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Insights

# Orange County's Rent Stabilization Ordinance and the Luxury Apartment Building Exemption

Article
*Lowndes*
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Litigation over the Rent Stabilization Ordinance is ongoing, with opponents seeking an injunction to keep the ordinance off of the November ballot. Additionally, in response to the number of inquiries that our office has received, we want to make clear that the County has not yet made a determination as to how it will be interpreting the "luxury apartment building" exemption, as defined in Florida Statutes §125.0103(4).

A reasonable interpretation mentioned in our article (and acknowledged by the County Attorney's Office as a possible legal interpretation during the ordinance hearings process) is the $250 average rent amount cited in the statutory definition multiplied by the Consumer Price Index, which equals between $1,200 and $1,300 in present-day-dollars.

A more strict interpretation of the statutory definition of "luxury apartment building" would be that only those apartment buildings in existence on January 1, 1977 may be considered "luxury apartment buildings" and that any apartment building constructed after January 1, 1977, regardless of the building's average rent amount, cannot be considered a "luxury apartment building".

No Florida court has yet interpreted the present-day meaning of "luxury apartment building", and it is unclear which interpretation a court would adopt. The County is seeking a non-binding interpretation of the statutory definition from the Florida Attorney General's Office.

*Related Article: Orange County Commissioners Approve Rent Stabilization Measure for November Ballot*

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