



City of Key West Staff Report NR: 002-2026

Subject: Housing Regulations – Accessory Dwelling Units and Tenant Screening

Bill Number: SB 48

Effective Date: July 1, 2026 (most provisions)

Reference Document: SB48

I. BILL SUMMARY

Florida Senate Bill 48 (SB 48) addresses housing affordability and rental practices through three primary policy changes:

1. authorizing the use of reusable tenant screening reports,
2. requiring local governments to allow accessory dwelling units (ADUs) on single-family residential lots, and
3. directing studies and incentives related to affordable housing development.

The bill expands statewide housing policy requirements and significantly limits local discretion over single-family zoning and rental application practices.

II. PRESENT SITUATION

Housing Regulation Generally

Counties and municipalities currently regulate housing through comprehensive plans, land development regulations, and zoning codes, including:

- Establishing residential zoning districts
- Determining whether ADUs are permitted, prohibited, or conditionally allowed
- Regulating lot coverage, density, height, parking, and setbacks

- Establishing tenant screening and rental application practices for locally regulated housing

Under current law, local governments may allow ADUs but are not required to do so. Many municipalities either prohibit ADUs or allow them only in limited zoning districts or under specific conditions due to infrastructure capacity, neighborhood character, and land constraints.

Tenant screening practices are generally governed by private market standards, subject to state and federal fair housing laws, with landlords retaining discretion over screening criteria and application processes.

III. EFFECT OF THE BILL

SB 48 imposes new statewide requirements affecting local housing regulation and rental practices.

1. Reusable Tenant Screening Reports

SB 48 authorizes prospective tenants to obtain reusable tenant screening reports and submit them to multiple landlords.

- Landlords may not charge applicants fees to access these reports.
- Acceptance of reusable reports is optional, not mandatory.

Effect:

This provision limits a landlord's ability to require proprietary or repeated screening fees and may alter customary rental application practices. While acceptance is voluntary, the bill establishes a statutory framework favoring standardized screening documentation.

2. Mandatory Authorization of Accessory Dwelling Units (ADUs)

SB 48 requires all counties and municipalities to adopt an ordinance by December 1, 2026, allowing ADUs on lots zoned for single-family residential use.

- ADUs may include garage apartments, backyard cottages, or secondary living units.
- Local governments may regulate ADU design, size, permitting, and setbacks but may not prohibit them outright.

Effect:

This provision removes local discretion to prohibit ADUs in single-family zoning districts and requires amendments to land development regulations and comprehensive plans, regardless of local land constraints or infrastructure limitations.

3. Affordable Housing Incentives and Studies

SB 48 includes provisions that:

- Encourage density incentives for land donations used for affordable housing
- Direct state agencies to study mezzanine financing options for owner-occupied housing
- Evaluate the role of tiny homes in addressing housing affordability

Effect:

While largely advisory, these provisions indicate potential future legislative action that may further affect local zoning and housing policy.

IV. FISCAL IMPACT

Local Governments

Potential costs include:

- Staff time and professional services required to amend zoning ordinances and land development regulations
- Increased permitting and inspection demand associated with ADU construction
- Potential infrastructure impacts related to utilities, stormwater, and parking

Potential fiscal benefits may include:

- Increased ad valorem tax base from additional dwelling units
- Increased housing supply without direct public subsidy

State Government

No direct fiscal impact identified; however, state agencies will incur administrative costs related to required studies.

V. POLICY CONSIDERATIONS

Local Control

SB 48 represents a significant reduction in home rule authority by mandating housing types within locally adopted single-family zoning districts, regardless of local conditions.

Infrastructure Capacity

Mandatory ADU authorization may strain existing:

- Sewer and water systems
- Stormwater infrastructure
- Parking availability in established neighborhoods

Neighborhood Character

The bill limits a municipality's ability to preserve low-density residential patterns and neighborhood character through zoning.

VI. DRAFTING ISSUES OR AMBIGUITIES

- The bill does not define minimum or maximum ADU density thresholds.
- Infrastructure concurrency requirements are not clearly addressed.
- The interaction between ADUs and local affordable housing requirements or short-term rental regulations is unclear.
- Enforcement authority and compliance timelines for local ordinance adoption are not specified beyond the December 1, 2026 deadline.

VII. EFFECTIVE DATE

Most provisions take effect **July 1, 2026**.

Local governments must adopt ADU ordinances by **December 1, 2026**.