

COUNCIL MEETING

Municipal Building
175-5th Street North
Second Floor Council Chamber

CITY OF ST. PETERSBURG

August 11, 2022
1:30 PM

Welcome to the City of St. Petersburg City Council meeting. The public may address City Council in person.

The public must attend the meeting in person to speak during public hearings or quasi-judicial hearings. If you are a person with a disability who needs an accommodation in order to participate in this meeting or have any questions, please contact the City Clerk's Office at 893-7448. If you are deaf/hard of hearing and require the services of an interpreter, please call our TDD number, 892-5259, or the Florida Relay Service at 711, as soon as possible. The City requests at least 72 hours advance notice, prior to the scheduled meeting, for accommodations.

To assist the City Council in conducting the City's business, we ask that you observe the following:

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.
2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.
3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.
4. Please do not pass notes to Council during the meeting.
5. Please be courteous to other members of the audience by keeping side conversations to a minimum.
6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.
7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

The public can also attend the meeting in the following ways:

- Watch live on Channel 15 WOW!/Channel 641 Spectrum/Channel 20 Frontier FiOS
- Watch live online at www.stpete.org/TV
- Listen and participate by dialing one of the following phone numbers
 - +1 312 626 6799 or
 - +1 646 876 9923 or
 - +1 253 215 8782 or
 - +1 301 715 8592 or
 - +1 346 248 7799 or

- +1 669 900 6833 and entering webinar ID: 930 2411 8624#
- Watch, listen, and participate on your computer, mobile phone, or other device by visiting the following link: <https://zoom.us/j/93024118624>

The public can participate in the meeting by providing public comment for agenda items other than public hearings and quasi-judicial hearings in the following ways:

- If attending the Zoom meeting by computer or other device, use the “raise hand” button in the Zoom app.
- If attending the Zoom meeting by phone only, enter *9 on the phone to use the “raise hand” feature.

The “raise hand” feature in the Zoom meeting indicates your desire to speak but does not allow you to speak immediately. You must use the “raise hand” feature at the time the agenda item is addressed. All “raised hands” will be lowered after each agenda item. When it is your turn to speak, your microphone will be unmuted. At the conclusion of your comments or when you reach the three-minute limit, you will be muted. Please be advised that at all times the chair has the authority and discretion to re-order agenda items, and in the event the meeting is disrupted by violations of the rules of decorum, to accept public comment by alternate means, including by email only.

Regardless of the method of participation used, normal rules for participation apply, including the three-minute limit on comments, the requirement that any presentation materials must be submitted to the City Clerk in advance of the meeting, and the rules of decorum. Public comments must be submitted before the public comment period has closed.

A. Meeting Called to Order and Roll Call.

Invocation and Pledge to the Flag of the United States of America.

B. Approval of Agenda with Additions and Deletions.

C. Consent Agenda (see attached)

Open Forum

The City Council receives public comment during Open Forum and on agenda items with limited exceptions consistent with Florida law. All issues discussed under Open Forum must be limited to issues related to the City of St. Petersburg government. If you wish to address City Council on subjects other than public hearing or quasi-judicial items listed on the agenda, please sign up with the Clerk. Only City residents, owners of property in the City, owners of businesses in the City or their employees may speak during Open Forum. If you wish to address City Council through the Zoom meeting, you must use the “raise hand” feature button in the Zoom app or enter *9 on your phone at the time the agenda item is addressed. When it is your turn to speak, you will be unmuted and asked to state your name and address. At the conclusion of your comments or when you reach the three-minute time limit, you will be muted. All “raised hands” will be lowered after each agenda item. Regardless of the method of participation used, normal rules apply, including the three-minute time limit on comments, the requirement that any presentation materials must be submitted in advance of the meeting and the rules of decorum. If live public comment is disrupted by violations of the rules of decorum, the chair is authorized to accept public comment by alternate means, including by email only.

D. Awards and Presentations

E. New Ordinances - (First Reading of Title and Setting of Public Hearing)

F. Reports

1. [Resolution regarding Rent Stabilization](#)

G. New Business

H. Council Committee Reports

I. Legal

J. Public Hearings and Quasi-Judicial Proceedings - 5:01 P.M.

K. Open Forum

L. Adjournment

**Consent Agenda A
August 11, 2022**

NOTE: The Consent Agenda contains normal, routine business items that are very likely to be approved by

the City Council by a single motion. Council questions on these items were answered prior to the meeting. Each Councilmember may, however, defer any item for added discussion at a later time.

(Procurement)

(City Development)

(Leisure Services)

(Public Works)

(Appointments)

(Miscellaneous)

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

**Consent Agenda B
August 11, 2022**

NOTE: The Consent Agenda contains normal, routine business items that are very likely to be approved by the City Council by a single motion. Council questions on these items were answered prior to the meeting. Each Councilmember may, however, defer any item for added discussion at a later time.

(Procurement)

(City Development)

(Leisure Services)

(Public Works)

(Appointments)

(Miscellaneous)

MEETING



AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming MEETING AGENDA Council meetings.

Youth & Family Services Committee

Thursday, August 18, 2022, 10:30 a.m., Conference Room 100

City Council Meeting

Thursday, August 18, 2022, 1:30 p.m., City Council Chambers

CITY OF ST. PETERSBURG
Board and Commission Vacancies



Civil Service Board

2 Alternate Members

((Term expires 8/31/22 and 11/30/22))

Nuisance Abatement Board

1 Regular Member

((Term expires 12/31/22))

Nuisance Abatement Board

2 Alternate Members

((Term expires 8/31/22 and 11/30/22))

Social Services Allocations Committee

1 Regular Member

((Term expires 9/30/24))

PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

1. Anyone wishing to speak must fill out a yellow card and present the card to the Clerk. All speakers must be sworn prior to presenting testimony. No cards may be submitted after the close of Public Comment. Each party and speaker is limited to the time limits set forth herein and may not give their time to another speaker or party. Each party and speaker wishing to present handouts, photographs, presentation slides or any other materials (collectively, "Materials") during a quasi-judicial proceeding must submit such Materials to the City Clerk no later than 24 hours in advance of the applicable public hearing. Materials submitted after the deadline will not be accepted and may not be used.
2. At any time during the proceeding, City Council members may ask questions of any speaker or party. The time consumed by Council Member questions and answers to such questions shall not count against the time frames allowed herein. Burden of proof: in all appeals, the Appellant bears the burden of proof; in rezoning and land use cases, the Property Owner or Applicant bears the burden of proof except in cases initiated by the City, in which event the City Administration bears the burden of proof; for all other applications, the Applicant bears the burden of proof. Waiver of Objection: at any time during the proceeding Council Members may leave the Council Chamber for short periods of time provided they continue to hear testimony by audio. If any party has an objection to a Council Member leaving the Chamber during the hearing, such objection must be made at the start of the hearing. If an objection is not made as required herein it shall be deemed to have been waived.
3. Reading of the Title of the Ordinance(s), if applicable.
4. Initial Presentation. Each party shall be allowed ten (10) minutes for their initial presentation. The order of initial presentations shall be:
 - a. Presentation by City Administration.
 - b. Presentation by the Appellant followed by the Applicant, if different. If Appellant and Applicant are different entities, then each is allowed the allotted time for each part of these procedures.
 - c. Presentation by Opponent. If anyone wishes to utilize the initial presentation time provided for an Opponent, said person shall register as an Opponent with the City Clerk at least one week prior to the scheduled public hearing or within 48 hours after the City staff report for the public hearing has been published (whichever is later). If more than one person registers to utilize the initial presentation time provided for an Opponent, the registered persons shall attempt to agree on a single representative to participate as the Opponent in the proceeding. If the persons cannot agree on a single representative, then each person (or person's representative) shall share equally the time allotted to the Opponent for each part of these procedures. If there is an Appellant who is not the Applicant or Property Owner, then no Opponent is allowed. If a Property Owner who is not the Appellant or the Applicant opposes the Application and utilizes any part of the time available to the Property Owner to make an initial presentation, the Opponent shall not be permitted to make an initial presentation (but shall be provided an opportunity for cross-examination and rebuttal/closing).
 - d. If the Property Owner is neither the Appellant nor the Applicant, they shall be allowed the allotted time for each part of these procedures and shall have the opportunity to speak last in each part of these procedures so that they have the opportunity to address what all the interested parties have presented.
5. Public Comment. Upon conclusion of the initial presentations, members of the public may speak for not more than three (3) minutes each. Speakers shall limit their testimony to information relevant to the ordinance or application and criteria for review.

6. Cross Examination. Each party shall be allowed a total of five (5) minutes for cross examination, which includes the time consumed by both questions and answers. Each party who opposes the application may only cross examine any witness who previously testified in support of the application. Each party who supports the application may only cross examine any witness who previously testified in opposition to the application. The questioning party is not permitted to make any statements, only to ask questions that are directly related to the testimony or evidence presented. All questions shall be addressed to the Chair and then (at the discretion of the Chair) asked either by the Chair or by the party conducting the cross examination of the appropriate witness. One (1) representative of each party shall conduct the cross examination. If anyone wishes to utilize the time provided for cross examination and rebuttal as an Opponent, and no one has previously registered with the City Clerk as an Opponent, said individual shall notify the City Clerk prior to the beginning of initial presentations for the applicable public hearing. If no one gives such notice, there shall be no cross examination or rebuttal by Opponent(s). The order of cross examination shall be:

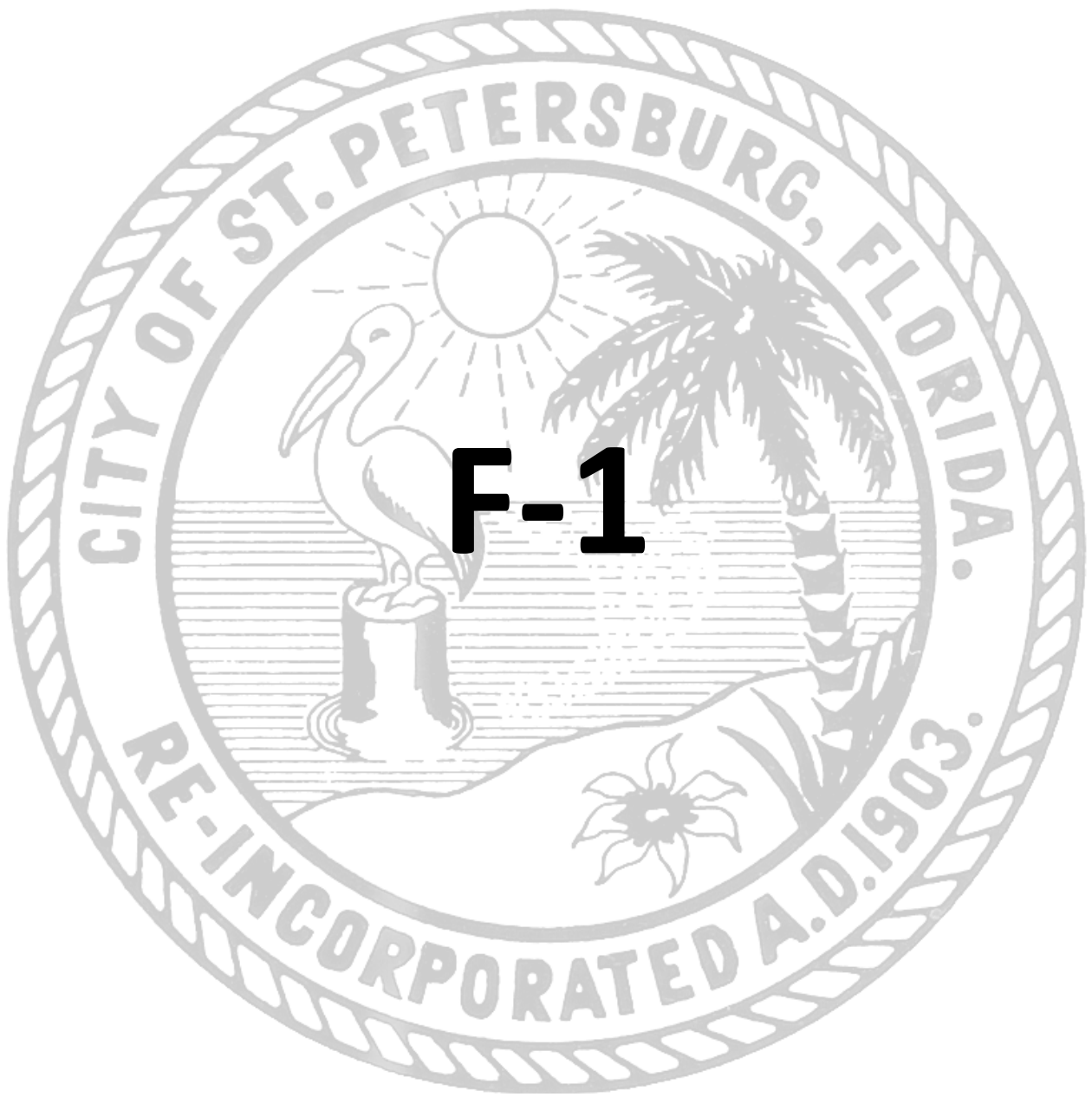
- a. Cross examination by City Administration.
- b. Cross examination by Opponents, if applicable.
- c. Cross examination by Appellant followed by Applicant, followed by Property Owner, if different.

7. Rebuttal/Closing. Each party shall have five (5) minutes to provide a closing argument and/or rebuttal. The order of rebuttal/closing shall be:

- a. Rebuttal/Closing by City Administration.
- b. Rebuttal/Closing by Opponent, if applicable.
- c. Rebuttal/Closing by Applicant followed by the Appellant, if different, followed by Property Owner, if different.

The following page(s) contain the backup material for Agenda Item: Resolution regarding Rent Stabilization


Please scroll down to view the backup material.



MEMORANDUM

Agenda for the Meeting of August 11, 2022

TO: Gina Driscoll, City Council Chair; Members of City Council

FROM: Brett B. Pettigrew, Assistant City Attorney 

DATE: August 10, 2022

SUBJECT: Potential rent stabilization referendum

On August 4, 2022, City Council discussed a motion made by Council Member Figgs-Sanders concerning rent stabilization. At the conclusion of that discussion, City Council directed the City Attorney's Office to prepare a draft resolution for the purpose of calling a referendum to impose rent stabilization measures pursuant to Florida Statutes section 166.043.

Following that meeting, after discussions with Council Member Figgs-Sanders, the City Attorney's Office drafted the requested document based on (i) substantive provisions from the rent stabilization ordinance that had been considered by the Tampa City Council and (ii) legislative findings provided by the St. Petersburg Tenants Union. A copy of that document is attached.

During the discussion of this item on August 4, the City Attorney advised City Council that an ordinance would be required to adopt any rent control measure due to its regulatory nature. Subsequent research has decisively confirmed that conclusion.

In *Miami Beach v. Frankel*, the Florida Supreme Court addressed this exact issue and ruled that a resolution could not be used to enact a rent control measure under the authorizing statute:

[A]t the behest of some citizens' groups, the City Council [of the City of Miami Beach] adopted Resolution No. 77-15314, which provided that a new general rent control measure, proposed Ordinance No. 77-2093, be placed before the electorate of the City in a referendum. . . . Meanwhile, on May 21, 1977, an Act of the Legislature, Chapter 77-50, Laws of Florida, went into effect.¹ It conditions and restricts the power of cities and counties to enact rent control legislation. The proposed ordinance was out of harmony with Chapter 77-50 in several respects, and to that extent would have been a void enactment.

. . .

Section 5(a) of the Act contemplates that a rent control measure be adopted by the governing body of the local government in question. Section 5(c) provides for such a measure to be approved by the voters in a referendum. The court held that the proposed ordinance was not “duly adopted” by the City Council. This holding was correct, as the record indicates that the City Council provided by resolution to have the proposed ordinance placed on the ballot but did not itself adopt the ordinance.

. . .

¹ The Act is now codified as § 125.0103, and by duplicate assignment and publication, § 166.043, Fla. Stat. (1977).

363 So. 2d 555 (Fla. 1978) (footnote regarding codification in original).

Accordingly, the City Attorney’s Office continues to advise that a resolution is legally insufficient to call the referendum necessary to impose the requested rent stabilization measures pursuant to Florida Statutes section 166.043.

RESOLUTION NO. _____

A RESOLUTION CONCERNING POTENTIAL CONTROLS IMPOSED FOR THE PURPOSE OF RENT STABILIZATION IN THE CITY OF ST. PETERSBURG; MAKING FINDINGS REGARDING THE NEED TO IMPOSE SUCH CONTROLS; CALLING A REFERENDUM TO AUTHORIZE THE IMPOSITION OF SUCH CONTROLS AS PART OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022; PROVIDING THE TEXT OF THOSE CONTROLS; PROVIDING BALLOT TEXT FOR THE REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE ST. PETERSBURG CITY COUNCIL:

SECTION 1—FINDINGS. The St. Petersburg City Council, (the “**City Council**”), as the governing body for municipal government of St. Petersburg, Florida, hereby makes and recites the following findings in support of this measure imposing controls on rents:

- (A) According to an analysis conducted by the St. Petersburg Tenants Union (“**SPTU**”) concerning information from the Pinellas County Clerk of Court, during a two-year period spanning April 2, 2020, and April 10, 2022, there were 8,585 residential evictions filed in Pinellas County, with 4,501 of those filed in the 15 zip codes which generally comprise the city of St. Petersburg.
- (B) According to analysis conducted by SPTU concerning “2 ACS Census 5-Year, 2020” data from the Census Reporter website, these 15 St. Petersburg zip codes contain 38.93% of all renter households in the county, yet evictions filed in these zip codes made up 50.42% of the county total during this time.
- (C) According to analysis conducted by SPTU, eviction in two zip codes is particularly problematic. Specifically, the zip codes 33712 and 33705 are both home to majority Black populations & contain elevated levels of poverty. These two zip codes saw the highest number of residential eviction filings in the entire county between April of 2020 and April of 2022, with 745 and 516 evictions filed, respectively. These two zip codes comprised 14.69% of all eviction filings in the county and 28.02% of those filed in St. Petersburg zip

codes during this time. However, these two zip codes combined contain only 6.62% of all renter households in the county & 17.01% of all renter households in the city.

- (D) According to data provided by SPTU from 2-1-1 Tampa Bay Cares, Inc., during the period running from July 5, 2022, through August 3, 2022, 43.5% of all requests concerning housing and shelter were for rent assistance, and the highest rates of requests concerning housing and shelter in St. Petersburg were from zip codes 33712, 33711, and 33705.
- (E) According to analysis conducted by SPTU concerning data from the Princeton Eviction Lab, the average eviction rate in Tampa Bay was 4% above the historical average for the month of June 2022 and 21% above the historical average for the following month, as of July 16, 2022.
- (F) According to analysis conducted by SPTU, between 2010-2021, the consumer price index for rent of primary residence in the Tampa Bay metro area has risen at nearly twice the rate of all consumer items.
- (G) According to analysis conducted by SPTU concerning HUD Fair Market Rents data, between 2014-2022, the Fair Market Rent in Pinellas County has increased by 72.56% for an efficiency apartment, 46.44% for a one-bedroom apartment, 41.64% for a two-bedroom apartment, 36.49% for a three-bedroom apartment and 40.33% for a four-bedroom apartment.
- (H) According to data provided by SPTU from the New York Times Covid-19 Dashboard for Pinellas County, community spread of COVID-19 in Pinellas County remains high, with an average of 412 new cases recorded per day and a 20.7% test positivity rate.
- (I) According to research provided by SPTU that was published in the American Journal of Epidemiology, there was a demonstrable connection between additional COVID-19 deaths and the expiration of eviction moratoriums in several states during the early months of the pandemic. Leifheit KM, Linton SL, Raifman J, Schwartz GL, Benfer EA, Zimmerman FJ, Pollack CE. *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality*. Am J Epidemiol. 2021 Dec 1; 190(12):2503-2510. doi: 10.1093/aje/kwab196. PMID: 34309643; PMCID: PMC8634574.
- (J) According to analysis conducted by SPTU concerning data from the Shimberg Institute for Housing Studies, nearly half (47%) of St. Petersburg renter households of all income levels pay more than 30% of their income on rent.
- (K) According to analysis conducted by SPTU, St. Petersburg renter households earning at or below the Area Median Income, nearly three quarters (18,621) pay more than 30% of their income on rent, with 9,731 of these households paying in excess of 50%.

- (L) According to data provided by SPTU from the “Emerging Strategies in Affordable Housing” study provided to the City by a Harvard Kennedy School Transition Team, St. Petersburg saw a 78.85% uptick in investor residential purchases.
- (M) According to an analysis conducted by SPTU concerning data from the Pinellas County Property Appraiser, nearly 40,000 units of housing in St. Petersburg, or 30% of the city’s housing stock, is owned by an LLC, incorporated company, limited partnership, trust (without homestead exemption), or other entity.
- (N) According to SPTU, prior to this crisis, many residents were already living paycheck to paycheck in precarious economic circumstances. Additionally, according to SPTU, information from the Federal Reserve indicates that 40% of Americans do not have cash on hand to cover an unexpected expense of \$400.
- (O) In consideration of the foregoing, City Council hereby finds and determines that there is an existing housing emergency in the City that is so grave as to constitute a serious menace to the general public.
- (P) In consideration of the foregoing, City Council hereby also finds and determines that the controls on rents set forth in sections 4–9 of this resolution (collectively, the “**Rent Stabilization Controls**”) are necessary and proper to eliminate that housing emergency.
- (Q) Accordingly, imposing the Rent Stabilization Controls would serve a valid municipal purpose.
- (R) Pursuant to Florida Statutes section 166.043(5)(c), the Rent Stabilization Controls may be imposed only after approval by voters in the municipality. Accordingly, a referendum to impose the Rent Stabilization Controls should be held in conjunction with the statewide general election scheduled for November 8, 2022.

SECTION 2—DATE OF REFERENDUM. City Council hereby calls a referendum to approve the Rent Stabilization Controls in accordance with Florida Statutes section 166.043 (the “**Referendum**”) to be placed on the ballot of a special municipal election to be held in conjunction with the statewide general election scheduled for November 8, 2022.

SECTION 3—IMPOSITION OF CONTROLS. If the Referendum is approved, the Rent Stabilization Controls will be imposed for a period of one year, beginning on the 10th calendar day after the date on which the results of the Referendum are certified in accordance with applicable law. Thereafter, the Rent Stabilization Controls may be extended or renewed only in accordance with applicable law, including Florida Statutes section 166.043. But if the Referendum is not approved, the Rent Stabilization Controls will be void and of no effect.

SECTION 4—DEFINITIONS. In addition to any definitions established elsewhere in this resolution, the following definitions apply for purposes of these Rent Stabilization Controls:

- (A) **“Change of occupant or occupancy”** shall mean a change in the occupation of the rental unit from one tenant to another tenant or adding other tenants.
- (B) **“City”** shall mean the incorporated area of the City of St. Petersburg.
- (C) **“Consumer Price Index”** or **“CPI”** shall mean the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers, South Region (or the closest region to the City available).
- (D) **“Dwelling unit”** shall mean:
 - (1) A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.
 - (2) A mobile home rented by a tenant.
 - (3) A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.
- (E) **“Housing services”** shall include but are not limited to, maintaining roofs, windows, doors, floors, steps, porches, exterior walls, foundations, and all other structural components in good repair and capable of resisting normal forces and loads, and maintaining the plumbing in reasonable working condition, and ensuring that screens are installed in a reasonable condition, and any other benefit, privilege, or facility connected with the use or occupancy of any rental unit pursuant to applicable state and local law, building, housing, and health codes, and rental agreements.
- (F) **“Landlord”** shall mean the owner or lessor of a residential rental unit.
- (G) **“Rent”** shall mean the periodic payments due to the Landlord from the Tenant for occupancy under a rental agreement and any other payments due the Landlord or third party from the Tenant as may be designated as rent in a written rental agreement.
- (H) **“Rental agreement”** shall mean any written agreement, including amendments or addenda, or oral agreement legally permitted under Florida law providing for use and occupancy of a Residential Rental Unit.

- (I) **“Residential rental unit”** or **“rental unit”** shall mean any dwelling unit, or portion of a dwelling unit, that is located in a multifamily structure containing a total of four or more dwelling units that are rented or otherwise made available for rent for residential use or occupancy, together with all housing services connected with the use or occupancy of such property, including but not limited to, mailboxes, vehicle parking spaces, storage, common areas and/or recreational facilities, and other amenities held out for use by Tenants.
- (J) **“Tenancy”** shall mean the right of entitlement of a tenant to use or occupy a residential rental unit under the terms of a rental agreement.
- (K) **“Tenant”** shall mean any person entitled to occupy a residential rental unit under a rental agreement.

SECTION 5—LIMITATIONS ON RENT INCREASES AND RELATED LIMITATIONS.

- (A) No landlord shall demand, charge, or accept from a Tenant a rent increase for a residential rental unit more than once in a 12-month period.
- (B) No landlord shall demand, charge, or accept from a tenant a rent increase that percentage wise is in excess of the average annual percentage increase in CPI from the preceding year for any residential rental unit except as otherwise allowed under section 7.
- (C) No landlord shall refuse to provide any housing services that were agreed upon by the landlord and tenant prior to or as of the effective date of these Rent Stabilization Controls.

SECTION 6—VACANCY. The limitations on the amount of annual rent shall apply regardless of change of occupancy in a residential rental unit except as otherwise allowed under section 7 or section 8 of these Rent Stabilization Controls.

SECTION 7—FAIR AND REASONABLE RETURN ON INVESTMENT.

- (A) A landlord can request an exception to the limitations on rent increases contained in these Rent Stabilization Controls by making application for such relief to City Council and demonstrating to City Council at a public hearing on the landlord’s application that said limitations contained in these Rent Stabilization Controls prevent the landlord from receiving a fair and reasonable return on the landlord’s investment. Said application shall detail the amount of the increase in rent sought by the landlord and the rationale for deviating from limitations on rent increases contained in these Rent Stabilization Controls. City Council must consider the following factors in any requested deviation from the limitation on rent increases submitted by a landlord:

- (1) Changes in property taxes;
 - (2) Unavoidable increases in maintenance and operating expenses;
 - (3) The cost of planned or completed capital improvements to the rental unit (as distinguished from ordinary repair, replacement, and maintenance) where such capital improvements are necessary to bring the property into compliance or maintain compliance with applicable building, housing, or health codes, and where such capital improvement costs are properly amortized over the life of that or those capital improvement(s);
 - (4) Increases or decreases in the number of tenants occupying the rental unit, living space, furniture, furnishings, equipment, or other housing services provided, or occupancy rules;
 - (5) Substantial deterioration of the rental unit other than as a result of normal wear and tear;
 - (6) Inability of the landlord to provide adequate housing services or to comply substantially with applicable state and local laws, building, housing or health codes, or the rental agreement; and
 - (7) The pattern of recent rent increases or decreases.
- (B) It is the intent of these Rent Stabilization Controls that exceptions to the limitations on rent increases be made only when the landlord demonstrates that such adjustments are necessary to provide the landlord with a fair and reasonable return on investment.
- (C) City Council will not grant an exception to the limitations on rent increases for any residential rental unit where the landlord has failed to bring the rental unit into compliance with applicable state and local laws and building, housing, and health codes.
- (D) City Council will schedule and hold a public hearing on a landlord's application requesting an exception to the limitations on rent increases contained in these Rent Stabilization Controls only after the landlord has (i) submitted a complete application for the exception to the City Clerk, and (ii) prominently posted notice of the date and time of the public hearing scheduled on the landlord's application before City Council in the lobby or common area of the multifamily structure(s) containing the residential rental units subject to the application a minimum of 15 days prior to the date of such public hearing. The form, size, content, and location of the required posted notice sign(s) shall be determined and provided by the City. Prior to the public hearing, a landlord must submit an affidavit attesting to the timely posting of the required notice sign(s) together with two photographs of each posted sign to

the City Clerk—one which clearly shows the language on the posted sign and one photograph which clearly shows the location where the sign is posted on the subject property.

SECTION 8—EXEMPTIONS. These Rent Stabilization Controls shall not apply to any residential rental units expressly exempt pursuant to any provision of state or federal law, and such units shall be exempt from the provisions of these Rent Stabilization Controls. The following units are also specifically exempt from these Rent Stabilization Controls:

- (A) Rental units used or offered for residential purposes as a seasonal or tourist unit pursuant to Florida Statutes section 166.043(4), which include units located in a hotel, motel, or other similar establishment where units are rented primarily to transient guests;
- (B) Rental units used or offered for residential purposes as a second housing unit pursuant to Florida Statutes section 166.043(4), which include accessory dwelling units;
- (C) Rental units located in a luxury apartment building pursuant to Florida Statutes section 166.043(4), which, for the purposes of these Rent Stabilization Controls, shall mean one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250;
- (D) Dwelling units located in a single-family home, townhome, condominium, or mobile home, and mobile home lot rents as preempted by Florida Statutes chapter 723;
- (E) Rental units that a governmental agency or authority owns, operates, or otherwise manages;
- (F) Dwelling units located in a cooperative apartment occupied by a holder of a proprietary lease;
- (G) Dwelling units located in a disability facility, hospital, nursing home, assisted care community, or other health care facility licensed under Florida Statutes chapters 393, 395, 400, or 429;
- (H) Rental units for which the landlord receives federal, state, or local housing subsidies including, but not limited to, federal housing assistance vouchers issued under section 8 of the United States Housing Act of 1937 (currently codified at 42 U.S.C. § 1437f);
- (I) Rental units that are currently under rent control by virtue of local, state, or federal housing subsidy; and

- (J) New rental units that have received a Certificate of Occupancy on or after the effective date of these Rent Stabilization Controls.

SECTION 9—ENFORCEMENT, PENALTIES, AND PROHIBITIONS.

- (A) *Enforcement.* Failure to comply with the provisions of these Rent Stabilization Controls may be enforced through any penalty authorized by applicable law.
- (B) *Private right of action.* To the extent authorized by applicable law:
 - (1) Any tenant aggrieved by a landlord's noncompliance with these Rent Stabilization Controls may seek relief in a court of competent jurisdiction provided that such action is filed within two years of the alleged violation. However, said action shall be filed and brought at the sole cost and expense of the tenant.
 - (2) In a private civil action filed under these Rent Stabilization Controls, the court may issue an order prohibiting the unlawful practice and providing affirmative relief from the effects of the practice, including equitable relief, temporary restraining order, actual and punitive damages, reasonable attorneys' fees, interest, costs, or other relief, upon a finding that a violation of these Rent Stabilization Controls has occurred or is about to occur.
- (C) *Prohibition of waiver.* To the extent authorized by law, any lease provision which waives or purports to waive any right, benefit, or entitlement created in these Rent Stabilization Controls shall be deemed void and of no lawful force or effect.

SECTION 10—BALLOT TEXT. The City shall use the following caption and explanatory statement as the ballot title and ballot summary for the Referendum, with the applicable resolution number inserted once it has been assigned by the City Clerk's Office:

Rent stabilization controls limiting certain residential rent increases for one year

Shall the Rent Stabilization Controls set forth in City Council resolution 2022-___, which limit the amount of rent increases to the percentage increase of the Consumer Price Index for certain residential rental units for one-year to eliminate the City's housing emergency, subject to an exception for the demonstrated inability of landlords to receive a fair and reasonable return on investment and other exemptions, be approved?

YES NO

SECTION 11—SEVERABILITY. The provisions of this resolution are intended to be severable, and a determination that any portion of this resolution is invalid should not affect the validity of the remaining portions of this resolution.

SECTION 12—EFFECTIVE DATE. As more particularly described in section 2, the Rent Stabilization Controls will go into effect only if the Referendum is approved. The other provisions of this resolution will become effective immediately upon adoption.

LEGAL:
