

City of St. Petersburg  
**Housing, Land Use & Transportation**  
Agenda  
January 16, 2020 at 10:50 a.m.  
Sunshine Center Auditorium  
330 5th Street N. St. Petersburg, FL 33701

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**Members:** Chair Brandi Gabbard, Vice Chair Darden Rice, Gina Driscoll, Amy Foster

**Alternate:** Lisa Wheeler-Bowman

**Support Staff:** Linnie Randolph (Legislative Aide)

**A. Call to Order**

**B. Approval of Agenda**

**C. Approval of November 14, 2019 Minutes**

**D. Election of 2020 Committee Chair and Vice Chair**

**E. New Business**

1. Discussion about creating a tenant relocation policy including, but not limited to, a relocation plan and financial assistance and Proposed LDR Amendment  
~ *Michael Dema & Elizabeth Abernethy*
2. Discussion about how best to inform tenants of their rights when they enter into a rental agreement  
~ *Brad Tennant & Heather Judd*

**F. Adjourn**

**Next Meeting:**

- February 13, 2020

**Attachments:**

Support Material for New Business Items

City of St. Petersburg  
**Housing, Land Use & Transportation**  
REPORT

November 14, 2019 at 9:00am  
Sunshine Center Auditorium  
330 5th Street N. St. Petersburg, FL 33701

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**Present:** Chair Brandi Gabbard, Vice Chair Darden Rice, CM Gina Driscoll,  
CM Amy Foster, CM Lisa Wheeler-Bowman

**Also Present:** Tom Greene, Rob Gerdes, Joshua Johnson, Brad Tennant, Stephanie Lampe,  
Heather Judd, Liz Abernathy

**Support Staff:** Kyandra Darling (City Council Legislative Aide)

**A. Call to Order – 9:01 am**

**B. Approval of Agenda – Approved Unanimously**

**C. Approval of October 24, 2019 Minutes – Approved Unanimously**

**D. New Business**

**1. Community housing policy update (Rob Gerdes and Scott Macdonald)**

Housing and Community Development Director Joshua Johnson said the Community Housing Policy group started last year to better address affordable housing initiatives. At the October 8, 2019 meeting the group said they were interested in transitioning to the Affordable Housing Advisory Committee (AHAC) and administration approved. The Mayor will provide an appointment at the December 12 City Council meeting. The AHAC will now be a standing committee that plans to meet throughout the year. The Chair, Scott Macdonald, said he feels it's their duty to go out in the community and educate residents on what affordable housing is to address NIMBYism and other concerns. He said the group also feels it's important that housing experts and professionals have input on zoning going forward.

CM Foster asked to hear more about ideas for low-income tax credit deals and the requirements in place. Mr. Macdonald shares that the State has given Counties and Cities the power to choose which projects they would like to be funded with the 9% tax credits. He added that unfortunately, it's challenging to find land to build large projects in Pinellas County, and more specifically the City of St. Petersburg. He added that Florida Housing instituted a new process where they identify zip codes as geographic areas of opportunity which guarantees that projects will come to Pinellas county every three to four years in areas that are otherwise tougher to build affordable housing in.

CM Foster asked what thought and consideration had been given to the makeup of the committee and how it can be inclusive of different perspectives across a variety of sectors. Mr. Johnson said they've taken the state's request for the various specialties to be appointed to the committee. He provided the examples of a for-profit developer, nonprofit developer, community activist, and a

lender or banker. Senior Housing Development Coordinator Stephanie Lampe added that there's a requirement to fill six of the eleven categories and the new group will start with eight.

CM Driscoll asked if the group had discussed missing middle housing along specific corridors and if they had any input. Mr. Macdonald said they've touched on it and they recognize it's one of the ways to address the issue of land. He believes it's an accomplishment to combine better public housing and transportation. He adds that the City shouldn't limit the areas that it's looking to implement this form of housing in.

## **2. Further discussion about creating a tenant relocation policy (Rob Gerdes and Brad Tennant)**

CM Foster said the committee was interested in helping tenants that are displaced especially with things the City has control over like utilities. They took this topic to the stakeholder group and there wasn't a lot of discussion or concerns. Zoning has some ideas about the appropriate time to trigger a relocation policy. It was decided that a demolition permit would be too late in the process. Neighborhood Affairs Administrator Rob Gerdes said the form provided regarding relocation was taken from Austin, TX as an example but he believes there will be some modification moving forward if the relocation policy is approved. He really liked the additional information provided in the notice that acts as a broader information piece to the tenant. He believes making this kind of notice a condition of development approvals would work best operationally. He suggested it could be included in an ordinance to come before Council. He added that stakeholders had no concerns regarding a lease notice, and they didn't have any concern regarding the number of units that should trigger the process.

CM Foster said she also followed up with realtors regarding buildings with four units or more being the trigger and they had no concerns regarding this.

Vice-Chair Rice expressed that she is still interested in exploring what flexibility Council has to insert some language into the standards of review that would allow them to vote against or delay a project in a quasi-judicial setting if residents are being displaced. Mr. Gerdes believes this would be a good first step to ensure there is notification if development approval is part of the criteria required for demolition. He added he believes this policy should apply to all housing with four or more units whether it's affordable, market rate, or any other form.

**Action:** CM Foster made a motion to draft an ordinance around this and bring it back for input. Approved unanimously.

Planning and Development Director Elizabeth Abernathy asked if Council would be interested in holding stakeholder outreach, which is usually a part of the process for a change to Chapter 16, or if staff be bringing it directly to the DRC. CM Foster said that stakeholder outreach would certainly be a part of the process but asked to discuss it more offline.

## **3. Further discussion about how best to inform tenants of their rights (Brad Tennant and Heather Judd)**

CM Foster said Mr. Gerdes already highlighted that at the stakeholder meeting there were no expressed concerns. She added that the Bay Area Apartment Association sent feedback earlier today with some concerns that she had yet to review. She explained that they are a membership association that is interested in protecting their membership and not renters and the association doesn't feel they have a need for this. She believes their concerns can be worked through when a draft is brought forward. She said that legal services groups as well as the housing authorities recommended that this operate like the lead pamphlet so it can be signed and kept on file. She shared there were concerns expressed that providing legal services numbers is providing legal advice which is why the drafted change directs readers instead to the Florida Bar website. Chair Gabbard asked who that feedback

came from. CM Foster said she wasn't sure, but it came up in a few scenarios. City Assistant Attorney Brad Tennant clarified that giving phone numbers is not giving legal advice but there is an issue with what may be perceived as recommending one group over another. He said this could be looked into further based on whether this will be a written notice meant to last a while, how often we will update it, and if the listed groups are accepting people at that time, etc.

Mr. Gerdes said the administration is supportive of this notice. They would like to see that the document is signed by the tenant and the landlord which would help with enforcement.

Vice-Chair Rice said she'd been interested in creating a rental registry which would be another way to contact landlords whether they are affiliated with a property management company or not. CM Foster said that based on her conversations with Mr. Gerdes she believes it is already in the staff work plan and it would also assist in educating people about the changes coming forward. Mr. Gerdes said that Mr. Corbett will be doing a lot of research on rental registries in the upcoming year.

CM Driscoll pointed out that in the first section of the provided sample, there's a sentence that reads "rental units must also meet all building, housing, and health codes." She believes it would be helpful to include a sentence to direct tenants to that information like a state website or some other resource. Mr. Tennant said we can refer people to building codes, but the information is dense. He adds it may be a good idea to work with other organizations to see if there is something that already exists that easily explains what building codes are.

CM Foster said that she spoke with City Attorney Kovilaritch on whether something could be spelled out regarding utilities and how to let tenants know their rights and how this could also potentially be added to this information. Mr. Tennant said they were discussing this idea along the lines of providing resources for residents to call if they feel the landlord violates the lease. He adds that because this sort of violation would likely go through the courts, we have to be careful with the language.

**Action:** CM Foster made a motion for legal to draft an ordinance to bring back for review. Approved unanimously.

## **E. Adjourn – 9:46 am**

### **Next Meeting:**

- The December 12, 2019 meeting has been canceled.
- The next meeting is scheduled for January 30, 2020

# Housing, Land Use, and Transportation Committee Referrals

January 16, 2020

Item	Topic	Return Date	Referral Date	Prior Dates	Referred By	Staff	Notes
1	Discussion about creating a tenant relocation policy including, but not limited to, a relocation plan and financial assistance – Proposed LDR Amendment	01/16/2020	03/13/2019	10/24/2019 11/14/2019	Foster	Tennant Gerdes	Legal to draft a resolution for return to committee for review
2	Discussion about how best to inform tenants of their rights when they enter into a rental agreement	01/16/2020	03/14/2019	10/24/2019 11/14/2019	Foster	Tennant Judd	Legal to draft a resolution for return to committee for review
3	Discuss the comprehensive plan as it relates to Chapter 16, to better inform standards of review for affordable housing	TBD	2.21.19	None	Rice	Abernethy Kilborn	
4	Consider an employer-assisted housing program for city staff	TBD	9.20.18	8.8.19	Gabbard	Gerdes	Staff was asked to consider an employee survey
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# 2020 HLUt Calendar

January 16, 2020	February 13, 2020	March 12, 2020	April 9, 2020
Brad Tennant & Rob Gerdes ✓ Tenant Relocation Policy  Brad Tennant & Heather Judd ✓ Tenant notification of rights during rental agreement			
May 14, 2020	June 11, 2020	July 16, 2020	August 13, 2020
September 10, 2020	October 8, 2020	November 12, 2020	December 10, 2020

**AN ORDINANCE OF THE CITY OF ST. PETERSBURG  
AMENDING CHAPTER 20 OF THE CITY CODE TO ADD A  
SECTION ON REQUIRED NOTICE OF RIGHTS IN HOUSING;  
PROVIDING A SCHEDULE OF VIOLATIONS AND PENALTIES;  
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Florida law allows oral agreements for residential tenancies, which may leave many tenants unaware of their rights under Florida law; and

WHEREAS, though Florida law prohibits discrimination and retaliation by a Landlord and provides minimum standards for habitable residential dwelling units, many tenants are fearful to report landlords for substandard dwelling conditions or unjust treatment because they are unaware of this law or fear retaliation; and

WHEREAS, though Florida law provides a tenant the right to challenge many actions by a landlord, many do not assert this right because they are unaware of the law or that free legal services may be available to them; and

WHEREAS, when low-income or vulnerable renters lose housing do to their lack of knowledge concerning the law or their rights, local governments are often left with increased burdens due to homelessness, poverty, inequality, and declining health.

**THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:**

**SECTION ONE.** Chapter 20 of the St. Petersburg City Code is hereby amended to add a new Section 30-340 to read as follows:

**Section 20-340. Required Disclosures in Housing**

(a) For the purposes of Chapter 20, Article VII of the St. Petersburg City Code, “Notice of Rights” shall mean a printed, paper copy of the rights and services available to Renters in the City, in the form as approved and adopted by resolution of the City Council.

(b) It shall be unlawful for any person, including but not limited to; any owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker, condominium association, homeowners' association, cooperative association, or any representative of any of the foregoing to allow a Renter to occupy a Rental Unit under said person’s control or authority, without first providing the Renter with a copy of the Notice of Rights.

(c) The City Council shall prescribe the required contents of the Notice of Rights by resolution, but it shall generally include information on the Renter's rights under federal, state, and local law, as well as contact information for organizations that are available to assist Renters in a variety of matters.

(d) There shall be a rebuttable presumption that a Landlord has complied with this section if the Landlord can produce an affidavit, signed by the Renter, stating that the Renter has received the notice required by this section of City Code.

(d) Violations of this subsection of the St. Petersburg City Code shall be punishable by a fine of \$500 for a first offense and any subsequent offenses.

(e) This section does not create any private causes of action and may only be enforced as set forth herein.

**SECTION TWO.** The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

**SECTION THREE.** In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective on May 1, 2020. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective ninety (90) days after the day on which a successful vote to override the veto is taken.

Approved as to form and content:

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City Attorney (designee)

## Proposed LDR Amendment

January 7, 2020

### 16.70.010. - APPLICATIONS AND PROCEDURES

#### 16.70.010.14. – Tenant Notice of Intent to Develop.

Projects subject to a Planning and Zoning decision under 16.70.040 which involve development of existing occupied multi-family dwelling units at time of application shall provide a written Notice of Intent to Develop to all tenants residing on the subject property at least 90 days prior to issuance of a building permit. Evidence of notice shall be provided at time of building permit application. No permits shall be issued for the subject property until such time as the 90-day period has expired.

A written notice, for purposes of this section, shall be on paper and indicate the Intent to Develop with a planned date for demolition of structures and commencement of construction, and shall be delivered via certified mail to all tenants residing on the subject property. Notice shall be mailed by U.S. mail with a U.S. postal service certificate of mailing returned to the City. Evidence of notice, for purposes of the section shall be a copy of the notice letter, the list of tenants residing on the subject property at time of mailing, and a copy of the U.S. postal service certificate of mailing.

# RENTERS HAVE RIGHTS

Per City of St. Petersburg Ordinance XXXXXXXXXXXX, at the time a rental agreement is formalized, all landlords in the City are required to notify tenants as follows:

**Though tenants have responsibilities under Florida law and through lease agreements – including paying rent, keeping the unit clean and in working order under relevant codes, and not disturbing the peace - landlords have certain requirements and restrictions as well.**

## **All residential rentals must be fit for habitation**

A unit must generally include working plumbing and heating, be free from pests, and have locking doors and windows, among other requirements<sup>1</sup>. Structures in the City must also meet all applicable building, housing, and health codes. If there is an issue with your unit, contact your landlord as set forth in your lease. If your landlord does not address the needed issue within a reasonable timeframe, certain issues can be reported to the City Codes Department at (727) 893-7373. A landlord cannot deny access to a code inspector if access is granted by a tenant.

## **Retaliation and discrimination are illegal**

A landlord may not raise your rent or threaten to evict you because you reported a health or safety violation, or filed a fair housing complaint<sup>2</sup>. A landlord cannot treat you differently because of your race, nationality, disability, or sexual orientation, among other criteria<sup>3</sup>. If you feel you have been discriminated against or retaliated against, contact the Pinellas County Office of Human Rights at (727) 464-4880.

## **You have the right to challenge an eviction and other unlawful action**

A lease cannot prevent you from challenging an eviction or limit the liability of a landlord<sup>4</sup>. If a landlord is violating the lease agreement or otherwise damaging your interest (such as utilizing utilities you pay for without your permission) you can always seek relief through the courts. If you challenge an eviction and win, your landlord must generally pay for your attorney. If you cannot afford an attorney, you may be eligible for free legal assistance from many local and statewide groups. Contact the Pinellas County Office of Human Rights at (727) 464-4880 or visit the Florida Bar website at <https://www.floridabar.org/public/probono/> for more information.

## **Help is available**

If you face eviction and/or homelessness, financial assistance may be available. There are many local organizations that can help. Contact 211 for a full directory of local services or visit <http://211tampabay.org/> for more information.

*Landlords in the City of St. Petersburg are required to distribute this notice, and it is not intended to provide legal advice by either the City or the Landlord.*

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<sup>1</sup> Fla. Stat § 83.51

<sup>2</sup> Fla. Stat § 83.64

<sup>3</sup> Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and Pinellas County Code Chapter 70

<sup>4</sup> Fla. Stat. § 83.47