

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE LANDLORD REGISTRATION, MINIMUM
3 STANDARDS, AND RESIDENTIAL RENTAL PROPERTY INSPECTIONS PROGRAM;
4 AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY
5 CODE OF ORDINANCES (“CODE”), ELIMINATING THE REQUIREMENT FOR THE
6 ISSUANCE OF A RESIDENTIAL RENTAL CERTIFICATE AND STREAMLINING THE
7 ENFORCEMENT PROVISIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION
8 IN THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10
11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
12 BROWARD COUNTY, FLORIDA:

13 Section 1. Section 39-115 of the Broward County Code of Ordinances is hereby
14 amended to read as follows:

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

16 This article shall be known as the Landlord Registration, Minimum Standards, and
17 Residential Rental Property Inspections Program (“Program”). The purpose of the
18 Program is to create a landlord registration database of current and accurate information
19 required to contact a property owner, or designated entity, regarding health or safety
20 violations, minimum housing code complaints, or emergency situations at residential
21 rental units. The Program’s further purpose is to ~~conduct~~ investigate minimum standards

22 complaints and ~~rental~~ conduct exterior property inspections to address substandard
23 maintenance of rental properties, promote greater compliance with property maintenance
24 standards, protect property values, and preserve the quality of the BMSD neighborhoods
25 and available housing.

26 Section 2. Section 39-117 of the Broward County Code of Ordinances is hereby
27 amended to read as follows:

28 **Sec. 39-117. Definitions.**

29 Code shall mean the Broward County Code of Ordinances.

30 *Director* shall mean the director, or designee, of the Broward County Urban
31 Planning Division, or successor agency, charged with enforcing zoning and minimum
32 standard regulations within the BMSD.

33 . . .

34 *Owner* shall mean any person having any legal or equitable title in any residential
35 rental unit.

36 *Residential Rental Certificate* ~~(“Certificate”)~~ Registration (“Registration”) shall
37 mean ~~a certificate that shall be obtained from~~ an application for the registration of a
38 residential rental unit that has been issued and approved by the Division ~~by any person~~
39 ~~that~~ for an owner to leases a residential rental unit to a lessee.

40 *Residential rental unit* shall mean any residential dwelling that is not occupied by
41 the owner and is leased for residential purposes, including any single family home, and
42 multifamily dwelling (including condominium units) with four (4) or fewer units. Residential
43 rental unit shall not include any dwelling unit that is owned by a federal, state, or local
44 housing program or the federal Department of Housing and Urban Development, hotels,

45 motels, public lodging establishments, as defined in Section 509.013, Florida Statutes, as
46 amended, or any community residential facility licensed and inspected by the state of
47 Florida.

48 Section 3. Section 39-118 of the Broward County Code of Ordinances is hereby
49 amended to read as follows:

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

51 (a) No person shall lease a residential rental unit unless that person has
52 previously obtained a Registration from the Division ~~a Certificate~~ for that unit. An
53 application for a Registration shall be made for each residential rental unit. An owner shall
54 be authorized to submit a single application if (i) the owner's property has more than
55 one (1) unit under the same property identification number issued by the Broward County
56 Property Appraiser's Office; and (ii) the contact information provided in the application for
57 each unit is identical.

58 (b) ~~Within ninety (90) days after the effective date of this article, each person~~
59 ~~that currently leases a residential rental unit to another person shall apply for a Certificate,~~
60 ~~unless exempt from the provisions of this article. Beginning October 1, 2013~~
61 February 10, 2025, and for each year thereafter, each person intending to lease a
62 residential rental unit to a lessee during any part of the following year shall ~~first obtain a~~
63 ~~Certificate~~ submit an application for a Registration for that unit ~~prior to entering into any~~
64 ~~lease or renewal for the unit~~ and obtain a Registration. Persons holding a current
65 Residential Rental Certificate (defined as the certificate obtained from the Division by any
66 person that leases a residential unit to a lessee) as of February 10, 2025, shall submit an

67 application for a Registration upon expiration of the Residential Registration Certificate
68 and obtain a Registration.

69 (c) Application for a ~~Certificate~~ Registration for each residential rental unit shall
70 be on a form prescribed by the Division, and shall include the legal name of the owner
71 and landlord, if different; direct mailing address; telephone number; twenty-four (24)
72 hour emergency telephone number; and if neither the owner nor the landlord maintains
73 a residence or place of business in Broward, Miami-Dade, or Palm Beach County, the
74 name and emergency contact information of a person with such a local residence or place
75 of business, who has been designated and authorized by the owner or landlord to cure
76 violations of this article. A separate application for a Registration shall be made for each
77 property bearing a separate property identification number issued by the Broward County
78 Property Appraiser's Office or having different contact information.

79 . . .

80 (e) Within thirty (30) days after any change to the information provided in the
81 application, including a change in ownership, each person who has received a ~~Certificate~~
82 Registration shall inform the Division in writing of the change.

83 (f) No ~~Certificate~~ application for a Registration shall be ~~issued~~ approved until
84 ~~an inspection by a code enforcement officer~~ review of the Division's records has been
85 completed and the code enforcement officer has determined that no complaints are
86 pending inspection or that a material violation of the requirements of this article exists on
87 the property that is the subject of the application. ~~An inspection~~ The Division's review shall
88 be completed, and a report of findings shall be filed, no later than fifteen (15) business
89 days after the Division's receipt of a complete application. The report shall include findings

90 on whether the property is subject to outstanding code violations or lot-clearing liens or
91 bills. Failure to complete the required ~~inspection~~ Division review and file a report within
92 the time prescribed shall result in a determination that no material violations of this article
93 exist on the property that is the subject of the application. A new ~~inspection is~~ application
94 for a Registration and review of the Division's records are required annually.

95 (g) ~~An inspection report finding violations of this article shall be subject to~~
96 ~~appeal through the procedures set forth in this chapter.~~

97 (h) ~~Pursuant to Section 39-19, Broward County Code of Ordinances ("Code"),~~
98 ~~the zoning official may initiate proceedings to revoke a Certificate if the property that is~~
99 ~~the subject of the Certificate is in violation of the provisions of this article.~~

100 (i) ~~Violations of this article may be enforced pursuant to Chapter 8½ of the~~
101 ~~Code, Chapter 162, Florida Statutes, or other appropriate legal action. The County is~~
102 ~~entitled to recover all costs and expenses of enforcement, including attorney's fees, and~~
103 ~~such costs and expenses may be recorded as a lien against the property that was the~~
104 ~~subject of the enforcement action, superior to all other liens and mortgages, except for~~
105 ~~tax liens and mortgages recorded prior to the effective date of this article.~~

106 Section 4. Section 39-120 of the Broward County Code of Ordinances is hereby
107 amended to read as follows:

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

109 The purpose of this section is to establish uniform minimum standards within the
110 BMSD for residential rental units; and to establish uniform minimum standards for the
111 maintenance of residential rental units that may be subject to this article; ~~and to create an~~
112 ~~appeal procedure.~~ This section is a means of protecting the public health, general welfare,

113 and life safety of the public by eliminating substandard living conditions, unsanitary
114 conditions, and unsafe structures.

115 Section 5. Section 39-122 of the Broward County Code of Ordinances is
116 hereby amended to read as follows:

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

118 (a) Upon receipt of a minimum standards complaint, ~~the~~ enforcing agency is
119 hereby authorized and empowered to make inspections of any properties that have
120 applied for or obtained a ~~Certificate~~ Registration pursuant to this article, in order to
121 determine the physical condition of said premises and ensure compliance with this article.

122 . . .

123 Section 6. Section 39-126 of the Broward County Code of Ordinances is hereby
124 amended to read as follows:

125 **Sec. 39-126. Enforcement of ~~minimum standards;~~ appeals.**

126 (a) Violations of this article may be enforced pursuant to Chapter 8½ of the
127 Code, Chapter 162, Florida Statutes, as amended, or other appropriate legal action. The
128 County is entitled to recover all costs and expenses of enforcement, and such costs and
129 expenses may be recorded as a lien against the property that was the subject of the
130 enforcement action.

131 ~~(a)~~ (b) The violator or the County may seek a rehearing of the case by filing a
132 written motion for rehearing within five (5) working days after rendition of the decision by
133 the hearing officer. The motion for rehearing shall set forth issues that were overlooked
134 or omitted at the hearing but shall not consist of a reargument of the case. If the motion
135 is made by the violator, said motion shall be sent to the enforcing agency at the address

136 set forth on the notice of hearing. The enforcing agency shall immediately forward the
137 motion for rehearing to the hearing officer. If the motion is made by the County, the County
138 shall forward a copy of the motion to the hearing officer and to the violator at the last
139 known address. Within ten (10) days after receipt of the motion, the hearing officer shall
140 enter an order on the motion for rehearing. If the motion for rehearing is granted, the case
141 shall be set for rehearing on the next regularly scheduled hearing or as soon thereafter
142 as possible.

143 ~~(b)~~ (c) The violator or the County may appeal a final decision of a hearing officer
144 to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days after the date
145 of rendition of the decision of the hearing officer, as provided by the Florida Rules of
146 Appellate Procedure.

147 Section 7. Severability.

148 If any portion of this Ordinance is determined by any court to be invalid, the invalid
149 portion will be stricken, and such striking will not affect the validity of the remainder of this
150 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
151 legally applied to any individual, group, entity, property, or circumstance, such
152 determination will not affect the applicability of this Ordinance to any other individual,
153 group, entity, property, or circumstance.

154 Section 8. Inclusion in the Broward County Code of Ordinances.

155 It is the intention of the Board of County Commissioners that the provisions of this
156 Ordinance become part of the Broward County Code of Ordinances as of the effective
157 date. The sections of this Ordinance may be renumbered or relettered and the word

158 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
159 phrase to the extent necessary to accomplish such intention.

160 Section 9. Effective Date.

161 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 Marrero Koratich 11/22/2024
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 11/22/2024
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Residential Rental Registration Ordinance
11/22/2024
#41039

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