE: Fair Notice to Tenant on Rent Increase More Than Five Percent

A residential landlord that proposes to increase the rental rate by more than five percent at the end of a lease for a term of one year or longer must provide 60 days written notice to the tenant. The 60 day notice period begins when the landlord provides notice either through mail, posting, or email. This notice requirement does not apply to automatic rate increases provided in written leases. This notice requirement does not change a landlord's or tenant's rights under Florida Law, including Ch. 83.

SECTION FOUR: Violations and Penalties

All violations of this ordinance may be processed according to the Collier County Consolidated Code Enforcement Ordinance (Ord. No, 2010-04, as amended) and per the provisions of F.S. chapter 162, parts I or II, as may be applicable. A violation of this ordinance shall be punishable by a fine not exceeding \$500.00. A separate penalty may be imposed for each violation of this ordinance.

SECTION FIVE: Applicability of Ordinance

The requirements of this ordinance shall apply within the unincorporated areas of Collier County. Except as set forth herein, all other provisions set forth in part II of chapter 83, Florida Statutes, as such may be amended, shall govern residential tenancies.

SECTION SIX: Conflict and Severability

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SEVEN: Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION EIGHT: Effective Date

This Ordinance shall become effective upon filing with the Secretary of State.

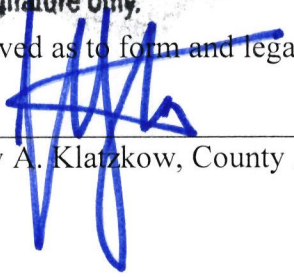
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 25th day of October, 2022.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 

Deputy Clerk
Attest as to Chairman's
signature only.

Approved as to form and legality:


Jeffrey A. Klatzkow, County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 

William L. McDaniel, Jr., Chairman



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 28, 2022

Martha S. Vergara, BMR & VAB Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Martha Vergara,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Collier County Ordinance No. 2022-043, which was filed in this office on October 28, 2022.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Program Administrator
Florida Administrative Code and Register

ACO/rra