

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA AMENDING THE CITY OF TAMPA CODE OF ORDINANCES CHAPTER 12 TO ADD "ARTICLE VII. TENANT'S BILL OF RIGHTS AND THE PROHIBITION OF SOURCE OF INCOME DISCRIMINATION" AND SECTIONS 12-140 – 12-145 WITHIN SAID ARTICLE; PROVIDING FOR A TITLE; 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 ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR EXEMPTIONS; AMENDING SECTIONS 12-4.(a), 12-5.(e), 19-4.(a) AND 23.5-5.(d) OF THE CITY OF TAMPA CODE OF ORDINANCES IN CONNECTION WITH THIS NEW ARTICLE VII; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tampa ("City") 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, it is in the City's best interests 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 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

1 **WHEREAS**, the City desires to eliminate discrimination in a person's ability
2 to obtain housing based on a person's lawful source of income for rental
3 payments, thereby increasing the number of households who are able to
4 successfully locate safe, affordable, and accessible housing in the City.

5
6 **NOW, THEREFORE,**

7
8 **BE IT ORDAINED BY THE CITY COUNCIL**
9 **OF THE CITY OF TAMPA, FLORIDA THAT:**

10
11 **Section 1.** The Recitals set forth above are hereby adopted and incorporated
12 into the body of this Ordinance as if fully set forth herein.

13
14 **Section 2.** Chapter 12 of the City of Tampa Code of Ordinances is hereby
15 amended by adding the following underlined words to create an Article VII,
16 Sections 12-140 through 12-145, as follows:

17
18 **"ARTICLE VII.- TENANT'S BILL OF RIGHTS AND THE PROHIBITION OF SOURCE**
19 **OF INCOME DISCRIMINATION**

20
21 **Sec. 12-140. - Title.**

22
23 This Article shall be known and may be cited as the "Tenant's Bill of Rights
24 and Source of Income Anti-Discrimination Ordinance".

25
26 **Sec. 12-141. - Definitions.**

27
28 For the purpose of this Article, the following terms shall have the meanings
29 as indicated. No attempt is made to define any words which are used in
30 accordance with their established dictionary meaning, except when necessary
31 to avoid misunderstanding. When not inconsistent with the context, words used
32 in the present tense include the future, words in the plural number include the
33 singular number, words in the singular number include words in the plural
34 number, and the use of any gender shall be applicable to all genders whenever
35 the sense requires. The words "shall," "will" and "must" are mandatory and the
36 word "may" is permissive.

37
38 Lawful Source of Income shall mean the income from: 1) a lawful
39 profession, occupation or job; 2) any government or private assistance, grant,
40 loan or housing assistance program or subsidy, including but not limited to
41 Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing
42 (VASH) Vouchers, Social Security, and Supplemental Security Income; 3) a gift,
43 an inheritance, a pension or other retirement benefits, an annuity, trust income,
44 investment income, alimony, child support, or veteran's benefits; or 4) the sale

1 of property or an interest in property. A Person renting more than one Rental
2 Unit may require reasonable verification of the Lawful Source of Income from a
3 Tenant so long as such verification is required from all Tenants leasing or renting
4 Rental Units from that same Person.

5
6 Notice of Rights shall mean a printed, paper copy, available in both English
7 and Spanish, in font 12-pt or larger and on paper of 8 ½ by 11 inches or larger,
8 of a notice of rights and services available to Tenants in the City, in a form
9 approved by the City by resolution. For purposes of this Article, if a Tenant has
10 consented to receiving and signing documents via electronic means, then the
11 Notice of Rights may be provided to the Tenant in electronic form rather than
12 as a printed, paper copy.

13
14 Person shall mean any individual, firm, corporation or other organization or
15 group of persons however organized, including but not limited to any landlord,
16 owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real
17 estate broker, salesperson, condominium association, homeowners'
18 association, cooperative association, or any representative of any of the
19 foregoing.

20
21 Rental Agreement shall mean an agreement, either written or oral, by which
22 a Tenant is entitled to possess a Rental Unit in exchange for consideration, or is
23 a "Rental Agreement", as defined in section 83.43 of the Florida Statutes, as it
24 may be amended.

25
26 Rental Unit shall mean a residential housing unit that is or may be occupied
27 by a Tenant who does not own the property in exchange for consideration and
28 by virtue of an agreement with the owner of such residential property, or which
29 is a "Dwelling Unit", as defined in section 83.43 of the Florida Statutes, as it may
30 be amended.

31
32 Tenant shall mean a natural person or persons who shall occupy, attempt to
33 occupy, or inquire about occupying a Rental Unit in exchange for consideration
34 and by virtue of a written or oral agreement with the owner of such Rental Unit,
35 or are a "Tenant" as defined in section 83.43 of the Florida Statutes, as it may
36 be amended.

37 **Sec. 12-142. - Notice of Tenants Rights Required.**

38
39 (a) It shall be unlawful for a Person to allow a Tenant to apply to rent, or in
40 instances where no application is required, to occupy, a Rental Unit under
41 said Person's control or authority without first providing the Tenant with a
42 copy of the Notice of Rights.
43
44

1 (b) For existing Tenants already occupying a Rental Unit as of the date of
2 enactment of this Article, the Notice of Rights shall be provided prior to the
3 commencement of a new rental term. For Tenants with recurring rental terms
4 of 30 days or less, the Notice of Rights shall be provided prior to initial
5 commencement of the rental term and thereafter no less than once per year.
6 Notices are not required for short term rentals with non-recurring rental
7 terms of 30 days or less.

8
9 (c) The contents of the Notice of Rights will be approved by City Council
10 resolution, but it shall generally include information on Tenants' rights under
11 federal, state and local law and contact information for organizations
12 available to provide assistance to Tenants.

13
14 (d) There shall be a rebuttable presumption that a Person has complied with
15 this Section if the Person can provide a written, dated and signed affirmation
16 from the Tenant stating that the Tenant has received the Notice of Rights.
17 The signed affirmation shall be retained for at least one year after the Tenant
18 vacates the Rental Unit.

19
20 (e) No penalties shall be assessed for conduct violating this Section occurring
21 prior to June 1, 2022.

22
23 (f) For a Person's first violation of this Section, the City's Division of
24 Neighborhood Enhancement or any successor City division or department
25 responsible for enforcement of the City's Code shall have the discretion to
26 provide a reasonable time period, not to exceed 21 calendar days, within
27 which the Person must correct the violation, as provided in Sec. 9-3.(b) of the
28 City's Code of Ordinances.

29
30 (g) This Section does not create any private causes of action and may only be
31 enforced as provided herein.

32 **Sec. 12-143. - Prohibition of Source of Income Discrimination.**

33
34 (a) It shall be unlawful and is hereby prohibited for any Person:

35
36 (1) To refuse to rent, show or lease, to refuse to negotiate for the
37 rental of, or otherwise to make unavailable or deny, a Rental Unit to
38 any Tenant because of that Tenant's Lawful Source of Income, or
39 because of the Tenant's status with regard to a public assistance
40 program, or because of any requirements of a public assistance
41 program. However, this section shall not be construed as requiring a
42 Person to: (a) reduce the amount of rent normally charged for a Rental
43 Unit; (b) waive any security deposit, fee or similar charge required from
44 all Tenants renting Rental Units from that Person; or (c) make repairs

1 or improvements to a Rental Unit or conduct maintenance activities
2 not otherwise legally required by City Code or by the applicable laws
3 and regulations of the State of Florida.

4
5 (2) To discriminate against any Tenant in the terms, conditions, or
6 privileges of the rental or lease of a Rental Unit, or in the provision of
7 services or facilities in connection therewith, because of that Tenant's
8 Lawful Source of Income.

9
10 (3) To use a financial or income standard in assessing eligibility for
11 the rental of a Rental Unit that is not based on the portion of the rent
12 to be paid by the Tenant in instances where there is a government rent
13 subsidy or assistance, which will be used to pay for a portion of the rent
14 for that Rental Unit. The financial or income standard, if used, may
15 include reasonable living costs and utilities in addition to rent; however
16 a Person may only use a financial or income standard in assessing
17 eligibility for the rental of Rental Units, if the same standard is applied
18 to all of that Person's Tenants renting a Rental Unit regardless of Lawful
19 Source of Income.

20
21 (4) To represent to any Tenant because of the Tenant's Lawful
22 Source of Income that any Rental Unit is not available for inspection or
23 rental when such Rental Unit is in fact so available.

24
25 (5) To make, print, or publish, or cause to be made, printed, or
26 published, any notice, statement, or advertisement with respect to the
27 rental of a Rental Unit that indicates any preference, limitation, or
28 discrimination based on a Lawful Source of Income, or an intention to
29 make any such preference, limitation, or discrimination.

30
31 (6) To induce or attempt to induce another Person, for profit, to
32 rent any Rental Unit by representations regarding the entry or
33 prospective entry into the neighborhood of a Tenant with particular
34 Lawful Sources of Income.

35 (b) Complaints regarding any alleged violation of this Section shall be
36 initially investigated by the Office of Human Rights. Based on that
37 investigation, if the administrator of the Office of Human Rights finds
38 reasonable cause that this Section has been violated, then the
39 administrator shall refer its investigation report to the City's Division of
40 Neighborhood Enhancement for further investigation and enforcement as
41 set forth in Sec. 12-144 below. In addition, either the City's Office of
42 Human Rights or Division of Neighborhood Enhancement is authorized to
43 report violations to any local, state or federal authority. Investigation and
44

1 enforcement by the City may occur concurrently with any investigation
2 and enforcement actions by local, state or federal authorities.

3
4 (c) No penalties shall be assessed for conduct violating this Section
5 occurring prior to June 1, 2022.

6
7 (d) This Section does not create any private causes of action and may only
8 be enforced as set forth herein.

9
10 **Sec. 12-144. - Enforcement and Penalties.**

11 (a) The City of Tampa Division of Neighborhood Enhancement (or such
12 successor City division or department responsible for the enforcement of
13 the City Code of Ordinances) is empowered to investigate any situation
14 where a Person is alleged to be violating this Article.

15
16 (b) The City of Tampa Division of Neighborhood Enhancement (or such
17 successor City division or department responsible for the enforcement of
18 the City Code of Ordinances) is authorized to enforce this Article through
19 the issuance of a noncriminal civil citation in accordance with Part II of
20 Chapter 162, Florida Statutes, and the "City of Tampa Supplemental
21 Enforcement Procedures Ordinance" contained in Chapter 23.5 of the City
22 of Tampa Code of Ordinances.

23
24 (c) Violations of this Article shall be considered a "Class IV" violation and
25 subject to a fine as provided in Section 23.5-5 of the City of Tampa Code of
26 Ordinances.

27
28 **Sec. 12-145. - Exemptions.**

29
30 (a) This Article shall not apply to Rental Units governed exclusively by Chapter
31 723 of the Florida Statutes relating to mobile home park lot tenancies."
32

33
34 **Section 3. Section 12-4.(a)** of the City of Tampa Code of Ordinances is hereby
35 amended to remove the words and section numbers that have been stricken
36 through and to include the underlined words as follows:

37
38 **"Sec. 12-4. Administrative authority; powers and duties.**

39
40 (a) Unless otherwise expressly provided below, the provisions of this chapter shall
41 be administered and enforced by the official administrator, who shall be
42 appointed by the mayor or the mayor's designee. Except as otherwise set forth
43 in section 12-6, below, for purposes of administration of the provisions of this
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chapter, the official's designee shall be the administrator, who shall be appointed by the official."

Section 4. **Section 12-5.(e)** of the City of Tampa Code of Ordinances is hereby amended to remove the words that have been stricken through and to include the underlined words as follows:

"(e) *Powers and duties.* Except as otherwise expressly provided in this Chapter, ~~the~~ powers and duties of the board shall be:

- (1) To receive and initiate complaints alleging any violation of this chapter for investigation by the administrator;
- (2) To adopt, promulgate, amend and rescind rules and regulations for the operation of the board and to effectuate the policies of this chapter;
- (3) Upon failure of conciliation, to review whether the evidence supports the administrator's decision to find reasonable cause, and to order further investigation if it does not;
- (4) Any other powers and duties provided elsewhere in this chapter not otherwise expressly delegated to another city department or division."

Section 5. **Section 19-4.(a)** of the City of Tampa Code of Ordinances is hereby amended to remove the words and numbers that have been stricken through and to include the underlined words, numbers and section numbers as follows:

"Sec. 19-4. Department of code enforcement; duties and scope of authority of the director.

(a) The director shall have all powers, duties and responsibilities to administer and enforce the following City Code chapters or sections. The director shall be deemed to be an officer for the purpose of enforcing the provisions of this chapter under authority provided in section 1-14 of this Code.

- (1) Section 5-105;
- (2) Sections 12-142 and 12-143
- ~~(2)~~(3) Chapter 14, articles III, IV and X;
- ~~(3)~~(4) Chapter 19;
- (4)(5) Chapter 21, articles I, II, III and V;
- ~~(5)~~(6) Chapter 22, articles I and III;
- ~~(6)~~(7) Chapter 25, article I;

~~(7)~~(8) Chapter 27;

~~(8)~~(9) Chapter 15, except for parking regulations within the central business district as defined in chapter 27."

Sec. 23.5-5.(d) of the City of Tampa Code of Ordinances is hereby amended to include the underlined words or section numbers as follows:

"(d) Violations of the following sections of the Tampa City Code are considered Class IV violations and will carry a fine of four hundred fifty dollars (\$450.00) [for] each and every offense.

City Code Section:

<u>12-142</u>	21-147(c)	25-48
<u>12-143</u>	21-147(d)	25-48(c)
13-43	22-9	25-61
13-45	22-58(a)	25-63
14-54	22-58(b)	25-173.2
19-48	22-58(c)	27-107
19-53	22-60	27-119
21-8	22-101	27-136
21-9(b)	22-191	
21-147(a)	22-308	
21-147(b)	22-310	

Section 6. That all ordinances of the City of Tampa or portions thereof in conflict with this Ordinance are hereby repealed to the extent of any conflict.

Section 7. Should a court of competent jurisdiction declare any part of this Ordinance invalid, the remaining parts hereof shall be severed and remain in effect and shall not be affected by such determination as to the invalid part.

Section 8. This Ordinance shall become effective immediately upon becoming a law.

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PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,
ON MAR 17 2022



CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

ATTEST:



CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON 3/18/22



Jane Castor, MAYOR

PREPARED AND APPROVED
AS TO LEGAL SUFFICIENCY BY:

/es/ Morris Massey

Deputy City Attorney

Publisher's Affidavit

LA GACETA

PUBLISHED WEEKLY
Tampa, Hillsborough County, Florida

State of Florida

County of Hillsborough,

Before the undersigned authority personally appeared

Patrick Manteiga

who under oath says he is the Publisher of La Gaceta, a weekly newspaper published in Tampa, Hillsborough County, Florida, that the attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING


in the matter of

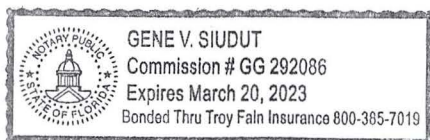
ORDINANCES FOR ENACTMENT
MARCH 17, 2022 @ 9:30 A.M.

Legal Advertisement
Attached To
Reverse Side

In the Thirteenth Judicial Circuit Court, was
published in said newspaper in the issues of 03/04/2022

Affiant further says that the said La Gaceta is a newspaper published in Tampa, in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as second class mailing matter at the post office in Tampa, in said Hillsborough County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


personally known sworn to and subscribed before me
on this 4TH day of MARCH, A.D. 2022



NOTICE OF PUBLIC HEARING

ON **March 17, 2022 @ 9:30 A.M.** IN THE TAMPA CITY COUNCIL CHAMBERS, OLD CITY HALL, 315 E. KENNEDY BLVD., 3RD FLOOR, TAMPA, FLORIDA, A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

File No. E2022-8 CH 27

An Ordinance approving an Historic Preservation Property Tax Exemption Application relative to the restoration, renovation or rehabilitation of certain property owned by Seneca Ventures, LLC, located at 1619 East 8th Avenue, Tampa, Florida, in the Ybor City Historic District, based upon certain findings; Providing for notice to the property appraiser of Hillsborough County; Providing for severability; Providing for repeal of all ordinances in conflict; Providing an effective date.

File No. E2022-8 CH 14

An Ordinance of the City of Tampa, Florida, repealing Ordinance No. 2022-18 relating to the regulation of noise, City of Tampa Code of Ordinances, Chapter 14, Article III (Noise); Providing for severability; Providing an effective date.

File No. E2022-8 CH 12

An ordinance of the City of Tampa, Florida amending the City of Tampa Code of Ordinances Chapter 12 to add "Article VII. Tenant's Bill of Rights and the Prohibition of Source of Income Discrimination" and Sections 12-140 - 12-145 within said article; providing for a title; providing for definitions; providing for a requirement to provide tenants with a notice of rights; providing for a title; providing for prohibition on source of income discrimination; providing for enforcement and penalties for violations; providing for exemptions; amending Sections 12-4.(a), 12-5.(e), 19-4.(a) and 23.5-5.(d) of the City of Tampa Code of Ordinances in connection with this new Article VII; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and providing an effective date.

File No. REZ-21-104

An ordinance rezoning property in the general vicinity of 6907 North Nebraska avenue, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) SH-RS (Seminole Heights, residential, single-family) and SH-CI (Seminole Heights, commercial intensive) to SH-PD (Seminole Heights, planned development, residential, multi-family); providing an effective date.

File No. AB2-21-31

An ordinance approving a special use permit (SU-2) for alcoholic beverage sales – small venue (consumption on premises only) and making lawful the sale of beer and wine at or from that certain lot, plot or tract of land located at 401 South Howard Avenue, Tampa, Florida, as more particularly described in Section 2; providing that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

File No. AB2-22-01

An ordinance approving a special use permit (SU-2) for alcoholic beverage sales – large venue (consumption on premises and package sales/off-premises consumption) and making lawful the sale of beer and wine at or from that certain lot, plot or tract of land located at 2301 North Albany Avenue, Tampa, Florida, as more particularly described in Section 2; providing that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

File No. AB2-22-02

An ordinance approving a special use permit (S-2) for alcoholic beverage sales – large venue (consumption on-premises only) and making lawful the sale of beverages regardless of alcoholic content – beer, wine and liquor – on that certain lot, plot or tract of land located at 601 South Harbour Island Boulevard, Tampa, Florida, as more particularly described in Section 2; providing that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

SAID ORDINANCES MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK, CITY HALL, 3RD FLOOR CITY HALL, 315 E. KENNEDY BLVD., TAMPA, FL, DURING REGULAR BUSINESS HOURS, 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOXX-KNOWLES, CMC
CITY CLERK

3/4/22LG 1T