

1 Introduced by Council Member Bowman:
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4 **ORDINANCE 2020-274-E**

5 AN ORDINANCE SUPPORTING ECONOMIC RECOVERY FOR
6 TENANTS OF CITY FACILITIES; ESTABLISHING A
7 TEMPORARY MORATORIUM ON IMPOSITION OF ANNUAL
8 RENT ESCALATORS UNDER ANY LEASE OR LICENSE
9 AGREEMENT TO WHICH THE CITY IS A PARTY AS
10 LANDLORD OR LICENSOR; REQUESTING EMERGENCY
11 PASSAGE UPON INTRODUCTION; PROVIDING AN
12 EFFECTIVE DATE.
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14 **WHEREAS**, on March 1, 2020, Governor DeSantis issued Executive
15 Order 20-51 directing the Florida Department of Health to issue a
16 Public Health Emergency as a result of the COVID-19 virus; and

17 **WHEREAS**, on March 9, 2020, Governor DeSantis issued Executive
18 Order 20-52 declaring a state of emergency for the entire State of
19 Florida as a result of COVID-19; and

20 **WHEREAS**, on March 13, 2020, Mayor Lenny Curry declared a state
21 of emergency for the City of Jacksonville as a result of COVID-19;
22 and

23 **WHEREAS**, also on March 13, 2020, President Donald J. Trump
24 declared a national emergency to combat COVID-19; and

25 **WHEREAS**, as elsewhere in the country, the citizens and
26 businesses of Duval County are suffering severe negative economic
27 impacts stemming in part from the national, state and local
28 measures enacted to close certain businesses and imposing emergency
29 safer-at-home requirements, social distancing and placing
30 limitations on public gatherings (the "Emergency Measures") in an
31 effort to slow the spread of COVID-19; and

1 **WHEREAS**, the City of Jacksonville is committed to find ways to
2 support the businesses and citizens of the City as they pursue
3 business practices that allow them to safely operate during this
4 temporary period of social distancing; and

5 **WHEREAS**, the City believes waiving the imposition of rent
6 escalators in City leases and license agreements is another measure
7 that will help local businesses recover from the economic losses
8 suffered during this emergency; now, therefore

9 **BE IT ORDAINED** by the Council of the City of Jacksonville:

10 **Section 1. Waiver of Rent Escalator provisions in Lease**
11 **and License Agreements to which the City is a party as landlord or**
12 **licensor and providing for the duration of said waiver.** The City
13 shall, from the date of March 1, 2020 and continuing through
14 December 30, 2020, waive annual rent escalators in any lease or
15 license agreement (collectively, the "Leases" and individually, a
16 "Lease") to which the City is a party as landlord or licensor, as
17 further detailed below. Annual rent escalators that, per the terms
18 of an applicable Lease, were to commence between the dates of March
19 1, 2020 and December 30, 2020 are hereby waived commencing March 1,
20 2020 through December 30, 2020, or such shorter time frame if
21 sooner repealed by Council. A rental credit will be given to a
22 tenant or licensee of a Lease for any rent escalator that commenced
23 between March 1, 2020 and the effective date of this ordinance and
24 that was actually paid by a tenant or licensee. Upon the
25 expiration or earlier termination by Council of the rent escalator
26 waiver authorized herein, rent shall thereafter be calculated and
27 payable pursuant to the terms and conditions of the applicable
28 Lease as if the rent escalator waiver authorized herein had not
29 occurred.

30 **Section 2. Introduction Pursuant to Council Rule 4.901**
31 **Emergency.** Emergency passage upon introduction of this legislation

1 is requested. The nature of the emergency is that the duration of
2 the declarations of local and state emergencies related to COVID-19
3 are unknown and as such, limitations on businesses operations may
4 continue for some time.

5 **Section 3. Effective Date.** This Ordinance shall become
6 effective upon signature of the Mayor or upon becoming effective
7 without the Mayor's signature.

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9 Form Approved:

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Office of General Counsel

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Legislation Prepared By: John Sawyer

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