

PROPOSED

ORDINANCE NO.

1
2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
3 COUNTY, FLORIDA, PERTAINING TO MINIMUM HOUSING STANDARDS;
4 AMENDING AND RENUMBERING VARIOUS SECTIONS OF CHAPTER 5 OF THE
5 BROWARD COUNTY CODE OF ORDINANCES ("MINIMUM HOUSING CODE") TO
6 UPDATE AND ELIMINATE OUTDATED PROVISIONS FOUND IN THE MINIMUM
7 HOUSING CODE; AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE
8 BROWARD COUNTY CODE OF ORDINANCES ("ZONING CODE") TO UPDATE
9 PROVISIONS RELATED TO THE LANDLORD REGISTRATION AND RESIDENTIAL
10 RENTAL PROPERTY INSPECTIONS PROGRAM ("PROGRAM"); CREATING
11 SECTIONS 39-120 THROUGH 39-126 OF THE ZONING CODE TO ESTABLISH
12 MINIMUM HOUSING STANDARDS AND A PROCEDURE FOR INSPECTIONS,
13 ENFORCEMENT, HEARINGS, AND APPEALS FOR PROPERTIES SUBJECT TO THE
14 PROGRAM; PROVIDING GENERAL UPDATING AMENDMENTS TO THE MINIMUM
15 HOUSING CODE AND THE ZONING CODE; AND PROVIDING FOR SEVERABILITY,
16 INCLUSION IN THE MINIMUM HOUSING CODE AND THE ZONING CODE, AND AN
17 EFFECTIVE DATE.

18 (Sponsored by the Board of County Commissioners)
19

20 WHEREAS, on August 25, 2022, the Board of County Commissioners ("Board")
21 directed the Office of the County Attorney to prepare ordinances to amend or repeal

22 outdated or obsolete provisions of the Broward County Code of Ordinances ("Code") and
23 to present such ordinances for consideration by the Board;

24 WHEREAS, Article IV of Chapter 5 of the Code establishes the Minimum Housing
25 Code for Broward County, Florida, and provides uniform minimum standards within
26 Broward County for occupied living units, rental units, and unoccupied or abandoned
27 structures; provides uniform minimum standards for the maintenance of occupied
28 structures and adjacent properties, including vacant lots and any adjacent properties that
29 may be subject to the Minimum Housing Code; and creates an appeal procedure;

30 WHEREAS, the Minimum Housing Code is a means of protecting the public health,
31 general welfare, and life safety of the public by eliminating overcrowding, substandard
32 living conditions, unsanitary conditions, and unsafe structures;

33 WHEREAS, since the Minimum Housing Code was enacted, many of the
34 standards contained therein have been superseded or incorporated into other areas of
35 the Code or the Florida Building Code, or preempted by state law, such as Chapter 509
36 of the Florida Statutes that gives exclusive jurisdiction to the Division of Hotels and
37 Restaurants of the Florida Department of Business and Professional Regulation over the
38 enforcement of minimum housing standards in public lodging establishments, including
39 hotels and hotel units;

40 WHEREAS, Article IX¹/₂ of Chapter 39 of the Code ("Zoning Code") was enacted
41 to establish the Landlord Registration and Residential Rental Property Inspections
42 Program ("Program") in the Broward Municipal Services District ("BMSD") for the purpose
43 of creating a landlord registration database of current and accurate information for
44 purposes of contacting a property owner, or designated entity, regarding health or safety

45 violations, Minimum Housing Code complaints, or emergency situations at residential
46 rental units;

47 WHEREAS, the Program seeks to conduct rental property inspections in the
48 BMSD to address substandard maintenance of rental properties; to promote greater
49 compliance with property maintenance standards and protect property values; and to
50 preserve the quality of the BMSD neighborhoods and available housing; and

51 WHEREAS, the Board deems it in the best interests of the residents of Broward
52 County to incorporate provisions from the Minimum Housing Code, such as inspections
53 and enforcement, into the Program,

54 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
55 BROWARD COUNTY, FLORIDA:

56 Section 1. Article IV of Chapter 5 of the Broward County Code of Ordinances is
57 hereby amended to read as follows:

58 **ARTICLE IV. MINIMUM HOUSING CODE**

59 **Sec. 5-52. Title.**

60 The title ~~for~~ of this article shall be "The Minimum Housing Code of Broward County,
61 Florida-" ("Minimum Housing Code").

62 **Sec. 5-53. Purpose and authority.**

63 The purpose of ~~the~~ the Minimum Housing Code ~~for Broward County, Florida,~~ is to
64 establish uniform minimum standards within Broward County for occupied living units,
65 rental units, and unoccupied or abandoned structures; to establish uniform minimum
66 standards for the maintenance of occupied structures and adjacent properties, including
67 vacant lots ~~and commercial properties adjacent thereto;~~ and to create an appeal

68 procedure. This article is a means of protecting the public health, general welfare, and life
69 safety of the public by eliminating overcrowding, substandard living conditions, unsanitary
70 conditions, and unsafe structures.

71 **Sec. 5-54. Scope and application.**

72 (a) Every structure or building in Broward County used, or intended to be used,
73 in whole or in part as a single-family dwelling, as two (2) ~~or more~~ to four (4) dwelling units,
74 ~~or as a hotel or rooming house~~ {(including an abandoned dwelling structure)}, or as a
75 dormitory-type sleeping accommodation that is let shall conform to the requirements and
76 minimum standards established by this article, irrespective of when such structure or
77 building may have been constructed, altered, or repaired, except those structures or
78 buildings located within a municipality that elects to adopt its own minimum housing code.
79 Where the Minimum Housing Code is effective within a municipality, all enforcement
80 action shall be taken by the municipality pursuant to its code enforcement processes. The
81 provisions of the Minimum Housing Code do not apply to: (i) the rental of mobile home
82 lots governed under Chapter 723, Florida Statutes; (ii) "transient public lodging
83 establishments" or "vacation rentals" licensed under Chapter 509, Florida Statutes;
84 (iii) "assisted living facilities" licensed under Chapter 429, Florida Statutes; or (iv) any
85 buildings or structures where the regulation of such buildings or structures is preempted
86 by state law.

87 (b) This article establishes minimum standards for the occupancy and
88 structural integrity of single-family dwellings, dwelling units, ~~hotels, and~~ rooming units,
89 and dormitory-type sleeping accommodations. It does not replace ~~or~~ or modify standards

90 established by other codes or ordinances for the construction, replacement, or repair of
91 buildings.

92 (c) ~~This article shall also apply to buildings or structures, other than residential~~
93 ~~or dwelling units, to the extent provided herein.~~

94 (d) The provisions contained herein are additional and supplemental means of
95 enforcing the Minimum Housing Code for ~~Broward County~~. Nothing in this article shall
96 prohibit enforcement of the Minimum Housing Code by any other means.

97 **Sec. 5-55. Definitions.**

98 . . .

99 ~~Board shall mean the Unsafe Structures Board, maintained pursuant to the Florida~~
100 ~~Building Code, as authorized by Chapter 553, Part IV, Florida Statutes, and this article,~~
101 ~~as same may be amended.~~

102 . . .

103 *Director* shall mean the director, or designee, of the Broward County ~~Permitting,~~
104 ~~Licensing and Consumer Protection~~ Urban Planning Division, or successor agency,
105 charged with enforcing zoning and building regulations within ~~unincorporated Broward~~
106 ~~County and those areas located within municipalities that do not have a municipal~~
107 ~~ordinance in conflict with the provisions of this article~~ the Broward Municipal Services
108 District ("BMSD"). The term "director" shall be synonymous with head of "enforcing
109 agency," as defined herein.

110 . . .

111 *Enforcing agency* shall mean the Broward County ~~Permitting, Licensing and~~
112 ~~Consumer Protection~~ Urban Planning Division, and any successor department or division
113 of County government.

114 *Enforcing officer* shall mean any employee of Broward County, or of any
115 municipality, charged with the responsibility of ~~making inspections of~~ inspecting buildings
116 and premises and issuing violation notices and citations when necessary. The term
117 "enforcing officer" shall be synonymous with "inspection officer" and "code enforcement
118 inspector."

119 . . .

120 ~~*Hotel* shall mean any building or group of buildings, which contains sleeping room~~
121 ~~accommodations for three (3) or more guests, which offers the services generally~~
122 ~~provided by a hotel, and is recognized as a hotel in the community in which it is situated,~~
123 ~~or by the industry; is declared to be a hotel; or which must be licensed by the Florida~~
124 ~~Division of Hotels and Restaurants. For the purpose of this article, motels and buildings~~
125 ~~offering dormitory-type sleeping accommodations shall be included in this category.~~

126 ~~*Hotel unit* shall mean any room or group of hotel rooms forming a single habitable~~
127 ~~unit used, or intended to be used, for living or sleeping purposes. For the purpose of this~~
128 ~~article, motel units and dormitory-type sleeping accommodations shall be included in this~~
129 ~~category.~~

130 . . .

131 *Operator* shall mean any person who has the charge, care, custody, or control of
132 a building, or any part thereof, in which dwelling units, ~~hotel units~~, rooming units, or
133 dormitory-type sleeping accommodations are let.

134 . . .

135 *Owner* shall mean any person who alone, or jointly or severally with others, has
136 any legal or equitable title to any dwelling, dwelling unit, ~~hotel~~, or rooming house with or
137 without having actual possession thereof.

138 . . .

139 *Plumbing* shall mean, include, and refer to:

140 (1) The materials, including pipes, fittings, valves, fixtures, and appliances,
141 attached to and a part of a plumbing or gas system for the purpose of
142 creating and maintaining sanitary, heating, or cooking facilities in buildings,
143 camps, and swimming pools on property where people live, work, play, or
144 assemble, ~~or travel~~.

145 . . .

146 *Premises* signifies a distinct and definite locality or place with metes and bounds,
147 as land alone or land with buildings thereon, and shall mean: lands and tenements; an
148 estate; the area of land surrounding a building, and actually, or by legal construction,
149 forming one (1) enclosure with it; and may mean land alone or land with buildings or
150 appurtenances, a room, ~~shop~~, or any definite area.

151 *Rooming house* shall mean any ~~building~~ dwelling, or part of any dwelling,
152 containing one (1) or more rooming units in which space is let by the owner or operator
153 ~~for living and sleeping purposes, but not for eating or cooking purposes; or which is~~
154 ~~required to be licensed by the Florida Division of Hotels and Restaurants as a rooming~~
155 house to persons in return for remuneration or for the provision of services or for both, in

156 rooms furnished by the owner or operator. ~~For the purpose of this article, boarding~~
157 ~~houses, guest houses, and cabins are included in this category.~~

158 *Rooming unit* shall mean any room or group of rooms, forming a single habitable
159 unit, used, or intended to be used, for living and sleeping purposes, but not for cooking
160 or eating purposes; ~~and which is not categorized as a hotel or motel unit by the Florida~~
161 ~~Division of Hotels and Restaurants.~~

162 . . .

163 Meaning of certain words: Whenever the words "dwelling," "dwelling unit," "~~hotel,~~"
164 "~~hotel unit,~~" "rooming house," "rooming unit," ~~and~~ "premises," and "dormitory-type
165 sleeping accommodations" are used in this article, they shall be construed as though they
166 were followed by the words "or any part thereof."

167 **Sec. 5-56. Appeals Enforcement; conflicts.**

168 (a) ~~*Appeals board Enforcement.*~~ ~~The Unsafe Structures Board is authorized by~~
169 ~~the Board of County Commissioners to act as the Unsafe Structures and Housing Appeals~~
170 ~~Board, and to enter such orders or decisions that are authorized under both the Florida~~
171 ~~Building Code and The Minimum Housing Code for Broward County, Florida.~~
172 ~~Notwithstanding the foregoing, a violation of this article shall also be deemed a County~~
173 ~~ordinance violation, and an enforcing officer may issue a citation or notice of violation in~~
174 ~~accordance with the provisions of Chapter 8½, Broward County Code of Ordinances.~~
175 ~~Nothing contained in this article shall prohibit the County from enforcing its codes or~~
176 ~~ordinances by any other lawful means~~ This article may be enforced by code enforcement
177 officers, including municipal code enforcement officers, and any law enforcement agency
178 having jurisdiction of the area within which the real property at issue is located pursuant

179 to Section 125.69 and Chapter 162, Florida Statutes, or any applicable municipal code
180 enforcement provision.

181 (b) ~~Duties and powers of the Board.~~ In addition to the duties and powers
182 specified in the Florida Building Code, the Board shall have the following duties, functions,
183 powers, and responsibilities with respect to the implementation of this article, to wit:

184 (1) ~~Hear and determine appeals from actions and decisions of the director;~~

185 (2) ~~Hear and review the actions and orders of the director, where the director's~~
186 ~~decision or order, as indicated in a notice of violation or rule to show cause,~~
187 ~~has not been complied with;~~

188 (3) ~~Affirm, modify, or reverse any decision or order of the director;~~

189 (4) ~~Maintain minutes of all proceedings; and~~

190 (5) ~~Issue such orders as may be necessary in order to enforce the standards~~
191 ~~established by this article.~~

192 (c) ~~Conflict of interests.~~ No official, ~~Board member,~~ or employee of Broward
193 County charged with the enforcement of this law article shall have any financial interest,
194 directly or indirectly, in any repairs, corrections, construction, or demolition ~~which~~ that may
195 be required or ordered hereunder.

196 . . .

197 **Sec. 5-58. Minimum standards for space, light and ventilation, basic facilities,**
198 **equipment, and maintenance.**

199 (a) No person shall occupy, or let to another for occupancy, any dwelling or
200 dwelling unit for the purpose of living, sleeping, cooking, or eating therein, or occupy or
201 let any ~~hotel, hotel unit,~~ rooming house, ~~or~~ rooming unit, or dormitory-type sleeping

202 accommodation, for the purpose of living or sleeping therein, which does not comply with
203 the minimum standards and requirements established hereunder.

204 (b) *Requirements for space.*

205 . . .

206 (2) Every room or unit in a dwelling, dwelling unit, ~~hotel, or~~ rooming house, or
207 dormitory-type sleeping accommodation occupied for sleeping purposes
208 shall:

209 . . .

210 (4) Every habitable room or unit in a dwelling, dwelling unit, ~~hotel, and~~ rooming
211 house, or dormitory-type sleeping accommodation shall have a ceiling
212 height of not less than seven (7) feet for at least fifty (50) per cent of the
213 floor area of the room. Any portion of a habitable room having a ceiling
214 height of five (5) feet or less shall not be included in computing the gross
215 floor area of such room.

216 . . .

217 (c) *Requirements for light and ventilation.*

218 . . .

219 (3) Every hall, stairway, and other space or area located within, or on the
220 exterior of, a dwelling, dwelling unit, ~~hotel, or~~ rooming house, or
221 dormitory-type sleeping accommodation shall be provided with properly
222 installed electric lighting facilities capable of providing not less than one (1)
223 footcandle of illumination throughout, and such facilities shall be controlled
224 by, and available to, the occupants at all times.

225 . . .

226 (7) Every door opening directly from a dwelling, dwelling unit, ~~hotel~~, or rooming
227 unit, or dormitory-type sleeping accommodation to outdoor spaces shall be
228 adequately screened for protection against mosquitoes, flies, and other
229 insects.

230 . . .

231 (d) *Requirements for basic sanitary facilities and equipment.*

232 . . .

233 (2) Each ~~hotel and~~ rooming house shall have not less than the following:

234 a. One (1) flush water closet, lavatory basin, and bathtub or shower for
235 each six (6) persons, or fraction thereof, residing within such ~~hotel or~~
236 rooming house;

237 . . .

238 c. Where ten (10) or more persons may occupy a ~~hotel or~~ rooming
239 house, separate facilities consisting of one (1) flush water closet,
240 lavatory basin, and bathtub or shower, in a sanitary and good
241 working condition, shall be provided for each sex;

242 d. Where, in a ~~hotel or~~ rooming house, rooms that are let only to males,
243 flush urinals may be substituted for not more than one-half ($\frac{1}{2}$) of the
244 required number of water closets; and

245 e. Adequate receptacles for the storage of garbage, trash, refuse, and
246 rubbish.

- 247 (3) Each dwelling, dwelling unit, ~~hotel~~, and rooming house shall provide privacy
248 for, and accessibility to, toilet and bath facilities as follows:
249 . . .
- 250 b. Rooms containing water closets, urinals, bathtubs, or showers shall
251 be not more than one (1) story removed from the ~~hotel or~~ rooming
252 unit of any occupant sharing the facilities; and
- 253 c. All toilet and bath facilities shall be so located so as to be accessible
254 without going outside of the building or without going through a
255 dwelling unit, ~~hotel unit~~, or rooming unit of another occupant.
256 . . .
- 257 (5) All plumbing fixtures shall be properly connected to approved water, sewer,
258 or gas systems. Where a sewer system is not available, drain lines shall be
259 connected to an approved and permitted septic tank.
260 . . .
- 261 (7) Every supplied facility and piece of equipment to be utilized by a tenant or
262 occupant, including tenant-owned equipment, shall be maintained in a safe,
263 sanitary, and properly operating condition. This provision shall not apply to
264 small domestic appliances including, but not limited to, microwaves, coffee
265 pots, blenders, etc.
266 . . .
- 267 (9) Every occupied dwelling and dwelling unit shall have a properly installed
268 cooking facility consisting of a stove having at least two (2) top burners and

269 all necessary utility connections for said cooking facility. Cooking facilities
270 shall not be permitted in any ~~hotel unit or~~ rooming unit.

271 (e) *General requirements for all dwellings, dwelling units, ~~hotels, hotel units,~~*
272 *rooming houses, ~~and~~ rooming units, and dormitory-style sleeping accommodations.*

273 . . .

274 (f) *Heating facilities.*

275 . . .

276 (7) ~~Only those accessory heating units which are approved and acceptable~~
277 ~~under regulations promulgated by the Division of Hotels and Restaurants of~~
278 ~~the Florida Department of Business and Professional Regulation, or~~
279 ~~successor agency, and other applicable regulatory codes, shall be used in~~
280 ~~any hotel unit or rooming unit.~~

281 (8) The use of unsafe heating or cooking stoves and the use of cooking stoves,
282 including ovens, for heating purposes is prohibited.

283 **Sec. 5-59. Unsafe dwellings, rooming houses, ~~hotels,~~ dormitory-style sleeping**
284 **accommodations, and structures.**

285 A dwelling, dwelling unit, ~~hotel,~~ rooming house, dormitory-style sleeping
286 accommodation, or structure shall be deemed unsafe when any one (1) or more of the
287 conditions set forth within Subsection 116.2 of the Florida Building Code are met.

288 . . .

289 **Sec. 5-61. Responsibilities of owners, operators, and occupants.**

290 (a) The owner shall not occupy, nor permit another to occupy, nor let to another
291 for occupancy, a dwelling unit, ~~hotel unit, or~~ rooming unit, or dormitory-type sleeping

292 accommodation that is not ~~clean~~, sanitary, safe, ~~and or~~ fit for human habitation as required
293 by the standards established hereunder, and other regulatory codes of Broward County
294 and the state of Florida.

295 . . .

296 (d) The owner, agent, or operator of a ~~hotel or~~ rooming house or dormitory-type
297 sleeping accommodation shall jointly and severally:

298 . . .

299 **Sec. 5-62. Requirements relating to the safe and sanitary maintenance of**
300 **premises adjacent to dwelling structures.**

301 (a) No owner, occupant, or operator of a dwelling, dwelling unit, ~~hotel, hotel~~
302 ~~unit, rooming house, or rooming unit,~~ or dormitory-type sleeping accommodation shall
303 store, deposit, or cause to be deposited, any rubbish, garbage, or other refuse on adjacent
304 property adjacent to the dwelling structure.

305 . . .

306 **Sec. 5-63. Inspections.**

307 (a) The enforcing agency is hereby authorized and empowered to make
308 inspections of dwellings, dwelling units, ~~hotels,~~ rooming houses, dormitory-type sleeping
309 accommodations, and all premises adjacent to such structures, including vacant lots ~~and~~
310 ~~commercial properties located adjacent thereto~~, in order to determine the physical
311 condition of said premises and to ensure compliance with the minimum standards
312 established by this article.

313 (b) Except as provided in Section (c) for owner-occupied residences, ~~The~~
314 inspecting officers of the enforcing agency are hereby authorized to enter, examine, and

315 survey ("inspect") all structures and premises, at reasonable hours, or at such other time
316 as may be necessary in an emergency, to ensure compliance with the minimum
317 standards established by this article. Except in emergencies endangering the public
318 health, general welfare, or life safety, the inspecting officers of the enforcing agency shall
319 enter a dwelling, dwelling unit, rooming house, rooming unit, dormitory-type sleeping
320 accommodation, or premises only upon the prior or contemporaneous consent of the
321 person lawfully in occupancy thereof or the person having legal right of possession
322 thereof, or with a court order, inspection warrant, or in accordance with the provisions of
323 this section.

324 (c) In the event a person who ~~has common authority~~ is lawfully in occupancy
325 or has the legal right of possession over a structure or premises regulated hereunder shall
326 not consent to an inspection, ~~survey, and examination~~ of said structure or premises, said
327 person shall be given the opportunity to reschedule such inspection, ~~survey, and~~
328 ~~examination~~ for a time certain within ten (10) days ~~of~~ after the inspector's initial contact.
329 Failure of the such person ~~exercising common authority over said structure or premises~~
330 to thereafter consent to an inspection, ~~survey, and examination~~ of the structure or
331 premises, without just cause, shall be sufficient grounds and probable cause to seek an
332 inspection warrant, as authorized by Sections 933.20 through 933.30, Florida Statutes,
333 as amended, for the purpose of inspecting, ~~surveying, or examining~~ said structure or
334 premises. Owner-occupied family residences are exempt from the provisions of
335 Sections 933.20 through 933.30, Florida Statutes, as amended.

336 (d) ~~In the event a structure or premises appears to be abandoned or vacant~~
337 ~~and the owner cannot be readily contacted in order to obtain consent to inspect, survey,~~

338 ~~and examine the structure or premises, then, and in that event, the inspector may enter~~
339 ~~upon any open, unsecured, or unlocked portion of the structure or premises in order to~~
340 ~~conduct an inspection, survey, and examination thereof.~~

341 (e) In the event it shall be deemed necessary by an inspector of the enforcing
342 agency to enter a ~~secured or locked~~ structure or premises ~~which appears to be~~
343 ~~abandoned or vacant, and where the owner~~ person lawfully in occupancy or has the legal
344 right of possession (i) cannot be readily contacted in order to obtain consent to inspect,
345 ~~survey, and examine the structure or premises, then, and in that event, the absence of~~
346 ~~the owner and vacancy of the structure and premises shall be sufficient grounds and~~
347 ~~probable cause to obtain an inspection warrant, as authorized by Sections 933.20 through~~
348 ~~933.30, Florida Statutes, as amended, for the purpose of inspecting, examining, and~~
349 ~~surveying the structure and premises. Owner occupied family residences are exempt from~~
350 ~~the provisions of Sections 933.20 through 933.30 Florida Statutes, as amended; or (ii)~~
351 refuses to consent to the inspection, the inspecting officer of the enforcing agency may
352 apply to the County Court or Circuit Court for the issuance of an inspection warrant to be
353 served by an officer duly authorized by law to serve inspection warrants. Refusal to permit
354 an inspection pursuant to an inspection warrant authorized by this section shall constitute
355 a violation of this article and shall subject the violator to the penalties prescribed herein
356 and any penalties deemed appropriate by the issuing court, as allowed by law.

357 (f) (e) Inspecting officers of the enforcing agency shall be provided with official
358 identification and shall exhibit such identification when making any inspection.

359 **Sec. 5-64. Service of notice.**

360 . . .

361 (b) A notice of violation and order to show cause shall be served on the alleged
362 violator and, if different from the alleged violator, the owner of the structure or premises.

363 Such notice and order shall:

364 . . .

365 (8) Contain a statement that final compliance must conform to the requirements
366 of the Florida Building Code; and

367 ~~(9) Inform the violator that, unless an objection to the notice of violation and~~
368 ~~order to show cause is filed with the enforcing agency within thirty (30) days~~
369 ~~of the date of service, the Board may issue a final order of correction which,~~
370 ~~when issued, may be enforced by the director; and~~

371 ~~(10)~~ For those cases arising out of violations on properties located in the BMSD,
372 State that the director may cause to be made any corrections ordered by
373 the Board hearing officer, the cost of which shall be paid by the owner, and,
374 if not paid, assessed against the property, and which shall become a lien
375 against the property.

376 (c) All notices required by this article shall be served in accordance with the
377 provisions of ~~Section 116 of the Florida Building Code~~ Chapter 162, Florida Statutes, as
378 amended.

379 . . .

380 **Sec. 5-65. Hearings on notice arising out of violations on properties located in**
381 **the Broward Municipal Services District; hearing officer.**

382 (a) ~~Any person served with a violation notice and order to show cause issued~~
383 ~~in connection with the enforcement of any provisions of this article may, within thirty (30)~~

384 ~~days of service, file written objections to said notice and order with the enforcing agency,~~
385 ~~and may request a hearing on the matter before the Board~~ There is hereby created, for
386 the purpose of conducting hearings pursuant to this article, the position of hearing officer.
387 The hearing officer shall be selected by the County Attorney from a list of candidates
388 approved by the Board of County Commissioners of Broward County. The hearing officer
389 shall be a member in good standing with The Florida Bar and engaged in the practice of
390 law in Broward County. This section shall only apply to those cases arising out of
391 violations on properties located in the BMSD.

392 (b) ~~All objections to a notice of violation and order to show cause shall be in the~~
393 ~~form of a petition seeking review of the director's order to show cause. The petition shall:~~

394 (1) ~~Be printed or typewritten on no less than eight and one-half by eleven~~
395 ~~inches (8½" x 11") white bond paper;~~

396 (2) ~~Contain the name, address, and telephone number of the petitioner and the~~
397 ~~violation number;~~

398 (3) ~~Indicate whether or not the petitioner is represented by an attorney and, if~~
399 ~~so, state the attorney's name, address, and telephone number;~~

400 (4) ~~Set forth in clear and concise language the petitioner's objections to the~~
401 ~~notice of violation and order to show cause;~~

402 (5) ~~Contain a brief statement setting forth the specific grounds for each~~
403 ~~objection;~~

404 (6) ~~State whether or not the petitioner will appear at the hearing before the~~
405 ~~Board, and if the petitioner will be accompanied by counsel;~~

406 (7) ~~State the relief or decision sought by the petitioner from the Board; and~~

407 ~~(8) Be signed and verified under oath by the petitioner.~~

408 Upon receipt of a timely request for an administrative hearing, the matter
409 shall be set for hearing on the next regularly scheduled hearing or as soon thereafter as
410 possible.

411 (c) ~~The filing of objections to a notice and order of the director with the enforcing~~
412 ~~agency, in the form of a petition as specified hereunder, shall entitle the petitioner to a~~
413 ~~hearing before the Board.~~ The County shall serve a notice of hearing to the alleged
414 violator, which notice shall include, but not be limited to, the following:

415 (1) Place, date, and time of the hearing.

416 (2) Right of the alleged violator to be represented by an attorney.

417 (3) Right of the alleged violator to present witnesses and evidence and conduct
418 cross-examination.

419 (4) A conspicuous statement reflecting the requirements of Chapter 286,
420 Florida Statutes, that a person deciding to appeal any decision of a hearing
421 officer will need to ensure that a verbatim record of the proceedings is
422 made. In lieu of providing a notice of hearing as provided above, the County
423 may include a hearing date in the notice of violation that will be scheduled
424 if the alleged violator requests an administrative hearing, provided that the
425 notice of violation includes the information required by this section.

426 (d) ~~Upon receipt of a petition in the form specified hereunder, the enforcing~~
427 ~~agency shall immediately set a time and place for a hearing thereon, and shall notify the~~
428 ~~chair or vice-chair of the Board of the time and place set for the hearing. The petitioner~~
429 ~~shall also be given written notice of the hearing, by mailing a copy of the hearing notice~~

430 ~~to the address given in the petition~~ No hearing shall be scheduled sooner than ten (10)
431 days from the date of service of the notice of violation unless there is reason to believe
432 that a violation presents a serious threat to the public health, general welfare, or life safety.

433 (e) ~~The hearing shall be held not less than fifteen (15) days, nor more than~~
434 ~~sixty (60) days, after the day upon which the petition was received by the enforcing~~
435 ~~agency~~ All hearings shall be open to the public. All testimony shall be under oath and
436 minutes shall be taken.

437 (f) ~~Upon application of the petitioner or the petitioner's attorney, the chair or~~
438 ~~vice chair of the Board may postpone or continue the date of a hearing for a reasonable~~
439 ~~time beyond the sixty-day period if, in the chair's or vice chair's judgment, the petitioner~~
440 ~~has submitted a good and sufficient reason for such postponement or continuance~~ The
441 County shall provide clerical and administrative personnel as may be reasonably required
442 by each hearing officer.

443 (g) ~~At the hearing, the petitioner shall be given an opportunity to be heard and~~
444 ~~to show why the violation notice and order to show cause should be modified or withdrawn~~
445 Each case before a hearing officer shall be presented by the personnel designated by the
446 County Administrator or the director of the enforcing agency. The County Administrator
447 or the director of the enforcing agency shall adopt procedures for the conduct of hearings
448 before hearing officers.

449 (h) ~~Hearings shall be informal and need not be conducted according to~~
450 ~~technical rules relating to evidence and witnesses. Any relevant evidence may be~~
451 ~~admitted if it is the type of evidence on which responsible persons are accustomed to~~
452 ~~relying on in the conduct of serious affairs. Hearsay evidence may be used for the purpose~~

453 ~~of supplementing or explaining any direct evidence, but shall not be sufficient in and of~~
454 ~~itself to support a finding, unless it would be admissible over objections in civil actions.~~
455 ~~The rules of privilege shall be effective to the same extent that they are recognized in all~~
456 ~~civil actions. All witnesses shall be sworn prior to giving any testimony, and irrelevant and~~
457 ~~unduly repetitious evidence and testimony shall be excluded~~ Formal rules of evidence
458 shall not apply, but fundamental principles of due process shall be observed and govern
459 the proceedings. All evidence of a type commonly relied upon by reasonably prudent
460 persons in the conduct of their affairs shall be admissible whether or not such evidence
461 would be admissible in a state of Florida court.

462 (i) ~~All parties shall have an opportunity to respond, to present evidence and~~
463 ~~argument on all issues involved, to conduct cross-examination, to submit rebuttal~~
464 ~~evidence, to submit proposed findings of facts and orders, to file exceptions to any order~~
465 ~~or Board member's recommended order, and to be represented by counsel. When~~
466 ~~appropriate, the general public may be given an opportunity to present oral or written~~
467 ~~communications. If the Board proposes to consider such material, then all parties shall~~
468 ~~be given an opportunity to cross-examine, challenge, or rebut such material~~ Each party
469 shall have the right to call and examine witnesses, to introduce exhibits, and to
470 cross-examine opposing witnesses on any relevant matter.

- 471 (j) ~~The record in hearings governed by this article shall consist only of:~~
- 472 (1) ~~All notices, pleadings, motions, and intermediate rulings;~~
 - 473 (2) ~~Evidence received or considered;~~
 - 474 (3) ~~A statement of matters officially recognized;~~
 - 475 (4) ~~Questions and proffers of proof and objections and rulings thereon;~~

- 476 (5) Proposed findings of fact and exceptions;
- 477 (6) Any decision, opinion, recommended order, or report by the Board member
478 presiding at the hearing;
- 479 (7) All staff memoranda or data submitted to the Board during the hearing or
480 prior to its disposition; and
- 481 (8) The official transcript.

482 The hearing officer shall make findings of fact based on the evidence
483 presented. In order to make a finding affirming the code inspector's decision, the hearing
484 officer must find by clear and convincing evidence that the alleged violator was properly
485 served with notice, that the alleged violator was responsible for the violation of the
486 relevant provision as cited, and that the time for correction set by the code inspector in
487 the warning notice, if required, was reasonable.

488 (k) ~~The Board shall accurately and completely preserve all testimony and
489 evidence in the proceeding~~ The hearing officer may not determine that the time given for
490 correction in the warning notice was too long. If the hearing officer finds that a violation
491 occurred but determines that the time given for correction was not reasonable, the hearing
492 officer shall determine a reasonable time period, which shall then be the required time for
493 compliance.

494 (l) ~~Findings of fact shall be based exclusively on the evidence of record and
495 on matters officially recognized~~ If the alleged violator is found guilty of the violation and
496 the appropriate fine is imposed, the violator may also be held liable for the reasonable
497 costs of the administrative hearing, at the discretion of the hearing officer.

498 (m) ~~The Board may, for due cause and where a proven hardship exists, modify~~
499 ~~or waive the requirements set forth in this article, provided the subject premises do not~~
500 ~~constitute an immediate health hazard to the public.~~ The hearing officer shall have the
501 power to:

502 (1) Take testimony under oath.

503 (2) Determine whether the cited violations occurred.

504 (3) Determine whether a reasonable time period for compliance was given.

505 (4) Determine whether the alleged violator was properly notified of the hearing.

506 (5) Assess and order the payment of fines, which may include civil penalties
507 and administrative costs within a specified period of time, as provided under
508 this article.

509 (6) Issue a fine consistent with Section 5-72 of the Broward County Code of
510 Ordinances.

511 (7) Impose liens as provided by Chapter 162, Florida Statutes.

512 (n) ~~The Board shall, at the conclusion of a hearing hereunder, sustain, modify,~~
513 ~~or dismiss the notice of violation and order to show cause, and issue an order relative~~
514 ~~thereto consisting of the Board's findings of fact, conclusions of law, a legal description of~~
515 ~~the subject premises, and such other information deemed pertinent by the Board. When~~
516 ~~corrective action is ordered by the Board, it shall specify a date certain by which said~~
517 ~~action is to be completed.~~

518 ...

519 **Sec. 5-67. ~~Final orders of the board~~ Rehearing; appeals.**

520 (a) ~~The director shall file a copy of all final orders of the board with the Broward~~
521 ~~County Finance and Administrative Services Department, Records, Taxes, and Treasury~~
522 ~~Division, or its successor, and shall cause the same to be recorded in the public records~~
523 ~~of Broward County, Florida. The recordation of such final order shall constitute~~
524 ~~constructive notice to any subsequent purchasers, transferees, grantees, mortgagees,~~
525 ~~lessees, lienors, and all persons having, claiming or acquiring any interest in the property~~
526 ~~described therein or affected thereby~~ The violator or the County may seek a rehearing of
527 the case by filing a written motion for rehearing within five (5) working days after rendition
528 of the decision by the hearing officer. The motion for rehearing shall set forth issues that
529 were overlooked or omitted at the hearing but shall not consist of a reargument of the
530 case. If the motion is made by the violator, said motion shall be sent to the enforcing
531 agency at the address set forth on the notice of hearing. The enforcing agency shall
532 immediately forward the motion for rehearing to the hearing officer. If the motion is made
533 by the County, the County shall forward a copy of the motion to the hearing officer and to
534 the violator at the last known address. Within ten (10) days after receipt of the motion, the
535 hearing officer shall enter an order on the motion for rehearing. If the motion for rehearing
536 is granted, the case shall be set for rehearing on the next regularly scheduled hearing or
537 as soon thereafter as possible.

538 (b) ~~When the corrective action specified in a final order of the Board is~~
539 ~~completed and the costs imposed thereon have been paid by the owner of the subject~~
540 ~~premises, including any administrative costs, the director shall record a release of notice~~
541 ~~of violation and lien in the Public Records of Broward County, Florida, stating that all~~
542 ~~violations have been corrected and, thereupon, the order of the Board shall be deemed~~

543 ~~to be satisfied~~ The violator or the County may appeal a final decision of a hearing officer
544 to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days after the date
545 of rendition of the decision of the hearing officer, as provided by the Florida Rules of
546 Appellate Procedure.

547 (c) ~~The cost of recording the final order of the Board and the release shall be~~
548 ~~recoverable as costs from the owner of record of the property prior to recording said~~
549 ~~release.~~

550 (d) ~~Any person acquiring any interest in or to property described in a notice of~~
551 ~~violation and order to show cause shall be bound thereby to the same extent as the prior~~
552 ~~owner or transferee, and shall take the property subject thereto. Provided, however, that~~
553 ~~if the time for the filing of objections has not expired, the new owner or transferee shall~~
554 ~~then have ten (10) days from the date upon which the transfer of the property interest is~~
555 ~~effective as to that new owner or transferee or upon the last day set for the filing of~~
556 ~~objections, whichever is greater, to file objections to the notice of violation and order to~~
557 ~~show cause. The new owner or transferee shall be accorded all the rights and privileges~~
558 ~~of the prior owner or transferee.~~

559 . . .

560 **~~Sec. 5-69. Action to be taken upon noncompliance with final order.~~**

561 (a) ~~Upon the refusal, failure, or neglect of a person to comply with a final order~~
562 ~~of the Board, the enforcing agency shall notify the Board, in writing, and ask for a hearing~~
563 ~~to be conducted by the Board. After the hearing, the Board may order the enforcing~~
564 ~~agency to have the dwelling, dwelling unit, hotel, hotel unit, rooming house, rooming unit,~~

565 ~~or structure repaired, altered, vacated, demolished, or otherwise made to conform with~~
566 ~~the requirements of this article and the order of the Board.~~

567 (b) ~~All owners and mortgagees shall be provided notice by certified or~~
568 ~~registered mail to the last known address and a copy of the notice shall be posted in a~~
569 ~~conspicuous place on the premises subject to the Board's order. In addition, the enforcing~~
570 ~~agency shall cause to be published two (2) times, at least one (1) week apart, in a~~
571 ~~newspaper of general circulation within Broward County, a notice of the action to be taken~~
572 ~~by the enforcing agency. All notices shall be served and the last publication shall occur~~
573 ~~not less than ten (10) days before any repairs, alterations, vacation, demolition, or other~~
574 ~~action is commenced hereunder.~~

575 (c) ~~The owner of any property which is the subject of an order of the Board shall~~
576 ~~pay all costs of the corrective action required and ordered by the Board and all costs~~
577 ~~incurred in the execution of any action ordered by the Board, including the costs of~~
578 ~~service, notice, and title search.~~

579 (d) ~~A certified copy of the order, showing the actual cost incurred in the~~
580 ~~execution of the action ordered by the Board, the date of the action, and the legal~~
581 ~~description of the property may be recorded in the Official Records of Broward County as~~
582 ~~provided by Section 28.222, Florida Statutes, and thereafter shall constitute a lien against~~
583 ~~the land on which the violation exists. The lien shall be prima facie evidence of the debt~~
584 ~~to the County and may be foreclosed as mortgages are foreclosed in the circuit court;~~
585 ~~provided, however, that no liens created pursuant to this part may be foreclosed on real~~
586 ~~property that constitutes a homestead under Section 4, Article X of the Florida~~
587 ~~Constitution.~~

588 (e) All costs incurred by the enforcing agency in the execution of any repairs,
589 alterations, vacations, demolitions, or other action ordered by the Board, may be paid
590 from public funds upon certification by the enforcing agency of the date or dates the work
591 was performed, and that the items of cost are accurate and reasonable.

592 **Sec. 5-70. Standards for declaration of structures as unfit for human habitation;**
593 **condemnation procedures.**

594 (a) The designation of dwellings, dwelling units, hotels, hotel units, rooming
595 houses, and rooming units as unfit for human habitation, and the procedure for the
596 placarding and condemnation of such unfit structures and units shall be executed by the
597 enforcing agency in compliance with the standards and procedures established
598 hereunder.

599 (b) The head of the enforcing agency shall declare as unfit for human
600 occupancy any dwelling, dwelling unit, hotel, hotel unit, rooming house, or rooming unit
601 which is found to have any of the following defects, to wit:

602 (1) One which is so dilapidated, damaged, decayed, unsanitary, unsafe, or
603 vermin infested that it creates a serious hazard to the health or safety of the
604 occupants or the public;

605 (2) One which lacks illumination, ventilation, or sanitary facilities adequate to
606 protect the health or safety of the occupants or the public;

607 (3) One which, because of its general condition or location, is unsanitary, or
608 otherwise dangerous or injurious to the health or safety of the occupants or
609 the public; or

610 (4) Any defect as provided in Section 5-58 of this article.

611 ~~(c) The head of the enforcing agency shall give to the owner or person in~~
612 ~~charge of any dwelling, dwelling unit, hotel, hotel unit, rooming house, or rooming unit~~
613 ~~determined to be unfit for human occupancy, written notice to the effect that such dwelling,~~
614 ~~dwelling unit, hotel, hotel unit, rooming house, or rooming unit is unfit for human~~
615 ~~occupancy, and such notice shall conform to the notice requirements of Section 5-64 of~~
616 ~~this article, and in addition thereto shall:~~

617 ~~(1) Summarize the defects which serve as the basis for declaring the dwelling,~~
618 ~~dwelling unit, hotel, hotel unit, rooming house, or rooming unit as unfit for~~
619 ~~human occupancy; and~~

620 ~~(2) Order the building, structure, or portion thereof, to be vacated within five (5)~~
621 ~~days and not reoccupied until a certificate of compliance is issued by the~~
622 ~~director.~~

623 ~~(d) Proper service of notice under this Section 5-70 shall be provided in~~
624 ~~accordance with the provisions of Section 162.12, Florida Statutes, as amended.~~

625 ~~(e) In addition to giving notice, the director shall post, or cause to be posted,~~
626 ~~upon the dwelling, dwelling unit, hotel, hotel unit, rooming house, or rooming unit, which~~
627 ~~is determined to be unfit for human occupancy, a placard, to be signed by the head of the~~
628 ~~enforcing agency, which contains the following script:~~

629 ~~"THESE PREMISES NOT FIT~~

630 ~~FOR HUMAN OCCUPANCY~~

631 ~~Notice is given pursuant to Chapter 5, Article IV, The Minimum Housing~~
632 ~~Code for Broward County, Florida, that this building is not fit for human~~
633 ~~occupancy and shall not be used or occupied. Those persons violating this~~

634 ~~notice shall be subject to arrest and punishment, as provided by law. This~~
635 ~~notice shall not be removed except by authority of the Board."~~

636 (f) ~~No person, except a representative of the enforcing agency, may deface or~~
637 ~~remove a placard from any premises which has been declared and placarded as unfit for~~
638 ~~human habitation.~~

639 (g) ~~The head of the enforcing agency may order a placard removed whenever~~
640 ~~the defect or defects upon which the placarding action was based have been eliminated.~~

641 (h) ~~After a premises has been placarded as provided in this Section 5-70, and~~
642 ~~the owner or occupant fails or refuses to voluntarily comply with the notice, the director~~
643 ~~shall immediately apply to the Board for an order condemning said premises as unfit for~~
644 ~~human occupancy, and shall cause a hearing to be set thereon, as soon as possible.~~

645 (1) ~~The director shall provide notice to the owner, occupants, and mortgagees~~
646 ~~stating the time, date, and place of the hearing. Notice shall be provided by~~
647 ~~certified or registered mail, or by hand-delivery of a copy of said notice to~~
648 ~~the owner, occupants, and mortgagees, and by posting a copy of the notice~~
649 ~~on the premises.~~

650 (2) ~~At the hearing, all interested parties shall be given an opportunity to be~~
651 ~~heard and present evidence.~~

652 (3) ~~At the hearing, the Board shall consider and determine all relevant issues,~~
653 ~~and shall treat the owner's failure to comply as an objection and petition for~~
654 ~~review under Section 5-65 of this article.~~

655 (4) ~~Notice of the hearing shall be provided pursuant to Section 116 of the~~
656 ~~Florida Building Code.~~

657 (i) ~~Whenever any premises are designated as unfit for human habitation, as~~
658 ~~provided in this article, the enforcing agency shall compare the cost necessary to correct~~
659 ~~the violation to the value of the building:~~

660 (1) ~~If the cost of the corrective measures to be taken exceeds fifty percent~~
661 ~~(50%) of the building's value or if the cost of structural repair exceeds~~
662 ~~thirty-three percent (33%) of its structural value, based on current~~
663 ~~replacement cost less reasonable depreciation, such building may be~~
664 ~~demolished and removed.~~

665 (2) ~~If the cost of the corrective measures does not exceed fifty percent (50%)~~
666 ~~of the building's value or if the cost of structural repair exceeds~~
667 ~~thirty-three percent (33%) of its structural value, based on current~~
668 ~~replacement cost less reasonable depreciation, such building may be~~
669 ~~repaired, renovated, or otherwise made to comply with the requirements of~~
670 ~~this article.~~

671 ~~In order to determine the value of a building or structure and the cost of alterations,~~
672 ~~repairs, and replacement, the guides and standards provided in the "Florida Building~~
673 ~~Code Existing Buildings" shall apply.~~

674 . . .

675 **~~Sec. 5-71. Certification of inspectors.~~**

676 (a) ~~The Board is hereby authorized and empowered to certify individuals as~~
677 ~~Minimum Housing Inspectors, and to issue to such individuals certificates of competency~~
678 ~~attesting to their proficiency, experience, and expertise as inspectors under The Minimum~~
679 ~~Housing Code for Broward County, Florida.~~

680 (b) ~~The Board shall promulgate and establish minimum requirements for all~~
681 ~~individuals desiring certification as Broward County Minimum Housing Inspectors.~~

682 (c) ~~Those individuals certified as inspectors, hereunder, shall be competent to~~
683 ~~testify before any agency, board, or court of competent jurisdiction as expert inspectors~~
684 ~~in the field of minimum housing standards within Broward County, Florida.~~

685 . . .

686 Section 2. Article IX½ of Chapter 39 of the Broward County Code of Ordinances
687 is hereby amended to read as follows:

688 **ARTICLE IX½. LANDLORD REGISTRATION, MINIMUM STANDARDS, AND**
689 **RESIDENTIAL RENTAL PROPERTY INSPECTIONS PROGRAM**

690 **Sec. 39-115. Title and purpose.**

691 This article shall be known as the "Landlord Registration, Minimum Standards, and
692 Residential Rental Property Inspections Program ("Program")." The purpose of the
693 Program is to create a landlord registration database of current and accurate information
694 required to contact a property owner, or designated entity, regarding health or safety
695 violations, minimum housing code complaints, or emergency situations at residential
696 rental units. The Program's further purpose is to conduct minimum standards and rental
697 property inspections to address substandard maintenance of rental properties, promote
698 greater compliance with property maintenance standards, protect property values, and
699 preserve the quality of the ~~unincorporated~~ area BMSD neighborhoods and available
700 housing.

701 **Sec. 39-116. Landlord registration, minimum standards, and residential rental**
702 **property inspections program established.**

703 The Landlord Registration, Minimum Standards, and Residential Rental Property
704 Inspections Program for the ~~unincorporated areas of Broward County~~ BMSD is hereby
705 established.

706 **Sec. 39-117. Definitions.**

707 Director shall mean the director, or designee, of the Broward County Urban
708 Planning Division, or successor agency, charged with enforcing zoning and minimum
709 standard regulations within the BMSD.

710 Enforcing agency shall mean the Urban Planning Division and any successor
711 department or division of County government.

712 ~~(a)~~ Lease shall mean any agreement or other arrangement, written or otherwise,
713 offered by a landlord to a lessee in order to lease, sublease, rent, license, sublicense, or
714 allow occupancy of a residential rental unit.

715 ~~(b)~~ Lessee shall mean a person to whom a lease, sublease, license, or residential
716 rental agreement is granted, whether written or oral.

717 ~~(c)~~ Owner shall mean any person having any legal or equitable title in any residential
718 rental unit.

719 ~~(d)~~ Residential Rental Certificate ~~of Use~~ ("Certificate") shall mean a certificate that
720 shall be obtained from the Division by any person that leases a residential rental unit to a
721 lessee.

722 ~~(e)~~ Residential rental unit shall mean any residential dwelling that is leased for
723 residential purposes, including any single family home, ~~multi-family~~ multifamily dwelling
724 (including condominium units), ~~duplex, triplex, and quadraplex, mobile home, or other~~
725 ~~similar unit~~ with four (4) or fewer units. Residential rental unit shall not include any dwelling

726 unit that is owned by a federal, state, or local housing program or the federal Department
727 of Housing and Urban Development, hotels, motels, public lodging establishments, as
728 defined in Section 509.013, Florida Statutes, or any community residential facility licensed
729 and inspected by the state of Florida.

730 **Sec. 39-118. Landlord registration of residential rental units required.**

731 . . .

732 (f) No Certificate shall be issued until an inspection by a code enforcement
733 officer has been completed and the officer has determined that no material violation of
734 the requirements of this article exists on the property that is the subject of the application.
735 An inspection shall be completed, and a report of findings shall be filed, no later than
736 fifteen (15) business days after the Division's receipt of a complete application. The report
737 shall include findings on whether the property is subject to outstanding code violations or
738 lot-clearing liens or bills. Failure to complete the required inspection and file a report within
739 the time prescribed shall result in a determination that no material violations of this article
740 exist on the property that is the subject of the application. A new inspection is required
741 annually.

742 . . .

743 Section 3. Sections 39-120 through 39-126 of the Broward County Code of
744 Ordinances are hereby created to read as follows:

745 [Underlining omitted]

746 **Sec. 39-120. Purpose and authority for uniform minimum standards.**

747 The purpose of this section is to establish uniform minimum standards within the
748 BMSD for residential rental units; to establish uniform minimum standards for the

749 maintenance of residential rental units that may be subject to this article; and to create an
750 appeal procedure. This section is a means of protecting the public health, general welfare,
751 and life safety of the public by eliminating substandard living conditions, unsanitary
752 conditions, and unsafe structures.

753 **Sec. 39-121. Minimum standards.**

754 (a) No person shall let to another for occupancy any residential rental unit for
755 the purpose of living, sleeping, cooking, or eating therein, that does not comply with the
756 minimum standards and requirements established hereunder.

757 (b) Requirements for basic sanitary facilities and equipment.

758 (1) Each residential rental unit shall have not less than the following:

759 a. A flush water closet, lavatory basin, and a bathtub or shower;

760 b. An approved source of running water suitable for human
761 consumption;

762 c. An approved type of kitchen sink; and

763 d. Adequate receptacles for the storage of garbage, trash, refuse, and
764 rubbish.

765 (2) Each residential rental unit shall provide privacy for, and accessibility to,
766 toilet and bath facilities as follows:

767 a. All water closets, urinals, bathtubs, and showers shall be located in
768 a room or rooms that afford privacy to the user;

769 b. Rooms containing water closets, urinals, bathtubs, or showers shall
770 be not more than one (1) story removed from the residential rental
771 unit of any occupant sharing the facilities; and

- 772 c. All toilet and bath facilities shall be so located so as to be accessible
773 without going outside of the building or without going through a
774 residential rental unit of another occupant.
- 775 (3) Each kitchen sink, lavatory basin, bathtub, and shower shall be supplied
776 with hot and cold water. The water heating facility shall be adequate to
777 supply at least twenty (20) gallons of not less than one hundred twenty
778 degrees Fahrenheit (120° F) water per day for each occupant.
- 779 a. Water heating facilities shall be properly installed, connected, and
780 maintained in a safe and good working condition.
- 781 b. No electric water heater shall be allowed in any bathroom unless the
782 water heater and all electrical connections are totally encased in a
783 nonconductive material or the water heater is installed in such a
784 manner as to avoid any probability of shock hazard.
- 785 (4) All plumbing fixtures shall be properly connected to approved water, sewer,
786 or gas systems. Where a sewer system is not available, drain lines shall be
787 connected to an approved and permitted septic tank.
- 788 (5) Every plumbing fixture, water pipe, waste pipe, gas line, and drain line shall
789 be maintained in a good, sanitary working condition.
- 790 (6) Every supplied facility and piece of equipment to be utilized by a tenant or
791 occupant, including tenant-owned equipment, shall be maintained in a safe,
792 sanitary, and properly operating condition. This provision shall not apply to
793 small domestic appliances including, but not limited to, microwaves, coffee
794 pots, blenders, etc.

- 795 (7) Floor surfaces in water closet compartments, bathrooms, shower rooms,
796 and kitchens shall be covered with asphalt, vinyl-plastic, rubber tile, ceramic
797 tile, terrazzo, linoleum, or other durable, waterproof, nonabsorbent material,
798 and such floors shall be properly maintained in a clean and sanitary
799 condition. No finished flooring material that requires "face nailing" shall be
800 used.
- 801 (c) General requirements for all residential rental units.
- 802 (1) Foundations, floors, walls, ceilings, roofs, windows, doors, and all other
803 building parts shall be structurally sound, weathertight, watertight, and
804 rodent proof and shall be kept in good repair. All roof surfaces shall be
805 watertight. Where water is permitted to stand on a roof for cooling purposes,
806 the roof must be designed for that purpose, and proper precautionary
807 measures shall be taken to prevent breeding of mosquitoes and other
808 similar insects. Gutters and downspouts, where in existence, shall be
809 maintained in a good state of repair.
- 810 (2) All parts and areas subject to deterioration shall be properly maintained and
811 suitably protected from the elements.
- 812 (3) All accessory structures, including fences, garden walls, and other similar
813 enclosures, shall be kept clean and maintained in reasonably good repair,
814 free from infestations.
- 815 (4) Exterior premises shall be kept free from excessive growth of weeds, grass,
816 and other flora. The term "excessive" shall be interpreted as a condition, the

817 existence of which could be detrimental to the health, safety, and welfare of
818 the occupants of the premises or to the public.

819 (d) Heating facilities.

820 Every residential rental unit shall have adequate space-heating facilities, which are
821 properly installed and maintained in a safe and good working condition, as provided in
822 the Florida Building Code and other regulatory codes of Broward County and the state of
823 Florida.

824 **Sec. 39-122. Minimum standards inspections.**

825 (a) The enforcing agency is hereby authorized and empowered to make
826 inspections of any properties that have applied for or obtained a Certificate pursuant to
827 this article, in order to determine the physical condition of said premises and ensure
828 compliance with this article.

829 (b) Except as provided in Section (c) for owner-occupied residences, the
830 inspecting officers of the enforcing agency are hereby authorized to enter, examine, and
831 survey ("inspect") any residential rental unit, at reasonable hours, or at such other time
832 as may be necessary in an emergency, to ensure compliance with this article. Except for
833 emergencies endangering the public health, general welfare, or life safety, the inspecting
834 officers of the enforcing agency shall enter a residential rental unit only upon the prior or
835 contemporaneous consent of the person lawfully in occupancy thereof or the person who
836 has the legal right of possession thereof, or with a court order or inspection warrant, or in
837 accordance with the provisions of this section.

838 (c) In the event that a person who is lawfully in occupancy or has the legal right
839 of possession over a residential rental unit shall not consent to an inspection of said

840 residential rental unit, said person shall be given the opportunity to reschedule such
841 inspection for a time certain within ten (10) days after the inspector's initial contact. Failure
842 of the person exercising common authority over said residential rental unit to thereafter
843 consent to an inspection of the structure or premises without just cause shall be sufficient
844 grounds and probable cause to seek an inspection warrant, as authorized by
845 Sections 933.20 through 933.30, Florida Statutes, as amended, for the purpose of
846 inspecting said structure or premises. Owner-occupied family residences are exempt from
847 the provisions of Sections 933.20 through 933.30, Florida Statutes, as amended.

848 (d) In the event that it shall be deemed necessary by an inspector of the
849 enforcing agency to enter a residential rental unit where the person lawfully in occupancy
850 or having legal right of possession (i) cannot be readily contacted in order to obtain
851 consent to inspect the residential rental unit; or (ii) refuses to consent to the inspection,
852 the inspecting officer of the enforcing agency may apply to the County Court or Circuit
853 Court for the issuance of an inspection warrant to be served by an officer duly authorized
854 by law to serve inspection warrants.

855 (e) Inspecting officers of the enforcing agency shall be provided with official
856 identification and shall exhibit such identification when making any inspection.

857 **Sec. 39-123. Enforcement of minimum standards.**

858 (a) The minimum standards outlined in this article may be enforced by code
859 enforcement officers and by any law enforcement agency having jurisdiction of the area
860 within which the residential rental unit is located pursuant to Section 125.69 and
861 Chapter 162, Florida Statutes.

862 (b) Conflict of interests. No official, Board member, or employee of Broward
863 County charged with the enforcement of this article shall have any financial interest,
864 directly or indirectly, in any repairs, corrections, construction, or demolition that may be
865 required or ordered hereunder.

866 **Sec. 39-124. Service of notice for violations of minimum standards.**

867 (a) With the exception of buildings or structures deemed unsafe, whenever an
868 enforcing officer determines that there is a violation of any provision related to minimum
869 standards found in this article, such enforcing officer shall document the violation and
870 submit a report of the same to the director, whereupon the director shall review all
871 pertinent reports and exhibits, and thereafter may issue a notice of violation and order to
872 show cause why the violation(s) should not be corrected.

873 (b) A notice of violation and order to show cause shall be served on the alleged
874 violator and, if different from the alleged violator, the owner of the structure or premises.

875 Such notice and order shall:

- 876 (1) Be in writing;
- 877 (2) Be dated and signed by the code inspector;
- 878 (3) Specify the violation or violations, and their respective code citations;
- 879 (4) Contain an outline of the corrective action, which, if properly performed, will
880 effect compliance with the provisions of this article;
- 881 (5) State whether a building permit is or is not necessary to correct the
882 violation(s);

883 (6) State that, if a building permit is necessary, it must be obtained prior to
884 correcting the violation(s) and that it must be obtained no later than
885 thirty (30) days after the date of the violation notice;

886 (7) Set a time certain within which the corrective work is to be completed;

887 (8) Contain a statement that final compliance must conform to the requirements
888 of the Florida Building Code; and

889 (9) State that the director may cause to be made any corrections ordered by
890 the hearing officer, the cost of which shall be paid by the owner and, if not
891 paid, assessed against the property and shall become a lien against the
892 property.

893 (c) All notices required by this article shall be served in accordance with the
894 provisions of Chapter 162, Florida Statutes, as amended.

895 (d) Notice, duly served, shall be an order to correct the violation(s) specified
896 therein.

897 **Sec. 39-125. Hearings; hearing officers.**

898 (a) There is hereby created, for the purpose of conducting hearings pursuant
899 to this article, the position of hearing officer. The hearing officer shall be selected by the
900 County Attorney from a list of candidates approved by the Board of County
901 Commissioners of Broward County. The hearing officer shall be a member in good
902 standing with The Florida Bar engaged in the practice of law in Broward County.

903 (b) Upon receipt of a timely request for an administrative hearing, the matter
904 shall be set for hearing on the next regularly scheduled hearing or as soon thereafter as
905 possible.

906 (c) The County shall serve a notice of hearing to the alleged violator, which
907 notice shall include but not be limited to the following:

908 (1) Place, date, and time of the hearing.

909 (2) Right of the alleged violator to be represented by an attorney.

910 (3) Right of the alleged violator to present witnesses and evidence and conduct
911 cross-examination.

912 (4) A conspicuous statement reflecting the requirements of Chapter 286,
913 Florida Statutes, that a person deciding to appeal any decision of a hearing
914 officer will need to ensure that a verbatim record of the proceedings is
915 made. In lieu of providing a notice of hearing as provided above, the County
916 may include a hearing date in the notice of violation that will be scheduled
917 if the alleged violator requests an administrative hearing, provided that the
918 notice of violation includes the information required by this section.

919 (d) No hearing shall be scheduled sooner than ten (10) days from the date of
920 service of the notice of violation unless there is reason to believe that a violation presents
921 a serious threat to the public health, general welfare, or life safety.

922 (e) All hearings shall be open to the public. All testimony shall be under oath
923 and minutes shall be taken.

924 (f) The County shall provide clerical and administrative personnel as may be
925 reasonably required by each hearing officer.

926 (g) Each case before a hearing officer shall be presented by the personnel
927 designated by the County Administrator or the director. The County Administrator or the
928 director shall adopt procedures for the conduct of hearings before hearing officers.

929 (h) Formal rules of evidence shall not apply, but fundamental principles of due
930 process shall be observed and govern the proceedings. All evidence of a type commonly
931 relied upon by reasonably prudent persons in the conduct of their affairs shall be
932 admissible whether or not such evidence would be admissible in a state of Florida court.

933 (i) Each party shall have the right to call and examine witnesses, to introduce
934 exhibits, and to cross-examine opposing witnesses on any relevant matter.

935 (j) The hearing officer shall make findings of fact based on the evidence
936 presented. In order to make a finding affirming the code inspector's decision, the hearing
937 officer must find by clear and convincing evidence that the alleged violator was properly
938 served with notice, that the alleged violator was responsible for the violation of the
939 relevant provision as cited, and that the time for correction set by the code inspector in
940 the warning notice, if required, was reasonable.

941 (k) The hearing officer may not determine that the time given for correction in
942 the warning notice was too long. If the hearing officer finds that a violation occurred but
943 determines that the time given for correction was not reasonable, the hearing officer shall
944 determine a reasonable time period, which shall then be the required time for compliance.

945 (l) If the alleged violator is found guilty of the violation and the appropriate fine
946 is imposed, the violator may also be held liable for the reasonable costs of the
947 administrative hearing, at the discretion of the hearing officer.

948 (m) The hearing officer shall have the power to:

949 (1) Take testimony under oath.

950 (2) Determine whether the cited violations occurred.

951 (3) Determine whether a reasonable time period for compliance was given.

- 952 (4) Determine whether the alleged violator was properly notified of the hearing.
- 953 (5) Assess and order the payment of fines, which may include civil penalties
954 and administrative costs as provided under this article within a specified
955 time.
- 956 (6) Impose liens as provided by Chapter 8½, Broward County Code of
957 Ordinances, and Chapter 162, Florida Statutes.
- 958 (7) Issue a fine consistent with Section 5-72 of the Broward County Code of
959 Ordinances and Chapter 162, Florida Statutes.

960 **Sec. 39-126. Enforcement of minimum standards.**

961 (a) The violator or the County may seek a rehearing of the case by filing a
962 written motion for rehearing within five (5) working days after rendition of the decision by
963 the hearing officer. The motion for rehearing shall set forth issues that were overlooked
964 or omitted at the hearing but shall not consist of a reargument of the case. If the motion
965 is made by the violator, said motion shall be sent to the enforcing agency at the address
966 set forth on the notice of hearing. The enforcing agency shall immediately forward the
967 motion for rehearing to the hearing officer. If the motion is made by the County, the County
968 shall forward a copy of the motion to the hearing officer and to the violator at the last
969 known address. Within ten (10) days after receipt of the motion, the hearing officer shall
970 enter an order on the motion for rehearing. If the motion for rehearing is granted, the case
971 shall be set for rehearing on the next regularly scheduled hearing or as soon thereafter
972 as possible.

973 (b) The violator or the County may appeal a final decision of a hearing officer
974 to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days after the date

975 of rendition of the decision of the hearing officer, as provided by the Florida Rules of
976 Appellate Procedure.

977 Section 4. Severability.

978 If any portion of this Ordinance is determined by any court to be invalid, the invalid
979 portion will be stricken, and such striking will not affect the validity of the remainder of this
980 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
981 legally applied to any individual, group, entity, property, or circumstance, such
982 determination will not affect the applicability of this Ordinance to any other individual,
983 group, entity, property, or circumstance.

984 Section 5. Inclusion in the Broward County Code of Ordinances.

985 It is the intention of the Board of County Commissioners that the provisions of this
986 Ordinance become part of the Broward County Code of Ordinances as of the effective
987 date. The sections of this Ordinance may be renumbered or relettered and the word
988 "ordinance" may be changed to "section," "article," or such other appropriate word or
989 phrase to the extent necessary in order to accomplish such intention.

990 Section 6. Effective Date.

991 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis I. Marrero Koratich 01/04/2023
Alexis I. Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 01/04/2023
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Minimum Housing Ordinance
01/09/2023
#60053-0052

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.