



Local Tenant Protections Picking up Steam

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The current state of local tenant protections

The COVID-19 pandemic was a catalyst for increasing unaffordability and rental housing insecurity. Government interventions such as funding for emergency rental assistance, eviction moratoria, and eviction diversion programs arose as a result of policymakers grappling with how to protect tenants in times of escalating rents and escalating opportunities for eviction and renter displacement. Two types of government interventions that have seen a marked increase since the pandemic began are local tenant protections and tenants’ bill of rights. While these two types of interventions do not prevent rental increases or prevent evictions altogether, they can apprise tenants of their legal rights if faced with eviction and give tenants a little extra security in a legal system heavily favored towards landlords.

Most elements of landlord/tenant law in Florida are governed by state statute, but there are still opportunities for local governments to pass local tenant protections that supplement and do not conflict with state law. Since early 2021, Hillsborough County, Miami-Dade County, Naples, Pinellas County, St. Petersburg, Hialeah, Gainesville, Daytona Beach, and others have enacted local tenant protections that are models for cities and counties in Florida.

Tenants’ Bill of Rights

The eviction process in Florida can be daunting, even for someone that knows the ins and outs of Florida landlord/tenant law. Tenants are often unaware of their legal rights or lack the resources to hire an attorney to advise on or enforce their rights. A tenants’ bill of rights provides a suite of local protections to attempt to level the playing field between renters and landlords. These protections can range from code enforcement and extended notice provisions to new private causes of action and funding for tenants’ right to counsel. One of the most important elements is a requirement to provide new renters with a notice of rights and resources. Empowering tenants with information about the eviction process, what legal rights they possess under federal, state, and local law, and the resources available to tenants in need is a fundamental policy that every local government should consider adopting, at minimum. Hillsborough County has a model “Required Notice of Rental Housing Rights and Resources” that each tenant is required to receive under its Tenants’ Bill of Rights.

This table provides two examples of local tenants’ bills of rights that have been implemented in the past two years as of this writing.

Hillsborough County
✓ Landlords must provide tenants with a copy of a notice of their rights. Notice shall include information on tenants’ rights under federal, state, and local law and contact information for organizations available to provide assistance to tenants.
✓ Prohibits discrimination against an applicant’s source of income or participation in a public assistance program.
✓ Prohibits assessment of late fees without first providing written notice to the tenant.
✓ Authorizes Code Enforcement Department and Consumer & Veterans Services Department to investigate and enforce violations.

Miami-Dade County

- ✓ Requires notice of tenant's rights similar to Hillsborough County
- ✓ Requires 60-day notice of change of ownership if on month-to-month tenancy
- ✓ Requires landlords to provide notice to tenants that a building might be unsafe if the notice was received from a government agency or condo association
- ✓ Prohibits landlords from asking about or requiring disclosure of past evictions until the applicant has been deemed qualified to rent the unit
- ✓ Prohibits retaliation against tenants for exercising their rights
- ✓ Creates a new Office of Housing Advocacy

Additional local tenant protections

In addition to local tenants' bills of rights, local governments can separately pass additional local tenant protections that supplement rights granted under applicable state and federal laws. The most popular reform that has been enacted locally across the state is to require additional notice for non-renewals of month-to-month tenancies and if the landlord wishes to increase rent by a certain percentage. Under state law, if a tenant is on a month-to-month lease, the landlord only has to give a 15-day notice if they wish not to renew the lease. Localities are passing reforms that broaden this notice requirement to 60 days for a month-to-month lease. These additional notice provisions do not prevent the landlord from increasing rents over a certain amount or not renewing the lease, but they do give renters more time to figure out their next move.

Other local tenant protections a city or county can adopt to protect renters include:

- ✓ Establish a permanent rental assistance program to help with rental arrears, first and last months' rent, security deposits, and other housing costs
- ✓ Create a local tenants' right to counsel program to provide free attorneys to renters at risk of eviction
- ✓ Invigorate the code enforcement process to enforce sanitary and safe living conditions (coupled with relocation expenses for tenants at risk)
- ✓ Prohibit source of income discrimination
- ✓ Implement an eviction diversion program that emphasizes mediation
- ✓ Prohibit invasive screening techniques that could have a disparate impact against protected classes

Miami-Dade Office of Housing Advocacy

As mentioned above, one element of the Miami-Dade County Tenants' Bill of Rights was to create a new Office of Housing Advocacy. This Office is a model for creating a department at the local government level whose sole focus is to provide resources to tenants in need. This Office is responsible for managing a Housing Advocacy hotline for tenants, receiving complaints of violations of the Tenants' Bill of Rights, developing resources and educational materials for renters and landlords to promote housing stability, and creating the notice of rights that is to be given to each renter, among other duties. Creating this type of department within local government that is exclusively focused on tenants' rights and resources is a boon to local tenant protection efforts.

What's next?

As Florida's rental market remains hot, tenant protections such as funding for permanent rental assistance programs, increased notice provisions, right to counsel, notices of tenants' rights, and other local policies are key to preventing evictions and avoiding mass displacement. Tenant justice organizations such as the Miami Workers' Center, Community Justice Project, St. Petersburg Tenants Union, and legal aid organizations across the state are essential to protecting tenants in increasingly unaffordable rental markets. Pairing policies that increase the supply of affordable housing must be coupled with tenant protections such as these to ensure renters remain stably housed.



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