

RENTAL PROPERTY INSPECTION ORDINANCES IN FLORIDA

The research covers eight ordinances for:

- Broward County, FL
- Clearwater, FL
- Daytona Beach, FL
- Deltona, Volusia County, FL
- Gainesville, FL
- St. Petersburg, FL
- Tampa, FL

Broward County, FL (unincorporated population 14,637 and land area 12 square miles) – The ordinance covers landlords of residential rental properties within the *unincorporated areas* of Broward County.

Main points of ordinance:

- Effective October 1, 2013
- Landlord registration database maintains current and accurate contact information of owner, or designated entity
- Requires an annual registration and inspection of the residential rental properties to address substandard maintenance standards, protect property values, preserve the quality of the unincorporated area neighborhoods and prevent blight.
- Prior to leasing a unit, a Certificate must be obtained through the Division
- Annual Fee \$75
- Division must be notified within thirty (30) days, in writing, after any change of information provided in application, including ownership
- Contact information of a person with a local residence of business must be on file, if neither the owner nor landlord maintains a residence or business in Broward, Miami-Dade or Palm Beach County
- No certificate shall be issued until cursory exterior inspection is completed (within 15 business days from receipt of completed application)
- Inspection report provided indicating any outstanding code violations or lot-clearing liens or bills
- Database assist with informing landlord regarding health or safety violations, minimum housing code complaints, or emergency situation at residential rental units.

Clearwater, FL (population 109,703 and land area 25.56 square miles) – The purpose of the ordinance is to establish a system which all rental properties are licensed by the City and certified as meeting certain minimum housing and development standards. The ordinance also provides for inspection, enforcement proceedings and revocation of the business tax receipt if provisions of Ordinance 6932-02 are not met.

Main points of ordinance:

- Effective April 4, 2002
- All rental property, including single-family units, must obtain a Business Tax Receipt

- All business tax receipt application shall include a local contact or representative with a current number and local address (Pinellas, Hillsborough, Pasco, Manatee or Sarasota)
- Business Tax Fees – rental units (1-5) \$31.50; Plus, each unit of five (5) \$1.70. **Five or more units require a license from the State, issued by the Department of Business and Profession Regulation, Division of Hotels & Restaurants.
- If any contact information should change, the City must be notified in writing within thirty (30) days of the change.
- Courtesy visits to rental properties may be complaint-driven or inspector-initiated; however, three (3) or more code violations may trigger an inspection of the exterior and interior of the property.
- Random sampling of inspections can be done when one or more properties are owned or managed by one person or firm. Percentage of units inspected is determined total number of units owned.
- Failure to obtain or renew business tax receipt or failure to maintain the property may result in penalties to be administered either through the City's Municipal Code Enforcement Board or Pinellas county Court.
- If provisions of the ordinance are not met, a business tax receipt may be denied or revoked.

Daytona Beach, FL (population 62,316 and land area 58.41 square miles) – This regulation is intended to ensure that residential rental units that are not subject to state regulation meet minimum standards for the health, safety, and welfare of all city residents, and that responsible persons are readily available to respond and take appropriate action when necessary to prevent or remedy the occurrence of nuisances.

Note: The City of Daytona Beach charged \$203,893 for services of rental inspections in Fiscal Year 2013-214.

Main points of ordinance:

- Effective October 1, 2012
- Property owners are required to register rental property to obtain a Rental Property License and pass an inspection on a biennial basis
- Established minimum standards for exterior and interior of property
- City issued rental property license for owners with one to four units
- Any change of information on application must be submitted to the City, in writing, within 15 calendar days of the change
- Rental License shall be renewed annually in the same manner as, and concurrent with, the business tax receipt renewal
- Property owner and agent shall permit the City to inspect all premises governed by this ordinance to determine compliance, and shall fully cooperate with such inspections.
- Fees – initial application \$40 and inspection fee \$50 (per unit); annual license renewal fee \$15 and inspection fee \$68
- Provides process for enforcement, suspension or revocation of license

Deltona, Volusia County, FL (population 86,290 and land area 37.53 square miles) – Deltona Rental Regulatory License Ordinance

Main points of ordinance:

- Effective July 21, 2014
- Fees – range from \$20 - \$75
- Obtain Rental Regulatory License prior to rental of residential dwelling
- Rental Regulatory License Fee will be set annually by the City Commission during budget process. Fee shall be determined to generate revenue commensurate with cost of the regulatory activity.
- Application of license should be filed on or before September 30 of each year, or at the same time thereafter as a residential unit is first offered for rent
- Separate license is needed for each and every tax parcel on which a rental residential dwelling unit is located
- Contact person or owner must certify receipt of ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or applicable codes and ordinances may result in a lien upon the property of the owner
- Any contact information change must be submitted in writing to the City within thirty (30) days of the change
- Interior rental inspections are permissible if rental inspector has probable cause, supported by a sworn affidavit or by invitation of tenant or property owner, to believe a health or safety violation exist inside the dwelling
- Establishes guidelines for emergency inspections and remediation

Gainesville, FL (population 127,488 and land area 61.31 square miles) – Landlord Permits

Main points of ordinance:

- Effective June 25, 2007
- Every owner of a single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, rooming house, dormitory or other dwelling unit within a district designated is required to get a annual landlord permit from the city manager or designee prior to allowing the occupancy of such unit by another natural person or other natural persons, unrelated to the owner.
- Annual permit shall be valid from August 1 through July 31 of each year
- An agent must be appointed if the owner does not reside within the county for purposes of receiving notices.
- Violations of unit are regulated by the accumulation of a point system. After each point assessed written warning is sent to owner or agent. Accumulation of six or more points is subject to revocation of permit.
- By applying for a permit, the owner agrees to allow inspection of the unit for violations of this article, as well as violations of the housing code at any reasonable time; however,

this provision shall not be interpreted as authorizing the city to conduct an inspection of an occupied rental unit without obtaining either the consent of an occupant or a warrant.

St. Petersburg, FL (population 249,688 and land area 61.74) – Two programs authorized by under the code: Certificate of Inspection Program and Rental Housing Inspection Program

Main points of ordinance:

- Effective 1989 - Certificate of Inspection
- Applies to all rental housing units within approved target areas (adoption process through neighborhood associations with City Council approval)
- Housing unit within an approved target area has a change in occupancy, by rental, there must exist a valid certificate of inspection for that unit before it can be lawfully reoccupied by a tenant.
- Structures less than five years old are exempt.
- No charge

- Effective 2004 – Rental Housing Inspection Program
- Regulates any property with three (3) or more residential rental housing units

Tampa, FL (population 352,957 and land area 113.41)

- The entire rental inspection program is on cease and desists since earlier this year. The Code and process is being revised by the City Attorney for approval by City Council.

Other cities/counties researched:

Collier County – no specific ordinance regarding a rental property inspection program; however, has a mandatory code inspection of foreclosed or abandoned homes.

Lakeland - no specific ordinance regarding a rental property inspection program; however, they have a foreclosure ordinance that requires Mortgagee's registration of Property.

Orange County – no specific ordinance regarding a rental property inspection program

Orlando - no specific ordinance regarding a rental property inspection program

Tallahassee – no specific ordinance regarding a rental property inspection program; however, has a rooming house ordinance.

BENEFITS

1. Conceptually, establishing a local rental inspection program is a positive step towards addressing rental unit health and safety issues and contributes to cleaner, safer, blight free neighborhoods.
2. Many rental programs have more success in small cities and towns.
3. Charging fees to property owners/landlords provides an incentive to correct violations and improve properties.

CONCERNS

1. Charging fees to property owners/landlords may result in offset of incurred costs to the tenant through increased rent, thus creating a financial burden for the tenant.
2. Time constraints and manpower - Estimated scheduled inspection range from 10-14 days. This activity would greatly affect inspection response from complaint to first inspection for other issue types within any agency.
3. Jacksonville land mass and inspection area is over 747 square miles; other cities reviewed range from 12 to 113.41 square miles.
4. According to the 2010 U.S. Census, Jacksonville's renter-occupied housing units was 112,175; this statistic will definitely increase, due to adding more units to the 'older housing stock' category as units age and an active local construction industry.
5. The amount of local renter-occupied housing units (and the addition of more in coming years) and Jacksonville's land size and population would likely require establishing a new department or division to conduct rental inspections.
6. Many citizens perceive required government fees as taxes.
7. Collection of program fees will likely not offset expenditures to administer the program.

In light of the preceding information, establishing a local rental inspection program, while conceptually is a positive step to address an age-old problem, would likely result in increased budgetary burden upon local government, and low-income citizens, who need affordable housing.

*There was no reference of a required background check in any of the ordinances researched.