

listening, and just grant us a little bit of patience. I would love to make a decision, but I don't want to make a decision based on an assumption. Even though I think that assumption is going to prove true, we want to prove it. So just be patient with it, and we're listening.

COMMISSIONER McDANIEL: Well said. Well said.

MS. BURSKI: Tell us what information you need; we'll send it.

CHAIRMAN LoCASTRO: Okay. County Manager, next topic is 9C, I believe.

Item #9C

ORDINANCE 2023-01: AN ORDINANCE REPEALING ORDINANCE NO. 22-43, WHICH REQUIRES RESIDENTIAL LANDLORDS TO PROVIDE 60 DAYS WRITTEN NOTICE OF A RENTAL INCREASE OVER 5% TO TENANTS WITH LEASES OF ONE YEAR OR LONGER - MOTION TO APPROVED BY COMMISSIONER HALL: SECONDED BY COMMISSIONER KOWAL - ADOPTED (COMMISSIONER SAUNDERS OPPOSED)

MS. PATTERSON: Yes. We are on 9C. This is a recommendation to consider an ordinance repealing Ordinance No. 22-43 which requires residential landlords to provide 60 days written notice of a rental increase over 5 percent to tenants with leases of one year or longer.

CHAIRMAN LoCASTRO: Okay. Do we have anyone from the -- do we have any public comments on this, I would say first?

MR. MILLER: Yes, we do, Mr. Chairman. We have, I think it's nine.

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CHAIRMAN LoCASTRO: Okay. Do we want to go with the public comment first?

MS. PATTERSON: At your pleasure, Chair. This has been discussed a number of times by the Board. It was brought the last meeting by Commissioner Hall as a reconsideration or a -- to get it to this point. We are here now at the point of being an advertised public hearing. But if it's your pleasure, we hear the speakers first.

CHAIRMAN LoCASTRO: Commissioner Hall, I would start with you. Do you have any opening comment or anything that you wanted to say to present this?

COMMISSIONER HALL: Oh, we can hear the public, and then we can discuss it and vote.

CHAIRMAN LoCASTRO: Okay. Mr. Miller, let's go to the public comments.

MR. MILLER: Sure. Your first speaker is Jackie Keay. She'll be followed by Todd Brooks. Jackie's been ceded three additional minutes from Daniel Zegarac.

MS. KEAY: He had an appointment.

MR. MILLER: Yeah, he had a medical appointment. So Jackie will have three minutes, and she'll be followed by Todd Brooks.

MS. KEAY: Thank you. So, Commissioners and all local officials are elected to serve all members of the community equally. They took an oath on the Bible to uphold the Constitution, which is the extreme law of the land, and the Florida Constitution. Along with the U.S. Constitution, the Florida state constitution guarantees equal civil and political rights to all.

It is abundantly clear that in the free state of Florida many elected officials are guilty of constitutional bad faith as they violate both constitutions through abuse of power as well as function. Instead of securing our rights, you-all are systematically violating

them.

Leaders act in bad faith when they participate in the following acts: They have hidden unrevealed agendas, are insincere and inauthentic, deception to conceal or obscure material facts. Unfaithful to legal responsibilities, a malicious purpose, unfair or unreasonable conduct, and acts of sabotage i.e., blocking affordable housing.

Feigned ignorance, the intention to dominate or coerce compliance, lack of respect for the rights of others, and the expectations that others must bend to their will. Here is what David Pozen, Columbia law school professor said -- says about the constitutional bad faith. Constitutional bad faith, like all bad faith, is strongly linked to dishonesty and insincerity. Perhaps the most straightforward type of constitutional bad faith and the one courts have been most willing to tackle includes, one, facially neutral government actions that are in bad -- in fact, based on illegitimate motives and purposes. The framing of these action [sic] masks their true character.

Repealing the 60-day ordinance is an act of corruption, bad faith, and constitutional bad faith. It demonstrates beyond a shadow of a doubt that some of our commissioners are in it for themselves, their donors, special interest groups, and like-minded supporters. It also shows that they do not give a damn about our workforce, local businesses, and sustaining our community. If you recall from the last meeting it was you, Commissioner McDaniel, that said Danielle Hudson of NABOR, who represents the landlords, agreed that the 60-day ordinance should be repealed.

Not only is that showing collusion, I feel, on the side of some of the commissioners to repeal this, because it takes you all agreeing to do so, but it also shows that you are colluding with special interest groups to do so.

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So in that way, you are intentionally harming our community by denying us the address of this. And we talk about hot-button topics. This is a hot-button topic but, yet, it's not important enough for you-all to consider it.

Thank you.

MR. MILLER: Your next speaker is Todd Brooks. He'll be followed by Elizabeth Radi.

MR. BROOKS: Hello. Thank you very much for your time.

I got up this morning, and I was watching the news, and that's the one reason I'm here. I saw it pop up here this morning. I'm a local business owner here. We have struggled the last two or three years with employment. One of the biggest things is housing, and I'm sure you already know that.

I'm not a landlord, so I don't know the other side of it. I just know my side of it. We have literally spent a lot of time and a lot of money, and I have to actually go out with my employees to try to get them housing, because they get denied on a regular basis. There's all kinds of -- there's a lot of dirty stuff going on with the application, application fees; that's another time. But I don't think that 60 days' notice for a rent increase is that absurd. It takes two to three weeks just to get up and move your family to a new place. I can tell you that in Naples it takes you two months to find a place just to move to.

So if you're going to be put in a position where you can't pay your bills and you can't -- you're going to have to take your grocery money to pay your rent, I think that you should be given some notice. It seems like a minor ask of the landlord.

I do have some other ideas that would actually help these things that we can discuss at a different time, but I just wanted to say it meant enough for me to get up this morning, because we did this last year with my employees down at the restaurant, and they told me, they said, we're leaving. And I said, why are you leaving? And

they said, we can't find anywhere to live.

And it took us -- me two weeks, and I had to literally go out and pay an entire year's rent up front to the landlord before he would even let this guy come in, and he was completely qualified. He couldn't have been a better tenant.

So I'm not attacking landlords. I'm not a landlord, so I don't understand that side of it, but I do understand that we need employees, and a lot of the lower-class and middle-class people that we need to run this city to do the jobs that a lot people don't want to do that can't find a place to live. So giving him 60 days' notice seems pretty fair.

CHAIRMAN LoCASTRO: Sir, are you going to stay here to the end? Because I had a question for you. But if you're a business person and you need to leave, I could ask you quickly or when we summarize at the end.

MR. BROOKS: Absolutely.

CHAIRMAN LoCASTRO: Okay. All right. I'll call you up after the public speakers.

MR. MILLER: Your next speaker is Elizabeth Radi. She'll be followed by Danielle Hudson. Elizabeth has been ceded three additional minutes from Susan Golden, who is sitting right there.

MS. RADI: Good afternoon, Commissioners. Elizabeth Radi, Collier County Tenant Union.

I want to first start out with reading a -- a note that was sent to me from a woman who was given 60 days' notice and grateful that she was.

She said, I thank God it was in place for a moment. I got my 60-day notice on December 1st at my apartment complex. I've been a good tenant and paid rent each month. Even right after the hurricane when we had no electricity, I paid rent on time. They are jacking up the price of my rent here, and they already know I can't

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afford it based on the info they already had, so they aren't giving me the option to renew. So my daughter and I are on the streets again as of January 31st. Honestly, I don't know what I would have done if I had gotten the notice on January 11th for January 31st.

I am completely overwhelmed as it is. This is the second Christmas in a row I have had to move. Last year the owner of my house I was renting suddenly decided to sell, and I had to move out December 20th. We are homeless -- we were homeless for about two months until I found a tiny 400-square-foot one-bedroom apartment for both my daughter and I. Now I have to pack up and move again, and I haven't recovered from the first one.

So now we have no choice but to officially leave Collier County. I am an educator with 30 years of experience working with kids with autism and other special needs. In fact, I started the program for kids with autism in Collier County Public Schools in 1995. Prior to me moving here, there were no special autism services in Collier County Public Schools at all.

I currently -- at all. Currently I'm working privately to serve several families in Collier County with kids with severe ADHD, autism, and other behavioral issues, but now I have to tell those families, as of January 31st, they will no longer get any help because I can't find an affordable place to live in Southwest Florida.

And not for nothing, but I don't really feel like commuting to Naples to help families who have nice houses to live in where I can't afford a crappy apartment. So no thanks. I'll just have to help families in the places that I can actually afford to live.

So now my daughter is going to have to stay with my brother in Utah so she has some level of stability until I'm settled somewhere else. And it looks like my only option of staying in Florida is to rent a room for \$1,000 a month. So, yeah, that's my story, and as -- for now, I'm concerned at this point Collier County can stew in the sewer

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of its own creation for the next 27 years because, as of January 1st, I'm officially out. That was just one.

Back before this ordinance was even passed, I received a phone call telling me that I should -- pull it off the agenda, that I was not going to have the support for this vote to begin with and that I should do the nice thing and just take it off the agenda.

I didn't feel right in my spirit, and I consulted community leaders and pastoral leaders we both know, and all of them came back and said, don't you dare. You have fought this long; don't give up now, that God is with you, the community is with you, and we are standing with you.

That ordinance was passed, and now ministry leader to ministry leader, did you honestly pray about this when you brought it forward? Honestly, I don't think so.

I want to state for the record that this ordinance was not advertised, there was no press release, and even after we worked for months to this, it was quietly and conveniently just tucked away. There is no doubt in my mind that many -- this was the plan all along. This ordinance has not been given any time to see whether or not it has a positive or negative effect. To say any different is just not true.

I have spoken to several landlords who have no problem with the 60-day ordinance, and the ones that do are usually the unscrupulous ones that I've been dealing with for the last year.

So I want to state for the record that I truly feel that anyone, any realtors licensed and a member of NABOR with rental properties should not be voting to repeal a signed law -- a signed law ordinance that directly affects oneself or their spouses, and I and many of the community find this a conflict of interest and sends a very strong self-serving message. It also sends a message that you are catering and favoring to certain affiliations and not in the interest of the

community as a whole.

It isn't about less government and less freedom. You can't infringe on the rights of voters, disenfranchise 48 percent of a district out of being able to vote and even maintain that argument. It's hypocritical.

We talk about landlords should be the ones to handle their own property, and 90 percent of them have spoken about it all being business. We have no problem putting codes in and forcing things on businesses, but yet these landlords, out of the same mouth, talk about "it's just business." It's all about business and no humanity. Well, I think this needs more time. We have not given it enough time. We cannot say that it will affect good or bad in any way, and to do this is negligence.

MR. MILLER: Your next speaker is Danielle Hudson. She'll be followed by Garret FX Beyrent.

MS. HUDSON: Good afternoon, Commission. I am Danielle Hudson. I'm the vice president of public policy at the Naples Area Board of Realtors.

And we are here today to speak in favor of repealing the 60-day Notice to Tenant Act. And I will go on the record and just state that we did notice of our membership in November that this ordinance had passed. We have been fielding many questions, and we have been giving them best practice on how best to comply with this ordinance.

That being said, we have been in opposition to this ordinance since its inception at the Affordable Housing Advisory Committee here in the county and also in the city. And our reason for opposition -- there's two reasons, in fact. The first is that this ordinance and ones like it mandate additional notice timelines in addition to what was agreed upon in a lease agreement between the tenant and the landlord. And, additionally, this requires notice above

and beyond what is required in state law.

So, in Florida Statute 83.5751, it states that a rental agreement with a specific duration, which is what most lease -- most rentals have a specific duration lease, if notice before vacating the property is required, a rental agreement may not require more than 60 days' notice from either the tenant or the landlord. That's important because you have leases that are being written today as well as previous to this ordinance being passed that might have a timeline of 30 days' notice or 45 days' notice, 15 days' notice, whatever was agreed upon between the tenant and the landlord in the written lease. And I want to keep repeating that. This ordinance specifically mandates an additional timeline on written leases. This does not deal with, you know, non-written lease agreements.

So this brings us to an interesting conundrum. I actually had a member ask me this question. They said, well, this doesn't impact my ability to give 30 days' notice in the case of an eviction, right?

And I said, no.

And he said, well, proponents of this ordinance are stating there's generally two reasons why they need 60 days' notice, either to relocate or to find funds. In the case of relocation, if the County Commission, which you have, have consistently said that the landlord has the ability to set notice in cases of eviction and can also set the rent, why would relocation be different in terms of a rental increase notice as opposed to an eviction notice?

If 30 days is okay and agreed upon within the lease agreement for an eviction, why wouldn't 30 days' notice be fine if I'm raising my rent?

The second case in terms of needing to be able to find funds to close the gap. I would just caution of using that. And it's actually a whereas clause in the ordinance, I believe. Short of the county approving tax funded rental assistance after the federal funds run out,

those funds are self-limiting. So if we use that as a justification as to why we need an ordinance with an additional timeline for notice so that people can find funds, we just need to be mindful that those funds may run out, thus eliminating one of the reasons why you guys passed this ordinance in the first place.

So, gentlemen, we understand there's a housing shortage. There's an inventory shortage on a vast scale. Our board has been talking about that since well before my time. We have a diversity of housing issue. We have a middle housing issue, but this ordinance does not address that. This ordinance also does not keep people in their homes, very generally. So what we are asking is that you do repeal it and that we spend the time that we have spent on this ordinance trying to address the problem, which is an inventory shortage, instead of the symptom, which is individuals needing more time to relocate elsewhere.

Thank you.

MR. MILLER: Your next speaker is Garret FX Beyrent. He will be followed by, on Zoom, Brandy Dickerson.

MR. BEYRENT: For the record, I have two uniforms today. These are the people that aren't here. I can't tell you who they are, because I have to leave to go to Texas. I've got a problem in Texas. It's a bad situation.

So this is what I'm here for. This is DLC. We're calling this mission DLC. I'm with the National Guard. I've been with the guard since we started it a long time ago. A lot of us are still in it, and we're still fighting for the people we believe should be protected.

I'm speaking on behalf specifically of my 27-year-old son's mother who's been a teacher in Immokalee Trafford Elementary School for about 30 years now. Yeah, 30 years. She's been teaching 30 years. And she got a notice -- she's only been able to rent places, and she rented, of all things -- the biggest mistake you

can make is renting on College Parkway in a place called Provincetown, because that just happens to be a Canadian conglomerate. And the long and short is is that the guy -- they're really strange apartments. They're designed where the people are living directly above you but the stairs -- they're two-story structures. So everybody has to keep their garage door open because they can't park and open their doors. It's a yellow line.

Oddly enough, she got up this morning at 4:30, and she headed out, and she had a problem because the door -- the door of the condo next to her, which is right next to her, is the guy upstairs, and the guy upstairs is a veteran compact man, and he's not a nice guy. He parked his car up against her door. She couldn't get out her front door where her car is.

So she's been desperate. And she told me this -- I got a text from her this morning, my son is in very bad shape. He's -- he's about -- according to my pharmacist, he's about two weeks away from being dead. He's 27 years old, and he's drinking wood alcohol. Wood alcohol does not -- does not go through a human being. It kills you. That's all it's good for. He's suicidally depressed. He needs help. And she's helping people, and they're going to be booting her out, and she's got to move to another place. Thirty-day notice.

And I've been taking care of him. He comes down and stays with me, but it's tough. You need to have a place where people can go to be safe.

That's all I have to say. Thank you.

This is -- if you want a shirt, you can wear it. If you really believe in DLC, this is a mission. And I've got to go to a damn mission now. I've got to go to -- of all places, I've got to go to El Paso, Texas, now. I've got to get on a plane and go away to El Paso. And you know what's in El Paso? Where we were, Fort Bliss, okay.

It was a bad pass, and I've been there too many friggin' times.

Thank you.

MR. MILLER: Your remaining speakers are all on Zoom. We'll begin with Brandy Dickerson, and then she would be followed by Dr. Thomas Felke.

Ms. Dickerson, you're being prompted to unmute yourself at this time, if you'll do so.

CHAIRMAN LoCASTRO: Troy, how many do we have on Zoom?

MR. MILLER: Three, sir.

Ms. Dickerson, I see you're unmuted. You have three minutes.

MS. DICKERSON: Okay. Thank you. Good afternoon, Commissioners. We appreciate bringing this ordinance forward. Thank you for your service to the community.

My name is Brandy Dickerson, and I'm here to provide input on the 60-day notice ordinance. I'll be addressing the ordinance from the informed perspectives of being a former landlord, property owner, former realtor, property manager, current foster parent, and former child with housing insecurity, and as a member of the Associate Leadership Collier Class of 2017 who we made it our class commitment to work towards solutions concerning the Collier County affordable housing crisis.

I read a quote on WINK News from Commissioner now Chairman LoCastro that said, I just don't pass anything because it sort of feels good. I mean, it either does something or it doesn't. I really respect that stance and hope that I can shed some light that the 60-day ordinance does actually do something. Several somethings, in fact.

The 60-day ordinance buys time, time to gather additional resources of every kind. Time to plan. Time to locate housing that keeps kids in their same school districts. But most precious and most important of all, I believe 60 days' notice as opposed to 30 days'

notice increases the safety of children and reduces their chance of abuse.

Now, where am I coming from with that? Like I said, I'm a current foster parent. I've had 15 people children in my home. The last five foster children, including the foster child that I currently have in my home that is a Collier County resident, they were moved from their families, their schools, their community, their siblings and, worst of all, their innocence not because their parents abused them in any way but because with only 30 days' notice, their parents were sent scrambling to find affordable housing in their school districts and, in desperation, their families were forced into a choice between homelessness and communal living. These hasty communal living situations are tremendous predator doorways and became predator doorways to these five children that I've most recently had, leading to those children's abuse and removal from their families without their actual parents having abused them. It was literally their living situation based on the housing crisis and this rush to communal living based on only having 30 days, which is not enough time, that it put these children in this predicament.

Landlords certainly have a right to charge whatever the market will bear but we, as human beings, have a responsibility to govern this housing crisis in a way that it doesn't cost children their innocence and families their stability. Sixty days is the basic minimum of what we can do to provide that.

Boards, communities, citizens, they're a lot like ordinances. They either do something or they don't. I hope you will keep the 60 days' notice.

We honored Martin Luther King at the beginning of this commission meeting, and I want to give you a quote from him in closing. Martin Luther King said, it is all right to tell a man to lift himself by his own bootstraps, but it is cruel jest to say to a bootless

man that he ought to lift himself by his own bootstraps.

So I hope that if you have any questions about what this housing crisis and how it's affected children and how 60 days can, indeed, buy them more safety, buy their families more stability, I would love to answer any questions about that, and I hope this maybe more unique perspective on this will encourage you to keep the 60-day notice.

I know from taking care of the children in my home --

CHAIRMAN LoCASTRO: Thank you, ma'am. Thank you.

MR. MILLER: Your next speaker is Dr. Thomas Felke, and he's followed by Rachel Heimann.

Doctor, you are muted. You have three minutes, sir.

DR. FELKE: Thank you. Good morning, Commissioners. For the record, Dr. Thomas Felke, associate professor of social work at Florida Gulf Coast University. I apologize for not appearing in person; however, I'm on campus preparing to train students who will assist in the upcoming Collier County homeless point-in-time count, an event which will very likely, once again, indicate an increase in the local homeless population.

Commissioners, I'm addressing you today in support of the previously passed 60-day rental ordinance and strongly request that you not follow through on the expected repeal of the ordinance. Despite a previous comment by Commissioner LoCastro, advocates for the 60-day ordinance never believed it was pixie dust that would solve the affordable housing crisis which plagues Collier County. What we believe is that the 60-day ordinance can be one part of a comprehensive plan to address affordable housing in Collier County. This is a vision shared by the Naples City Council, indicated by their passing of a 60-day ordinance just as has been done by counties across the state.

Comments that the ordinance places an undue burden on landlords are unfounded. As noted by the speaker from NABOR,

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Florida state statute already provides that termination of written year-to-year leases require a 60-day notice; therefore, it's difficult to see this ordinance as imposing an undue burden.

Landlords are clearly already well versed in the practice of sending 60-day notices. I cannot imagine telling an individual at risk of losing their housing that they did not receive enough notice because sending a letter was deemed too burdensome on a landlord.

In addition, comments made by a commissioner at the last BCC meeting indicated that the ordinance is not helping anyone. I question what, if any, data gathering was done to support this comment. I strongly suspect nothing was completed in this regard, particularly given the brief amount of time that has passed since the ordinance was approved. However, a *Naples Daily News* article from August 2022 underscores the importance of this ordinance. The article details how a 70-year-old couple was provided an option of either a 42 percent or 118 percent rent hike which, after accepting the latter, resulted in a 263 percent rent hike all in the span of 60 days with the couple eventually forced to move in with their children.

As we're all aware and is underscored by Senator Passidomo in a recent op-ed, there is no single solution to the affordable housing problem. We need to be open to any and all ideas to address this issue. We need to not engage in blatant victim blaming and gaslighting of tenants by stating, as one of our new commissioners has, that tenants should just have a talk with their landlords or suggesting that they move out of the county if it's too expensive for them here.

We can do better, but we need to be open to a variety of options, including enacting tenant-centered ordinances, restructuring county social services, and seeking out productive public/private partnerships.

Thank you for the time this morning.

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CHAIRMAN LoCASTRO: Thank you.

MR. MILLER: Commissioners, your final speaker on this item is Rachel Heimann.

Rachel, you're being prompted to unmute yourself, if you'll do so at this time. You have three minutes, ma'am.

MS. HEIMANN: Hi. I'm Rachel. Some of you guys know me. I used to work for the *Naples Daily News* but left in September. I'm speaking today on the request of Elizabeth Radi just because I was the one who was at every meeting you guys had about the ordinance and also wrote about it.

And I just wanted to speak to the issue of not hearing enough -- or not knowing if enough people have been helped by the ordinance so far. And I just wanted to point out that the ordinance was passed, you know, on October 25th, and by the last meeting, only 49 days had passed. So I just found it confusing that you guys would expect tons of people to have been helped by the ordinance so far.

But I can also speak to the fact that while I was reporting on the ordinance and the rental assistance thing, I probably spoke to 70 Collier residents about it, and 99 percent of those people did not want to speak on record, meaning they didn't want their name in the paper publicly advertised that they are financially struggling. So I just found that concerning in regards to the request that, you know, I think was made at the last meeting that you guys want people to come forward and, you know, say it, that the ordinance has helped them. You know, a lot of people are embarrassed and don't want to have to admit that kind of thing.

Also, just personally speaking as someone who rented in SWFL and based on the conversations I had with these 70 people, the biggest issue in Collier and Lee County has to do with, you know, property managements and the HOAs wanting to have background

checks, for example, before a tenant can join their facility or whatever, and that usually takes 20 days. And then the HOA review, that can take an additional 10 days. So not only is the 60 days allowing people to find places, it's giving that enough time for them to even move into an apartment, which I think is very important.

And I do want to just underscore the -- what has already been said about -- oh, wait, sorry.

The advertisement issue, I don't understand what the importance of the -- like, that the ordinance had not been advertised, and that's only just because -- I mean, the news covered it, so it's definitely out there. But I don't necessarily remember you guys advertising to the degree that LoCastro kind of talked about with flyers and things like that, any of your other ordinances, so I would just wonder what the point of that is, and I think my time is over.

CHAIRMAN LoCASTRO: Thank you. Okay. Is that all our public speakers?

MR. MILLER: Yes, sir.

CHAIRMAN LoCASTRO: Okay. I'll open it up to the commissioners. I don't see anybody lit up yet, but...

Okay. Commissioner Hall.

COMMISSIONER HALL: So I brought this ordinance forward not because I don't care about housing issues. I deeply care about housing issues. I'm thankful enough to be on the AHAC as part of the leadership so that we can get something resolved. I ran -- I campaigned on this whole issue.

There is a -- this is a major problem. You're going to hear stories like, I couldn't live in my home. I had to move. You're going to hear stories like that all day long, and they will continue until we can provide some housing. As a government force, we can enable people to build assets below market value so that people can either rent or own those houses. That's where we're moving forward.

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I wanted to repeal this ordinance because I wanted to get government out of your life. It just so happens that if you're a tenant, that government involvement helps you. If you're on the other side of the fence, it's not a burden; it's just government telling you what you have to do.

I think a 60-day ordinance -- or not an ordinance, but I think a 60-day notice is a thoughtful gesture between a landlord -- for 25 years I've had rental properties. I've had apartment complexes, mobile home parks, I've owned notes, and I've always, in every resident, I had an open dialogue and an open communication. If I had a standard lease that was a 30-day notice and somebody said, hey, I would like to have a 90-day notice, you know, due my job or whatever, or I'm in the army, I was all about it. I put that in the lease.

So you can't legislate morality. You can't say every landlord is good. You can't say every landlord is bad. You can't say every tenant is good. You can't say every tenant is bad.

So it's not -- this ordinance doesn't do anything at all to affect workforce or affordable housing in our community. It's not that I don't agree with it, but what the repeal does is remove the long arm of government saying that we are telling you how you have to do your business and telling you what you have to do. When we live in a free country, we ought to be able to conduct business, and it is a business. As a landlord, I took the risk and purchased assets and allowed people to live in them. A lot of times they didn't take care of those things, they didn't pay me on time, they didn't pay me at all, but I was the one that took the risk to provide housing. I didn't owe these people housing. I was providing it.

So this whole issue, I'm trying to get government out of your lives, because it is a landlord-tenant relationship issue. Does 60 days help? Yes, it does. That's the discussion that people need to have

with where they rent from.

On the other side, as a landlord, from the landlord's perspective, if I give a tenant 60 days' notice because I'm mandated to by ordinance and that tenant hasn't had a very good pay history with me, but by law I have to give them a 60-day ordinance, guess how much more rent I'm going to collect? Zero. Now I'm stuck with the bag for the next two months, and probably the third month, in order to get them out.

So it's not because I don't care. It's not because we don't think it's important. Yes, we understand the issue, but the 60-day ordinance is not a way to go about -- to go about resolving the issue. And I hope that makes sense, and I hope you've heard my heart about that.

CHAIRMAN LoCASTRO: Commissioner McDaniel.

COMMISSIONER McDANIEL: Yes. So my first question, it was represented by one of the speakers that this ordinance wasn't properly advertised. Is that true?

MR. KLATZKOW: It was advertised December 21st. Proof of the advertising is in your backup.

COMMISSIONER McDANIEL: So the answer was it was?

MR. KLATZKOW: The answer is it was absolutely advertised.

COMMISSIONER McDANIEL: That's No. 1. Number 2, I want to reiterate that the 60-day ordinance doesn't fix the housing issue. The housing issue exists. It's going to exist. It's a matter of supply and demand. And one of the circumstances that we have, and we -- this board is going to take that up in short order is the extraordinary length of time an applicant has to go through, developer has to go through in order to get a project approved.

You know, Commissioner Saunders and I were, I think, the only two here left that were party to the findings of the ULI, that -- Urban Land Institute that shared with Collier County that we don't have an

affordable housing crisis; we have a house affordability issue. And if we were to be adding 2,000 units a year into the marketplace, that would help subside this theoretical crisis.

So here we are. Over our first five years, we approved 9,600 units. That's 2,000 units a year. Well, when I spoke with our director of Building and Permitting, I found out that though we had approved 9,600 units, only 1,400 of those units had actually hit the ground and were, in fact, available.

I also found out that from the time of application until the CO, the certificate of occupancy, was issued, that was a three-year process. From the time of application until CO was three years.

So we are taking steps now. We learned during Irma -- and we haven't talked about this yet. I'm going to sideswipe Mr. French on this, but, you know, we learned during -- excuse me, not Irma, our most recent Hurricane Ian, that typical remodel permitting from application through approval required 11 inspections, and we were able to still -- we were able to shorten that 11 inspection process down to five and still meet the state building codes. So that's one of the things that I would like to have a discussion about in the future as to how we're governing the processes for developers that are looking to bring product to the community so that we can, in fact, enhance the supply.

I'm in support of the repeal of this ordinance. I didn't vote for it when it was passed back in October. I believe there are statutes that already exist in the state of Florida that manage the relationship between a tenant and a landlord, and I believe that this ordinance provides for a conflict for that relationship that already exists with the tenant and the landlord and the written agreement. So I support the repeal.

CHAIRMAN LoCASTRO: Before I go do Commissioner Kowal, normally we would take a break at 12:25, but I'm sure with

the approval of my colleagues, I'd like to just continue and run this one to fruition unless we run into a -- you know, where it's going to take an excessive amount of time.

But Commissioner Kowal, then followed by Commissioner Saunders, and then I have some comments.

COMMISSIONER KOWAL: Thank you, Chairman.

Listen, we all know there's a workforce housing shortage in Collier County. It's not a -- it's not a mystery. It's not a -- you know, it's something I think about 24/7. It's something I think about going to bed every night because I know the five of us up here is going to be our biggest challenge moving forward.

And it is serious, and we have to do something about it, and we have to figure it out. But we live in America, and a free market dictates what happens a lot of times in our market.

And that's the juggling act that we have to deal with up here as your governing body for this county that you put us in place to do; that I hope we can really work together and with you, the community, and come up with ways and ideas to solve that problem.

But like I said before when Commissioner Hall brought this up, I had an issue with this one, I remember, when it got passed when I had nothing to do with this board up here, and I always questioned the constitutionality of it. And I know we had a speaker today that wanted to speak at length about the Constitution, and the Constitution doesn't say it only applies to renters. The Constitution applies to everyone, the businessman, the worker, the dishwasher, everybody in our society. It belongs to them, and it's a guardian of their rights. So we have to look at it that way.

And when we as a body are governing up here, when there's already statute in place from the state that govern a lot of these things when it comes to tenant-landlord relations -- and we're talking about a civil contract between two able bodies that agree into this contract,

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and us as a governing body. And this ordinance forces us to act under the color of law at times because we do have a punishment for the landlord, and that is a \$500 fine.

So now we're acting in a different way than just disputing an agreement between two people, which is a civil agreement. Not a criminal agreement. But this statute forces our hand to actually file a petition and fine this person criminally.

I'm not going to say it is actual criminal statute, but it is forcing this body to act under the color of the law. And when you do that, we have to guarantee that we are constitutionally protecting both sides. And when I read this ordinance, it does nothing to help the shortage of workforce housing in this county. And even with their own testimony, one of you are our people -- speakers today read from their phone and said at the beginning, said I was so thankful for the 60-day notice, but by the end of sentence said they were still sleeping in their car.

So I don't know what they were thankful for. So, you know, I was trying to figure it out as I was listening, but it didn't seem like the 60-day notice did her any good.

And even -- it says, it has to be an agreement for one year or longer. What's there to keep the landlords from signing six-month leases and raising your rent every six months? Nothing. This does nothing. So any time we're forced to act under the color of law and penalize somebody for an action that is a civil action between two agreeing parties, I have a problem with that.

So if it's either written bad or it's not done right, we can read visit it, but the way it stands and the way it's written, I don't think it's constitutionally good for anyone within our community, and it does not solve any problems. So I would have to, myself, repeal it.

Thank you.

CHAIRMAN LoCASTRO: Commissioner Saunders.

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COMMISSIONER SAUNDERS: Thank you, Mr. Chairman.

Yeah, obviously, this ordinance is going to go away today, and that's pretty clear; however, I think this whole conversation has been very positive, and I'm delighted that this issue has been brought back. I'm delighted that we've had this conversation because it's highlighted how important this affordable housing issue is to individuals that have come here to people that represent real human beings.

I'm excited about getting solutions. I think, Commissioner Hall, with your experience -- and I know based on my conversations with you before you were elected, before you became a commissioner, I know you're committed to solving this problem. And I think having all these conversations over the last several months highlighting how important this is to solve this problem, I think has been very positive.

So I think -- I would say to the folks that supported this ordinance -- and I happen to be one of them, because I think it's largely symbolic but I think somewhat helpful -- and I'll vote against the repeal today, but it will be repealed, but I want to say to the folks that have spoken today about real-life situations, I think you've made a difference, and I think this board -- I think all five of us are now prepared to make some hard decisions.

And I know with the leadership of Commissioner Hall and working with the AHAC, there are going to be solutions that will be real solutions for the affordable housing crisis that we're all experiencing.

So, Commissioner Hall, I actually appreciate you bringing this forward because it's generated a lot of good discussion that I believe will lead to some real solutions.

So those are my comments. I think that this has been a good conversation, and I believe this has been a good day for the future of workforce housing in this community.

CHAIRMAN LoCASTRO: Thank you, sir.

Before I ask for a motion, I wanted to just make some comments. I voted against it every time, and I knew the pluses and minuses of it. But one of the things that was important to me was, like I said -- and I stand by my comments. I don't vote for anything just because it feels good. But once something's passed, whether I voted for it or not, I want to see it successful, so I don't root against something because I voted against it. If three of my colleagues are more correct than me and I'm on the losing end of a vote, then show me -- show me what it's done, then show me where I was wrong or -- I'll eat those words.

I have several disappointments with the 60-day ordinance. I'll start with advertisement. A lot of passionate people came in here banging on tables saying, oh, my gosh, the 60-day ordinance, you know, it's not the pixie dust, but it will make such a huge, positive -- have such a huge, positive effect. It's already late. So many other counties have passed it.

So where I'm disappointed is, if you were a huge supporter of it, you should have helped to advertise it. NABOR got the word out. The county sort of got the word out. So even though I might take exception to what our own County Attorney says, those of you that attended a meeting a couple of meetings ago, I asked our own staff, so the day it was passed and I voted against it, please tell me what you did instantaneously afterwards. And I'll say the same thing to Ms. Radi. She spoke very eloquently for months at the podium here but I -- you know, to be totally transparent, I had some conversations with you, and you weren't even aware it was passed. And I would think if somebody was following it so closely, five minutes after we passed it, your phone would have exploded, a thousand flyers would have been printed by a donor, every, you know, landlord who you were in close contact with as the person who runs the Tenant Union,

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you know, those conversations would have been happening. Yet months after October -- I think it was one of our last meetings -- maybe our last meeting in December, I asked multiple groups, so tell me, we're two months into it. Not -- I don't think that that's a huge amount of time. You know, it's not two years but, certainly, if this ordinance was worth the paper it was printed on, we would hear an overabundance or at least a measurable amount of success.

And I was disappointed that I thought it was more of crickets that it's passed, and we have to wait and to see how the dust settles. And I would think if we had all these success stories, we wouldn't have to wait for dust to settle. We would hear of them.

I agree with some of my colleagues up here, and I did all the times I thought this ordinance was government overreach, that there are already statutes and relationships between a landlord and a tenant that already exist. And I am for smaller government and not for government overreach, and so I stand by my no vote.

I do agree with Commissioner Saunders, we've had a lot of healthy conversation, and I don't -- if there's anybody in this room that thinks if this 60-day ordinance is canceled right now or goes on for another six months, it's the biggest piece of the puzzle for affordable housing, then you're sorely mistaken.

So I challenge Commissioner Hall to take up the seat that I had on the Affordable Housing Advisory Committee. I know we did a lot of good, but there's so much more to do. I just don't believe that this is even a major cog, and when it comes to, what I say, government overreach and a redundancy of statutes and relationships that already exist between tenants and landlords. I don't think it's a requirement, and I haven't heard that -- anything to make me feel that I was incorrect in that assessment.

So unless anybody has any other comments, do I hear a motion

on the floor for this issue?

COMMISSIONER HALL: So moved to repeal the ordinance.

CHAIRMAN LoCASTRO: Do I have a second?

COMMISSIONER KOWAL: Second.

COMMISSIONER McDANIEL: Second.

CHAIRMAN LoCASTRO: All in favor?

COMMISSIONER HALL: Aye.

COMMISSIONER McDANIEL: Aye.

CHAIRMAN LoCASTRO: Aye.

COMMISSIONER KOWAL: Aye.

CHAIRMAN LoCASTRO: Opposed?

COMMISSIONER SAUNDERS: Aye.

CHAIRMAN LoCASTRO: The ordinance is repealed with a vote of 4-1.

MS. RADI: You did this on purpose, and you know that.

CHAIRMAN LoCASTRO: We will now take a break for lunch, and we will come back at -- what do you think, 1:40?

COMMISSIONER McDANIEL: Sure.

CHAIRMAN LoCASTRO: 1:40.

COMMISSIONER McDANIEL: That gives us an hour.

(A luncheon recess was had from 12:37 p.m. to 1:40 p.m.)

MS. PATTERSON: Chair, you have a live mic.

CHAIRMAN LoCASTRO: Okay. It's 1:40. We're down to three commissioners. We should be able to get through stuff a lot quicker.

A few housekeeping items. I know that, you know, we've got -- 90 percent of this room is filled with Isles of Capri people. I don't know how closely you're following the agenda. On purpose we want to make the Isles of Capri issue a stand-alone item at the end, not fragmented up, and I said that -- said that earlier.

We still -- you know, there's a lot of business in Collier County,