

Daytona Beach

ARTICLE 1. LANDLORD PERMITS

Landlord permits.

(a) *Application for permit; issuance of permit.* Every owner of a single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling; roominghouse, dormitory or ether dwelling unit within a district designated in section 30-57 of this Cede is required to get an 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, whether or net for consideration, except as provided in subsection (b). In the case of multiple owners of any such dwelling unit, it shall be sufficient for any one of the owners to have obtained a permit on the unit. The application shall be in writing and on a form provided by the city. Such annual permit shall be valid from August 1 through July 31 of each year, unless revoked, and shall be issued provided:

(1) An annual regulatory fee in accordance with the schedule set out in appendix A is paid.

(2) The owner er agent and the dwelling unit are in compliance with this article.

(3) The owner er agent provided the correct street address for the dwelling unit on the permit application.

(b) *Exemption.* The provisions of this section do not apply if the dwelling unit is occupied by less than three persons 18 years of age or older, one of whom is the owner and the children of the owner or the ether person.

(c) *Payment; late payment.* The city shall bill each applicant or holder of a landlord permit for the annual fee, once the city manager or designee determines that all requirements for the permit have been met. If payment is not received on the due date, an extra fee shall be due and payable as specified in Appendix A. If payment is net received within the time frames specified in Appendix A, the city manager or designee may refer the account to a collection agency. If the collection agency does not collect the amount due within 90 days of the referral or if the city manager or designee decides net to refer the account to a collection agency, the applicant or permit holder shall be subject to' notice of citation for violation of this article and proceedings before the code enforcement beard.

(d) *Failure to apply for permit.* If the city manager er designee has reasonable cause to' believe that a dwelling unit is occupied without a permit in violation of this article, the owner of the property shall be given notice that a permit is required and that an application must be filed with the city within 30 days of the notice. If an application is net received en the due date, an extra fee shall be charged for the permit as specified in appendix A. Failure to apply, or provide evidence that a permit is net required, within the time frames specified in appendix A shall subject the owner to' citation for violation of this article and proceedings before the cede enforcement board.

(e) *Certifications of applicant for permit.* The applicant for a landlord permit will be required to' make the following certifications. Failure to comply with any of the certifications shall be grounds for revocation of the permit for that unit, as described in section 14.5-3 or denial of a permit as described in section 14.5-4.

(1) Prior to allowing occupancy of the dwelling unit covered by the permit, the owner or agent provided each tenant with a copy of

F.S ch. 83, pt. II, entitled "Residential Tenancies";

Chapter 145, Article I of this Code, entitled "Landlord Permits"; and

A pamphlet prepared by the city containing guidelines for rentals in residential neighborhoods.

(2) In the event the city provides notice to the property owner or agent of repeated violations of

certain ordinances occurring at the dwelling unit, as provided in section 14.5-2, the owner or agent will pursue all lawful remedies available under F.S. § 83.56, regarding termination of the rental agreement due to the tenant's failure to comply with F.S. ch. 83, the provisions of the lease or this Code.

(3) The applicant is the fee simple owner of the dwelling unit or the agent of the fee simple owner of the dwelling unit.

(4) The applicant owner has provided the city with an agent as required by subsection 14.5-2(a), if applicable.

(f) *Definitions.* Unless otherwise specified in this article, "Days" shall mean calendar days and "Notice" shall mean written notice (1) delivered by certified mail, return receipt requested, to the last known address of the owner or agent, or (2) posted at the dwelling unit, in the event delivery cannot be made by the method specified in (1).

(Ord. No. 070107, § 2, 6-25-07)

See 14.5-2. Requirements of owner.

(a) *Appointment of agent.* Any owner who resides, either at the time of procuring a permit or after having procured a permit, outside of Alachua County shall appoint an agent who resides within the county for the purpose of receiving notices from the city concerning the permit. The owner shall notify the city in writing of the name, address, and telephone number of the agent.

(b) *List of tenants.* The owner or agent shall maintain a list of the names of tenants in each dwelling unit. Such lists shall be available to the city upon reasonable notice.

(c) *Violations; warnings; points.* Rental units where there are repeated warnings of violation and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following city ordinances:

The following denotes Daytona's Top Seven Code Violations

(1) Overgrown yards (City Code Article IV of Section 78- 111),

(2) Outside storage (LDC Article 18 Section 7.3.1).

(3) Appearance standards (LDC Article 19 Section 1 11

(4) Dorm living (LDC Article I, Section 4.3 (c),

(5) Yard parking (LDC Article I 8 Section 2.7).

(6) Junk vehicles (City Code Article 42- J 11),

(7) Swimming pools (LDC Article 19 Section 1.1 ref. FBC Supp IPMC Sec. 303.1)

where the violation takes place at a unit regulated by this article shall be grounds for the accumulation of points as follows:

(1) For one or more written warnings given in any 24-hour period for violation of one or more of the ordinances listed above, one point will be assessed on the landlord permit for that unit. For each instance of adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or plea of no contest (including, but not limited to, payment of fine) for violation of any of the ordinances listed above, two points will be assessed on the landlord permit for that unit. However, to the extent more than one person is adjudicated guilty, found guilty with adjudication withheld, waives the right to contest the violation or pleads no contest for the same violations that occur within a 24-hour period, *only* two points will be assessed on the landlord permit for that unit. For purposes of this section, written warnings shall mean those warnings issued pursuant to civil citation or code enforcement procedures, including stickers placed on vehicles advising of violation of the yard parking ordinance.

(2) After each point is assessed on a landlord permit for a unit, the city manager or designee will send a written warning to the owner or agent. Each warning will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each warning will be sent by regular mail to the last known address of

the owner or agent.

(Ord. No 070107, § 2. 6-25-07)

Sec. 14.5-3. Revocation of permit.

(a) Accumulation of six or more points on a permit for a dwelling unit during three consecutive annual (i.e., August 1 through July 31) permit periods or failure to comply with the certifications required in subsection 14.5-1(e), shall constitute a violation of this article, subjecting the owner to proceedings to revoke the permit.

(b) Upon the accumulation of six or more points or failure to comply with certifications as described in (a) above, the following procedure shall be followed:

(1) The city manager or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or agent by any officer authorized by law to serve process or a duly appointed law enforcement officer of the city police department. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the city, then service may be made by notice.

(2) The owner or agent shall have 15 days from the date of service to request a hearing to contest the revocation of the permit. The request shall be sent to the city manager by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.

(3) Upon request for a hearing, the city attorney is authorized to arrange for the services of a hearing officer to conduct the hearing and to prepare a recommended order.

(4) In conducting the hearing, the hearing officer shall have the power to administer oaths, issue subpoenas compel the production of books, papers, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, to file exceptions to the hearing officer's recommended order, and to be represented by counsel or other qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or agent shall not be a defense by such owner or agent.

(5) If the hearing officer finds either: (a) the accumulation of the six points and the existence of a public nuisance at common law or noxious use of private property, or (b) the owner failed to comply with the certifications as required in subsection 14.5-1(e), the hearing officer shall prepare a recommended order.

{6} If the hearing officer finds no failure to comply 'with the certifications exists, no public

nuisance at common law or noxious use of private property exists, or that the owner has recovered possession of the dwelling unit, the hearing officer will prepare a recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the landlord to seek compliance with the city's ordinances.

(7) The hearing officer's recommended order shall consist of findings of fact, conclusions of law and recommended relief. The hearing officer shall transmit the recommended order to the city manager and the owner or agent. The owner or agent shall have 15 days from the date of the hearing officer's order to submit written exceptions to the hearing officer's recommended order. The city manager shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to

determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the city manager shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The city manager may remand the recommended order along with the delineated deficiencies back to the hearing officer for consideration of the deficiencies. The hearing officer shall address the deficiencies in an addendum to the recommended order. The city manager shall then either: (a) adopt the recommended order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the city manager shall be the final order of the city.

(8) The city manager or designee shall provide notice of the final order within 15 days of the date of the final order.

(9) If the permit is revoked under these procedures, the owner or agent shall have 15 days from the date of the final order to commence proceedings to recover possession of the rental unit under state law, if not already done. The owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the city manager or designee. If the owner fails to comply with these provisions, or fails to abide with the final order of the city, the city may cite the owner for violation of section 14 5-] (renting without a landlord permit), or seek other available legal or equitable relief.

(10) In addition to the above-described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.

(11) The final order of the city is subject to certiorari review in a court of competent jurisdiction in Alachua County, Florida.

t Ord '10. 070¹07, ~ 2. 6-25-07;

See ;...; 5-4. Denial of permit.

(a) The city manager or designee may deny issuance of any permits applied for under this section if it is determined either that the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of section 30-57 or that the owner or agent has refused to make or comply with the certifications required in subsection 14.5-1. (e) or that the owner has otherwise violated a provision of this article.

(b) If the city manager or designee determines there is reasonable cause to believe that there are grounds to deny a permit applied for the city manager or designee shall provide notice of the denial, including the grounds for the denial.

(c) Within 15 days of the date of the notice, the owner may request in writing to the city manager a hearing on the denial. The city manager or designee shall schedule the hearing to occur within 15 days after receiving the request for hearing and shall notify the owner at least five days in advance of the time and location for the hearing. The hearing may be postponed if mutually agreed upon by the city manager and the owner.

(d) The hearing shall be conducted informally and adherence to the rules of evidence normally followed by the courts shall not be required. Any person may present testimony, documents or other evidence as deemed relevant by the city manager or designee. Any person may be represented by counsel.

(e) The city manager or designee shall consider all evidence presented, and if the

preponderance of the evidence supports the allegation of violation the permit shall be denied. If the preponderance of the evidence does not support the allegation of violation, the permit shall be issued. The decision of the city manager or designee may be appealed by a writ of certiorari to a court of competent jurisdiction in Alachua County, Florida.

(f) The city manager or designee may waive the denial requirement as to any permit if it is determined that the owner has attempted in good faith to comply with this article. In determining asserted good faith as required for a waiver, the city manager or designee may consider, but not be limited to, the owner response to current violations and remedy of past violations.

(g) If a permit is denied under *this* section, the owner whose permit was denied shall not be issued another permit on the same dwelling unit for a period of 6 months after the date of denial. (Ord. No. 070107, § 2,6-25-07)

Sec. 14.5-5. Inspections and complaints.

(a) *Inspections.* 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 (article II of chapter 13 of the Code of Ordinances) 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.

(b) *Complaints.* Each complainants shall be requested to state his/her name and addresses and give a statement of the facts giving rise to the complainant's belief that the provisions of this article are being violated. Such information may be obtained orally or in writing. A complainant may be subpoenaed to appear in a revocation or denial proceeding to provide evidence or testimony.

(Ord. No. 070107, § 2, 6-25-07)

Sees. 14.5-6–145-14. Reserved.

Landlord permit:

1. Initial applications:

a. Application received on time and payment received on or before 10 business days of city finding all other permit requirements met ... \$0.00

b. Application received 1 business day to 30 calendar days late or payment received after 10 business days but on or before 30 calendar days of city finding all other permit requirements met ... \$0.00

c. Application received 31 to 60 calendar days late or payment received after 30 calendar days but on or before 60 calendar days of city finding all other permit requirements met ... \$0.00

d. Application received 61 to 90 calendar days late or payment received after 60 calendar days but on or before 90 calendar days of city finding all other permit requirements met ... \$0.00

2. Renewals:

Payment received on or before August 31 ... \$0.00

Payment received after August 31 but on or before October 1 \$0.00

Payment received after October 1 but on or before November 1 \$0.00

Payment received after November 1 but on or before December 1 \$0.00