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THE CITY OF KEY WEST

1300 WHITE STREET
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To: City Commission for the City of Key West

From: Ron Ramsingh, Chief Assistant City Attorney

Date: June 10, 2022

RE: New ordinance requiring residential landlords to give a reasonable written notice to tenants before increasing rent by more than 5% or terminating a tenancy.

Sponsors: Commissioners Lopez and Hoover

EXECUTIVE SUMMARY

Background:

I was tasked with drafting a new ordinance that requires residential landlords to give tenants a reasonable written notice of when the tenancy will not be renewed, and when the rental amount of the tenancy is proposed to increase by more than 5%. The proposal here is to require 60 days' written notice.

This same measure has been adopted in Miami-Dade County, as well as Lake Worth, FL. Some of the same concerns that face cities and counties like those are some of the same issues that have been reported to be occurring here in Key West as well. Namely, the recent increased demand for short term rental homes (greater than 30 days or one calendar month), coupled with a limited inventory has created an environment where leases for long-term tenants are being terminated with minimal statutory notice, or lease renewal rental rates are being raised with little or no notice and at a level that tenants cannot afford. This leaves tenants in the disadvantageous position of finding an affordable replacement with little time to do so.

Financial Impact:

This proposed regulation will not have a direct impact on the City of Key West's finances or budget. However, it is believed that the implementation of this regulation will have a positive impact for the workforce of the City of Key West, thereby projecting a benefit to businesses struggling to retain employees on the island.

Options:

1. To pass the new proposed ordinances, thereby requiring residential landlords to give at least 60 days' written notice to tenants if the tenancy will be terminated or not renewed, as well as if the rental amount is otherwise lawfully increased by more than 5%.
2. To defeat the proposed ordinances. The status quo regarding excessively increasing rents with no advanced notice will continue, as well as the current contractual and statutory provisions requiring notice upon the termination of a tenancy.

Recommendation:

Option 1; pass the ordinances.