

ORDINANCE NO. C-19-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING ARTICLE X. – LANDLORD TENANT REGISTRATION PROGRAM, OF CHAPTER 9 – BUILDINGS AND CONSTRUCTION, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR THE REGISTRATION OF TENANT OCCUPIED RESIDENTIAL DWELLING UNITS THROUGH A LANDLORD TENANT REGISTRATION PROGRAM; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Enhancement and Compliance Division cited more than 1,600 minimum housing violations in 2017 based on complaints received for lack of sanitary conditions, plumbing, not having water service, electrical violations, and other property maintenance conditions. The division relies on the complaints of tenants to notify and provide access to staff to inspect the unit for minimum housing standards.

WHEREAS, there is no registry for City inspection and law enforcement staff to contact a property owner and/or responsible person to quickly address nuisance activity and conditions at a property. Staff's primary communication with the property owner is by mail and/or posting at the property, which can create a delay in compliance, while the continued threat to the public health, safety, and welfare remains.

WHEREAS, creating a registry for staff to communicate both telephonically and by electronic mail, will improve the quality of life for the residents of the City of Fort Lauderdale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article X, Landlord Tenant Registration Program*, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

ARTICLE X. - LANDLORD TENANT REGISTRATION PROGRAM

Sec. 9-346. Purpose.

This article establishes the "Landlord Tenant Registration Program." The purpose of the Program is to create a registry of current and accurate information required to contact a property owner or responsible person regarding health or safety violations, minimum housing code complaints, or emergencies at residential rental units. .

Sec. 9-347. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. Except where the context clearly indicates a different meaning, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Rules of construction, of this Code.

Applicant means the owner of the property, agent, or other legal entity designated by the property owner on the application filed with the Department of Sustainable Development for the residential rental certificate.

Code means the Code of Ordinances of the City of Fort Lauderdale.

Department means the Department of Sustainable Development.

Derelict means any inoperable motorized or nonmotorized vessel or vehicle including a trailer, which is in a state of evident disuse, neglect, or abandonment.

Director means the director of the Department of Sustainable Development or his/her designee.

Garbage, as defined in section 24-1 of this Code.

Landlord means a person who owns and rents one (1) or more residential dwelling units.

Owner means any legal owner of record as recorded in the public record of Broward County.

Owner-occupied shall mean a residential dwelling unit that is the primary and permanent residence of the owner of the property. This may be evidenced by the ownership recorded in the Broward County Property Appraiser's record.

Non-responsive shall mean failing to respond within 24 hours of being contacted by a law enforcement officer, emergency personnel, or the city

Responsible person means the individual, company, corporation, Limited Liability Company, partnership, or other legal entity designated by the property owner.

Residential dwelling unit means any residential property occupied, or intended to be occupied as a structure including a condominium single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house or other dwelling or dwelling unit.

Residential property, as defined in section 47-35.1. of the Unified Land Development Regulations (ULDR).

Residential rental certificate means the document issued by the city that bears the words "Residential Rental Certificate" and demonstrates that the person or entity, in whose name the document is issued, has complied with the provisions of this article relating to residential dwelling units.

Sexual offender and sexual predator residence prohibition means the requirements as defined in section 16-128 of this Code.

Tenant means any person entitled to occupy a dwelling unit under a rental agreement.

Vacation rental as defined in F.S. § 509.013.

Sec. 9-348. – Registration required; exemption.

- (a) It shall be unlawful for any residential dwelling unit to be used for tenancy or leasing, subleasing, or rental without first obtaining a residential rental certificate.
- (b) Owner occupied residential dwelling units are not subject to the registration requirements of this article.
- (c) Landlords whose name, home address, and telephone number is exempt from public disclosure by state statute are not subject to disclosure; however, contact information for a responsible person must be provided.
- (d) Residential rental units operated as vacation rentals as defined in Section 15-271 of the Code are exempt from registration under this article.
- (e) An application for a residential rental certificate is pending when the application is filed, accepted as complete, all applicable fees are paid, and a residential registration certificate has not been issued for the property. A registration application rejected as incomplete is not pending.
- (f) A residential dwelling unit shall be registered annually on or before the residential rental certificate expiration date. The renewal registration shall be applied for at least thirty (30) days prior to the expiration of the residential rental certificate.
- (g) With exception to pending applications and unless the owner decides to occupy the premises until it is rented or leased, the written or verbal lease, sublease, rental, or occupancy of a residential dwelling unit without a valid residential rental certificate is direct evidence of a violation of this article, and is admissible in any enforcement proceeding.

Sec. 9-349. Application for registration.

The procedures set forth below shall be followed for initial and renewal applications.

- (a) Each year, a separate application for registration shall be made to the City Manager or his or her designee for each residential dwelling unit and shall set forth at a minimum:

- (1) The landlord or responsible person(s) full name, physical address, electronic mail address, telephone number, and any other emergency contact information;
- (2) If the landlord is a corporation, partnership, limited liability company or any other legal entity, the full name and address of the business and a copy of the articles of incorporation. In addition to the name of the corporation, the name of the person to be contacted must be provided;
- (3) The legal address of the residential dwelling unit as indicated with the Broward County Property Appraiser's Office;
- (4) The residential dwelling unit's complex or community name, if applicable;
- (5) If applicable, the name and address of the civic or homeowners association;
- (6) The number of bedrooms and bathrooms in the unit;
- (7) The number of buildings on the property; and
- (8) Acknowledgements by landlord or responsible person of the following:
 - a. The property must be maintained in compliance with this Code;
 - b. Following the issuance of the residential rental certificate, the property owner or responsible person must respond within twenty-four (24) hours when contacted by the city about an emergency involving law enforcement, a nuisance violation as define in Chapter 18 of this Code, or a noise violation as defined in Chapter 17 of this Code ;
 - c. If there is a change in the contact information of the landlord or responsible person, the city shall be notified within seven (7) days of the change;
 - d. All tenants have been or will be made aware of this article;
 - e. The new registration shall be submitted within thirty (30) calendar days of a change in ownership if the new owner intends to the use the property as a residential rental;
 - f. The landlord acknowledges the requirements and prohibitions of Section 16-128 of this Code and

- g. That in the event the landlord or responsible person are non-responsive when notified of violations, the City may pursue the remedies outlined in section 9-354 and Chapter 11 of this Code.
- (b) Submission of an incomplete registration application form shall result in rejection of the application.
- (c) Statement of accuracy and signature: The application form shall contain substantially the following language:

The undersigned has carefully reviewed this application and all facts, figures, statements contained in this application are true, correct, and complete. The undersigned understands that failure to comply with the city's ordinances may result in the issuance of a citation or a notice of violation/notice of hearing that may require a hearing before a special magistrate and could result in administrative fines being imposed.
- (d) The applicant shall print and sign his/her name on the application immediately after the statement required above, and the person's title/capacity in relation to the property. The applicant shall date his/her signature.

Sec. 9-350. Minimum requirements for issuance of a residential rental certificate.

- (a) The city manager or his or her designee may issue a residential rental certificate to the applicant upon proof of the following:
 - (1) The landlord or responsible person completes the city's registration application form;
 - (2) The non-refundable registration fee has been paid to the city; and
 - (3) The residential dwelling unit is not subject to penalties, offenses, and revocation pursuant to section 9-354 of this article; and
 - (4) The residential rental certificate is not subject to a suspension or revocation pursuant to section 9-354 of this article.
- (c) Applications shall be available through the city. The residential rental certificate shall be valid for a period of one calendar (1) year from the date of issuance.

- (d) No registration issued under this article shall be transferred or assigned or used by any person other than the person listed on the residential rental certificate, or at any location other than the one for which it is issued.
- (e) The city shall annually submit a notice of renewal no less than thirty (30) days from the date of expiration of the certificate. If a landlord does not receive a renewal notice, it is his/her responsibility to renew the residential rental certificate at least thirty (30) days prior to the date of expiration of the certificate.

Sec. 9-352. Fees for registration.

The city charges reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the city commission of the city. Fees are non-refundable.

Sec. 9-353. False Information.

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a residential rental certificate as required by this article. Residential rental certificate applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application.

Sec. 9-354. Penalties, offenses, and revocation.

- (a) The director or his or her designee may initiate proceedings to deny, revoke, refuse to renew, or suspend any residential rental certificate if the property is in violation of the provisions of this article.
 - (1) If proceedings are initiated for a violation of this section, the city shall issue a written notice of intent to deny, revoke, refuse to renew, or suspend and outline the grounds upon which the notice is issued, and the corrections necessary for compliance.

- (2) The initial fourteen (14) days following the city's notice of intent shall be considered a warning period during which the landlord may come into compliance. If compliance is achieved within said warning period, the city may void the notice of intent if the property agrees to waive the appeal. This section only applies when the City has served one (1) notice of intent within one calendar year on the landlord.
- (3) The notice shall be sent certified mail, return receipt requested, to the address provided in the application or the last known address of the applicant. Alternate service may be made by delivery of the notice to the premises identified in the application and/or posting such notice thereon. If there is no appeal made by the landlord or the responsible person as provided in this article, the case will be scheduled for a hearing.
- (4) The request for hearing to appeal the notice of intent shall stay any enforcement action and the certificate shall remain in effect unless, within the sole discretion of the city, it is determined that the grounds for denial represent an immediate threat to the health, safety, and/or welfare of the public.
- (5) Any hearing conducted under this section shall be pursuant to Chapter 11 of this Code.

(b) Offenses/violations:

- (1) Non-compliance with any provision of this article shall constitute a violation of this article.
- (2) The landlord or responsible person has failed to disclose or has misrepresented a material fact or any information required by this article in the application.
- (3) The landlord or responsible person has violated any provision of this article and has failed or refused to cease or correct the violation within the timeframe provided in the city's notice.
- (4) The landlord or responsible person is delinquent in the payment of any fee associated with this article.

(5) *Additional remedies.* Nothing contained herein shall prevent the city from seeking all other available remedies, which may include, but not be limited to, suspension or revocation of a residential rental certificate, liens, and other civil penalties.

Sec. 9-356. Enforcement.

The provisions of this article shall be enforced as provided in Chapter 11 – Code Enforcement, of this Code.

Additional remedies. Nothing contained herein shall prevent the city from seeking all other available remedies, which may include, but not be limited to, suspension or revocation of a residential rental certificate, liens and other civil penalties.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That nothing in this ordinance shall be construed so as to affect any past or pending code enforcement action, notice of violation, or order of the board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance has not been adopted.

SECTION 4. That this Ordinance shall be in full force and effect May 1, 2020.

PASSED FIRST READING this the ____ day of _____, 2020.

PASSED SECOND READING this the ____ day of _____, 2020

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

DRAFT