

ORDINANCE NO. C-21-02

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

WHEREAS, there is no registry for City inspection and law enforcement staff to contact a landlord and/or responsible person to quickly address nuisance activity and conditions at a property. Staff’s primary communication with the landlord 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, and give staff an additional means of communicating with landlords with code violations.

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

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

ARTICLE XI. - LANDLORD REGISTRATION PROGRAM

Sec. 9-360. - Purpose.

This article establishes the “Landlord Registration Program.” The purpose of the Program is to create a registry of current and accurate information required to contact a landlord or

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

responsible person regarding health or safety violations, minimum housing code complaints, or emergencies at residential rental units.

Sec. 9-361. - 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 landlord, agent, or other legal entity designated by the landlord on the application filed with the Department of Sustainable Development.

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 any legal owner of record as recorded and reflected in the records of Broward County Property Appraiser, who owns and rents one (1) or more residential dwelling units.

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 records.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

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

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).

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 Section 509.013, Florida Statutes.

Sec. 9-362. - Registration required; exemption.

- (a) Owner-occupied residential dwelling units are not subject to the registration requirements of this article.
- (b) Landlords whose name, home address, and telephone number are exempt from public disclosure pursuant to state statute are not subject to disclosure; however, contact information for a responsible person must be provided.
- (c) Residential rental units operated as vacation rentals as defined in Section 15-271 of the Code are exempt from registration under this article.

Sec. 9-363. - Application for registration.

The procedures set forth below shall be followed for applications.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

(a) An application for registration shall be made for each residential dwelling unit ~~and shall set forth at a minimum~~. Properties with more than one unit under one folio, with one owner of record, where contact information for each unit would be identical, are authorized to submit one registration per complex. The application 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 must be provided. 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) Acknowledgements by landlord or responsible person of the following:

a. The property must be maintained in compliance with this Code;

b. If there is a change in the contact information of the landlord or responsible person, the city shall be notified within thirty (30) days of the change; and

c. The landlord acknowledges the requirements and prohibitions of Section 16-128 of this Code.

(b) Submission of an incomplete registration application shall result in rejection of the application.

(c) Statement of accuracy and signature: The application form shall contain substantially the following language:

The undersigned applicant 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

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

in the issuance of a citation or a notice of violation/notice of hearing that may require a hearing before a special magistrate or code enforcement board, 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. 9-364. - Minimum requirements for registration.

- (a) Registration is complete upon proof of the following:
 - (1) The landlord or responsible person completes the City's registration application form; and
- (b) Applications shall be available through the City. The registration shall be valid for a period of one (1) calendar year from the date of issuance.
- (c) No registration issued under this article shall be transferred or assigned or used by any person other than the person listed on the registration application, or at any location other than the one for which it is issued.

Sec. 9-365. - False Information.

It shall be unlawful for any person to give any false or misleading information in connection with any application for initial registration or modification of a registration application as required by this article. Registration 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.

- (a) Offenses/violations:
 - (1) Non-compliance with any provision of this article shall constitute a violation of this article.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

- (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) 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 complete registration is direct evidence of a violation of this article, and is admissible in any enforcement proceeding.

Sec. 9-366. - Enforcement.

- (a) The provisions of this article shall be enforced as provided in Chapter 11 – Code Enforcement, of this Code.
- (b) Additional remedies. Nothing contained herein shall prevent the city from seeking all other available remedies, which may include, but not be limited to, 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 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 February 1, 2021.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

PASSED FIRST READING this 5th day of January, 2021.

PASSED SECOND READING this ____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.