

ARTICLE V. RESIDENTIAL RENTAL UNIT INSPECTION PROGRAM

Sec. 9-36. Purpose and intent.

This article shall be known as the "residential rental unit inspection program." The purpose of the program is to create a database of current and accurate information required to contact a property owner, or designated entity, regarding health or safety violations, minimum housing code complaints, or emergency situations at long term residential rental units. The program's further purpose is to conduct long-term rental property inspections to address substandard maintenance of these properties, promote greater compliance with the city's property maintenance standards, protect property values, and preserve the quality of neighborhoods and available housing.
(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-37. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words have not been defined, the most recent edition of the Merriam-Webster Unabridged Dictionary shall prevail.

Agent or managing agent means the individual or individuals designated, in writing, by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this section.

Certificate of inspection means the document issued by the city's rental coordinator attesting that the rental unit has been properly inspected in accordance with this article.

City rental coordinator means the municipal official or employee designated to receive rental inspection applications and to issue certificate of inspections pursuant to this section.

Enforcement officer means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the city to enforce the applicable code(s).

Inspectee means the person to whom the certificate of inspection is issued pursuant to this section. The term "inspectee" includes within its definition the term "agent" where applicable.

Inspection year means one (1) calendar year from the date of the issuance of a certificate of inspection.

Landlord means one (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a rental unit. Also see owner.

Lease means any agreement or other arrangement, written or otherwise, offered by a landlord to a lessee in order to lease, sublease, rent, license, sublicense, or allow occupancy of a residential rental unit. This shall exclude a lease that is for a "vacation rental" as defined by Florida Statutes.

Lessee means a person to whom a lease, sublease, license, or residential rental agreement is granted, whether written or oral.

Owner means every person, entity, landlord, or mortgagee, who alone or severally with others:

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- (1) Has legal title to any rental dwelling, dwelling unit, mobile dwelling unit, building, structure, parcel of land, Vacant or otherwise, including, but not limited to, a mobile home; or
 - (2) Has legal care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, vacant or otherwise, including a mobile home, in any capacity, including, but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - (3) Is a mortgagee in possession of any such property; or
 - (4) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property or through the production of a power of attorney providing for such authorization shall be filed with this application.

The property manager shall not be considered the owner.

Person means any individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

Property manager means any party designated by the owner as responsible for inspecting, maintaining and securing the property as required in this section.

Rental property means, for this article only, any structure or portion of a structure within the City of Margate which is occupied by someone other than the owner of the real estate for residential or commercial purposes, including, but not limited to, the following: boarding homes, mobile homes, mobile home spaces, town homes, and condominium unit(s), and for which the owner receives any value or consideration, including but not limited to money, or the exchange of goods or services, regardless of the relationship between lessor and lessee. Evidence of rental shall be presumed when any information that on its own or combined with other documentation would lead a reasonable person to believe that the property is rented. This definition shall exclude "vacation rental" as defined by Florida Statutes Section 509.242(1)(c).

Residential rental unit means a residential one-dwelling unit rental, including individual condominium units, two-dwelling unit premises and/or boarding homes. In the case of a two-dwelling unit where the owner occupies one of the units, the unit the owner occupies shall not be considered a rental unit but must register the second unit as a rental unit. For the purposes of this chapter, any residential unit, one-dwelling unit or two-dwelling unit, where the unit is not occupied by the owner of the property, even if rent is not being charged or collected, shall be considered a rental unit. Residential rental unit shall not include any dwelling unit that is owned by a federal, state, or local housing program or the federal Department of Housing and Urban Development, hotels, motels, public lodging establishments, as defined in Section 509.013, Florida Statutes, any community residential facility licensed and inspected by the State of Florida, or "vacation rental" as defined by Florida Statutes Section 509.242(1)(c).

Tenant means a person or persons to whom a rental unit is leased or rented by the inspectee. All children under twelve (12) years of age shall be excluded from the term "tenant."

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-38. Annual inspection required.

All rental units, as defined in this section, shall hereafter be inspected at least once within a 12-month period by the building department. Rental inspection applications shall be provided for that purpose and shall be obtained from the building department. such inspection shall occur within a twelve-month period as provided herein.

Properties registered as a result of subsection 40.16(9) [of appendix A], as may be amended from time to time, are not subject to this section. Any owner who is subject to the registration and fee requirements of section

40.16(9), registration of abandoned real property, and has paid the required fees shall be exempt from the registration and inspection fees required under this article, upon proof of payment.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-39. Certificate of inspection required.

In the event that a rental unit does not pass inspection, such unit shall not thereafter be granted a certificate of inspection. The fact that a unit has failed inspection shall not relieve the owner of the obligation to register the property in accordance with this section notwithstanding that the necessary repairs have not been made. However, no certificate of inspection shall be issued until such time as the city rental coordinator is presented with satisfactory evidence that the property has been reinspected and complies with the code sections referenced in this article.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-40. Periodic inspections.

- (a) Each rental unit shall be inspected at least once in each twelve-month period or upon substantiated complaint filed against the property. An inspection which results in an approval or satisfactory rating shall be valid for one year from the application date.
- (b) Such inspection shall be carried out in accordance with the following: All rental units shall be inspected by the city to determine compliance with city Code for landscape and exterior maintenance, expired building permits, and unpermitted work.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-41. Rental inspection procedures, renewal, transferability.

- (a) The owner of a rental unit which is being inspected for the first time under this article shall complete the rental inspection application form for the rental unit and tender the prescribed fee. No certificate of inspection shall be issued, however, until such time as the property is inspected in accordance with this article and is found to be without violations and receives a satisfactory rating. The initial certificate of inspection shall be valid from the date of issue until the anniversary date of the application.
- (b) The certificate of inspection referred to in this section shall be the document that states that the rental unit has been inspected as required in this article. The failure to hang the certificate as required by this article shall constitute a violation hereof.
- (c) To renew a rental unit certificate of inspection, an owner shall file a completed application form and pay the prescribed fee, which shall entitle the owner to continue operating under the existing certificate of inspection until such time the city conducts the annual inspection.
- (d) An annual renewal of the registration is required which is determined based on the initial application date. The city shall submit notification of renewal to the property owner. It is the responsibility of the owner, or his designated agent, to update, as required, any and all information required for the certification. Completed applications for renewal which are not received by the city within 30 days of initial application as required or renewal, shall be subject to a late fee, established by resolution of the city commission.
- (e) In the event that an inspected property is sold, assigned or transferred during the certificate of inspection year, the rental certificate of inspection shall be transferable to the new owner, if an amended application with the contact information for the new record owner is submitted to the building department within thirty

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(30) calendar days of a change in ownership of the property. If new contact information is not submitted within thirty (30) calendar days, then a new application shall be required.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-42. Registration fees.

- (a) Fees for the residential rental unit inspection program, including any applicable late fees, additional inspection fees, and application form amendments, shall be set by resolution of the city commission.
- (b) Fees shall be due at the time of filing the rental inspection application form and are not prorated based upon date of application.
- (c) The required fees shall cover an initial inspection, as well as one follow-up inspection in the event of failure of the first inspection. Any additional inspections will cost an additional fee as set by resolution of the city commission.
- (d) Any owner who is subject to the registration and fee requirements of section 40.16(9) [of appendix A], as may be amended from time to time, and has paid the required fees shall be exempt from the registration and inspection fees required under this chapter, upon proof of payment.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-43. Rental inspection application forms; filing; indexing; contents; availability; amendment.

- (a) Every owner shall file with the city rental coordinator a rental inspection application form for each rental unit contained within a building or structure, which shall include the following information:
 - (1) The property owner's name, address and telephone number, email address, and any other emergency contact information.
 - (2) If the applicant is a corporation, partnership, limited liability company or any other legal entity, the full corporate name and address of the business, name and address of the registered agent and the state of incorporation.
 - (3) The legal address of the dwelling unit for which the rental application certification is applied, and the legal description and folio number as indicated with the Broward County Property Appraiser's Office.
 - (4) The name of the complex or community, including the homeowner's or condominium association if applicable, and whether it is a single-family home, duplex, condominium or townhouse including the name and address of the association.
 - (5) The name, address, telephone number, and e-mail address of the designated property manager agent to provide regular maintenance service, if any. An owner who resides more than thirty (30) miles from the rental property shall designate a property manager/agent, that may be the first point of contact should there be any matters related to the property, including an emergency affecting the premises, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith. The address shall be a physical location of where said person(s) can normally be found during regular business hours and normally found during off hours. Any notices required by the city Code or by Florida Statutes will also be sent to the designated property manager. If the property manager is authorized to act on behalf of the owner as an authorized agent.
 - (6) The name and address of every holder of a recorded mortgage on the premises.

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- (7) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit, and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling, and by the square footage thereof. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become part of the application, and which shall be attached to the rental inspection application form when filed by the city's rental coordinator.
 - (8) The number of buildings and residential dwelling units on the property.
 - (9) Whether the owner has ever been cited for, or found in violation of any required codes and if so, the date, jurisdiction, nature of violation and disposition of violation.
 - (10) Such other information as may be prescribed by the city.
 - (11) In addition to the information above, the owner shall:
 - a. Maintain a listing of the names of the tenants residing within the units. This list will not be required to be submitted with the application; however, the list should be made available to the city upon reasonable notice; and
 - b. Provide to the tenants a copy of a pamphlet containing guidelines for rental property provided by the city; and
 - c. In the event that an inspected property is sold, assigned or transferred during the certificate of inspection year, the seller of the property shall notify the buyer of the property of the requirements of this article.
 - d. Certification from the property owner that all tenants and prospective tenants have been screened and that there are no violations related to article XII, sexual offender and sexual predators of [chapter 33 of the] city Code.
 - e. 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 code enforcement notice of violation that may require a hearing before a special magistrate and could result in administrative fines, and other penalties pursuant to Section 1-8 of City Code, being imposed."

The applicant shall execute the registration application immediately after the statement required above, and the person 's title/capacity in relation to the property.
- (b) Amendments; filing. Every person required to file a rental inspection application pursuant to this article shall file an amended rental inspection application within ten days after any change in the information required to be included therein.
 - (c) Copy to occupants and tenants. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the certificate of inspection. This subsection may be complied with by posting a copy of the certificate of inspection in a conspicuous place within the rental unit(s).
 - (d) The owner shall make available to the city, upon a reasonable request, any rental record necessary to determine when changes of occupancy have occurred. In this regard, the tenant listing shall be made available to city upon request.
 - (e) An annual renewal of the registration is required each year. The city shall submit notification of renewal to the property owner. It is the responsibility of the owner, or his designated agent, to update, as required, any and all information required for the certification. Completed applications for renewal which are not received

by the city within thirty (30) days of required application or renewal, shall be subject to a late fee, established by resolution of the city commission.

- (f) Self-inspection checklist: For all properties subject to this article, the city shall include a self-inspection checklist as part of the initial certification application that must be completed by the owner of record or designee.
- (1) The self-inspection checklist must be submitted to the city at the time the initial certification application is submitted. The owner of record of the property or designee must certify that the inspection has been completed and the results of the inspection, as indicated on the checklist is accurate and complete.
 - (2) For any items on the checklist that are not in compliance at the time of submittal, the property owner shall be given ten (10) business days to correct which may be extended upon written approval by the building official, and if not corrected, could result in an appearance before a special magistrate.
 - (3) The self-inspection checklist shall include, but not be limited to, code requirements related to health and safety concerns (i.e. swimming pools, mowing and maintaining the lawn, trash and litter and house address) and property maintenance (i.e. discolored roof, exterior storage, inoperable vehicles, required landscaping, screening of accessory structures).
 - (4) Every year the owner of the property or designee shall certify that the property is still in compliance and shall remain in compliance pursuant to this section on a form made available by the city.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-44. Applicability.

This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the city above and beyond any other state, county and/or local provisions for same.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-45. Penalties.

Any person who shall violate the provisions of this article shall, upon conviction, be punished as provided in section 1-8 of the City of Margate Code of Ordinances.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-46. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this article, upon conviction shall be punished as provided in section 1-8.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-47. Adoption of rules; expenditure of funds; declaration of city purpose.

The city manager or his/her designee is authorized and empowered to adopt rules, regulations, and procedures and expend city funds as may be reasonably necessary and available to carry out the terms of this article, the expenditure of such funds being declared a proper city purpose.

(Ord. No. 2021-4, § 2, 5-5-2021)

Sec. 9-48. Dispute.

Any dispute regarding the meaning or application of any provision of this article shall, upon written request to the building official, be resolved according to administrative policy approved by the city manager with right of appeal to the city manager.

(Ord. No. 2021-4, § 2, 5-5-2021)