



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

#Item 15.a.9

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Sharon P. Ragoonan, Village Manager

DATE: January 10, 2017

TITLE: Village Manager Report: Code Compliance Monthly Report

Recommendation

The purpose of this memorandum is to provide the Mayor and Village Commission with an update on code compliance activities in the community.

Background

Please find below the statistics reflecting code enforcement efforts in the month of December 2016:

A total of 12 enforcements were issued for the month of December 2016. Their status is outlined in the document attached. Please see Exhibit 2.

Upcoming Initiatives:

- Onboarding and training of new Code Compliance Officer.
- Development of educational and informational tools.
- Evaluation and implementation of Landlord Permit program. See Exhibit 1 for research conducted by the City of Fort Lauderdale and provided to the Village Manager on September 28th, 2016.
- Improve the Code Compliance Statistics report.

Resource Impact

The department encountered the loss of the code compliance officer in November 2016, and the vacant position is temporarily back-filled through professional services (e.g. C.A.P. Government), and subsequently a partnership with a neighboring municipality, specifically the City of Sunny Isles Beach. The code officer concentrated on issuing courtesy notices, conducting past due inspections, and responding to Neighbor complaints.

The search for the regular full-time Code Compliance Officer was completed, and the

new hire will start on January 17th, 2017.

Attachment

Exhibit 1 – Rental Inspection Permit Program

Exhibit 2 – Enforcement List

Prepared by: Claude Charles, Finance Manager

Exhibit 1 - Rental Inspection Permit Program (2016)

Cocoa, FL – “Residential Rental Program”, Ord. 08-2007

Annual Permit Fee (SFR)	\$74.00	
Annual Permit Fee (MFR)	Varies by amount	
Inspection Fee	\$0.00	
Re-Inspection Fee	\$0.00	
Subsequent Re-Inspection Fee	\$75.00	

- Applicability – All residential rental units in city limits; however, city inspections of public lodging establishments (Statute 509.013) shall be limited to determining compliance with FBC and FFPC¹.
- Registration of Agent required – owner may represent self if they meet residency requirements and provide their cell/landline phone numbers, current local address, and email address.
- Rental Agreement Required – A written rental agreement must extend at least beyond a period of 30 consecutive days to be valid under this section. Owner shall provide the city a copy of tenant responsibilities in the event of a dispute over a code violation.
- Inspections
 - Conducted with permission of owner, by warrant, or under emergencies of immediate life safety concerns.
 - Seven days notice afforded prior to typical inspections for SFRs.
 - MFRs² may be randomly inspected as a percentage of the total number of units. If multiple units have violations, all units may be subject to inspection.
 - City *intends* to inspect rental properties at least once every five years.
 - Owner may utilize private housing inspector, but the City must be notified and retains the right to observe.
- Re-inspections and fees - Seventy five dollars for each re-inspection after reasonable amount of time has been afforded to the owner to correct the violation.
- Assignment of Rental Unit Classification
 - Classifies units from “A” to “F” (depending on scope and severity of violations), “N” (newly constructed), and “R” (renovated).
 - Class A – The building has no violations of applicable housing codes.
 - Class B – The building has some violations of applicable housing codes but none of which pose a threat to life safety.
 - Class C – The building possesses 10 or more violations which affected the overall livability of the building or unit, but did not pose such to life safety and welfare.
 - Class D – The building possesses violations of applicable housing codes and is unsafe or unfit for human occupancy.
 - Class F – The building or unit is extensively non-compliant and is unsafe for human occupancy.
 - Class N – The building was newly constructed within the previous 60 months.
 - Class R – The building or unit was significantly rehabilitated within the previous 36 months.

¹ Florida Fire Prevention Code

² Multi-Family Residence(s)

Exhibit 1 - Rental Inspection Permit Program (2016)

Coral Springs, FL – “Landlord Registration Program”, Ord. 2012-115

Annual Fee (per parcel)	\$56.00	
Renewal Fee	\$56.00	
Late Fee	\$25.00	
<ul style="list-style-type: none">• <u>Landlord Registration required</u>• <u>Registration</u><ul style="list-style-type: none">○ Persons who offer a residential unit for lease shall complete a landlord registration form for the unit.○ Separate registration is required for each property location if the owner possesses more than one property.○ Registration shall be for one (1) year.○ There shall be a registered agent that meets residency requirements. Owner may represent self if these requirements are met.○ Owner must report previous violations against property prior to applying.○ Owner shall screen prospective tenants for Sexual Predator or Sexual Offender status.• <u>Inspection</u><ul style="list-style-type: none">○ SFR owners shall submit a self-inspection checklist provided by the city. For properties that do not meet/comply with city building codes, the city will provide a “reasonable” time frame to correct (dependent on the severity of the violation).○ MFR (2 units or above) owners must have their units inspected by a city inspector prior to offering a lease to a prospective tenant and a residential rental license must have been issued by the city○ Every year the owner or agent shall certify that the property is still in compliance with city building codes.• <u>Fee Schedule</u><ul style="list-style-type: none">○ Renewal fee is submitted yearly.○ Late fee is assessed if registration is received more than sixty (60) calendar days after due date• Buildings with 3 or more units must submit to yearly annual fire safety inspections.• Rental properties must be identified by conspicuous signage which details the agent’s name, number, and ownership interest to the property.• Tenants must be provided with a copy of Florida’s tenant/landlord law (Chapter 83) upon signing lease agreement.		

Exhibit 1 - Rental Inspection Permit Program (2016)

Daytona Beach, FL – “Rental Property Program”, Ord. 12-186

Initial Application Fee	\$40.00	
Annual Renewal Fee	\$15.00	
Initial Inspection Fee	\$50.00/unit	
Annual Inspection Fee	\$68.00/unit	
Each re-inspection after 2 nd failed inspection	\$100.00	

- Applicability – All residential rental properties with one to four units located within the city’s limits.
- License Required – Current license must be issued by the city and posted at the property.
- Inspection; license and renewal
 - The city shall inspect within 15 working days of application approval.
 - The license shall be renewed each year in the same manner as that of the business tax receipt.
 - Each property or unit is to be re-inspected every 24 months by the city.
- Tenants – The property owner and agent shall maintain a current tenant list at all times.
- Enforcement – The CEB/SM shall have jurisdiction to enforce the provisions of the article.
 - Any violation may be treated as a civil infraction in accordance with procedures set forth in F.S. Ch. 162, part II.
- Violations to act or omission of tenant – The city will take no action on any violations present at the property if the owner is able to verify the that there is a bona fide eviction process taking place.
- Suspension or revocation
 - Failure to comply with requirements of article.
 - Repeated incidents of criminal activity or violation which threaten public safety.
 - Repeated violations of laws which adversely affect the rights of neighbors to enjoy their own property.
 - Notice of intention to revoke license will be provided by the city at least 7 days prior to revocation, stating the section(s) that have not been consistently complied with.
- Hearing for suspension or revocation
 - If violation has still not been corrected after letter of intent to suspend/revoke, then hearing will held to determine.
 - Notice to appear will be delivered to owner and/or agent.
 - The hearing shall be no sooner than 15 days after service of the notice to appear.
- Reinstatement – The SM may establish the terms and conditions for license reinstatement. An application to reapply after terms have been met shall be the same fees for application and inspection as an original application.

Exhibit 1 - Rental Inspection Permit Program (2016)

Delray Beach, FL – “Landlord Permit”, Ord. 08-12

Permit Fees	\$75.00/unit	**A federal provision under the ADA mandates cities to provide reasonable accommodation for 3 or more unrelated persons- used to protect “sober homes”.
Failure to obtain or renew	\$225.00/unit	
<ul style="list-style-type: none"> • <u>Permit required</u> <ul style="list-style-type: none"> ○ The possession of a valid landlord permit must precede any agreement to lease or rent property within city limits. ○ Hotels, state/group homes, community residential homes, assisted living facilities are exempted from this section. ○ Separate permits are required for each unit except in cases where an owner is applying for multiple permits at one property, in which case a single permit may be issued as long as the fee has been paid for each individual unit. ○ Copies of leases must be submitted to the city. ○ Leased residential dwelling units are limited to four vehicles per unit. Residential parking stickers shall be provided. • <u>Permit fees</u> – Permit fee shall be for one year from the date of issue on Nov. 1 of each year and shall not be prorated. • <u>Approval of application</u> <ul style="list-style-type: none"> ○ The applicant must have an interest in the property or be an acting agent of the property. ○ The units must comply with the requirements of the Housing Code which make the dwelling habitable. ○ The rental of the units must comply with applicable zoning regulations. ○ No more than three unrelated persons shall reside in the dwelling or unit. ○ Annual permit fee has been paid for. ○ Applicant has certified that they have or will provide to the tenant Florida Statutes Chapter 83, Chapter 117 of Code of Ordinances (regarding “landlord permits”), and city pamphlet containing rental guidelines. • <u>Denial or revocation; appeals</u> <ul style="list-style-type: none"> ○ The application is not fully completed. ○ The applicant has not paid the permit fee. ○ The application contains “material falsehood or misrepresentation”. ○ Rental use violates zoning regulations. ○ Landlord permit has been previously revoked within the last twelve months. • <u>Inspections</u> – No timeline to complete inspections; however, inspections are conducted annually. Code Officer Darcy Tyson (Delray Beach) has provided an inspection checklist on request. See Attached. • <u>Tenant/Occupant Eviction</u> <ul style="list-style-type: none"> ○ Landlord must furnish proof of provision of notice to evict tenants. ○ Residential units not exempted from Chapter 83 must provide 48 hours’ notice of eviction or provide alternative temporary dwelling unit for at least 48 hours. 		

Exhibit 1 - Rental Inspection Permit Program (2016)

Miami Gardens, FL – “Landlord Permit”, Ord. 2013-20-308

Application Fee	\$12.00	*Total penalty will not accumulate beyond the 25% threshold.
Criminal History Record Check	\$24.00/individual	
Late Fee/Penalty	10% for 1 st month	
	5%/each additional month*	
<ul style="list-style-type: none"> • <u>Required; exemptions</u> - Every owner is required to obtain an “annual landlord permit” prior to leasing dwelling/unit to a tenant. <ul style="list-style-type: none"> ○ Section does not apply to units owned by governmental entities which are subject to annual inspections under state or federal law and regulations. ○ Prior to leasing, owner or agent must conduct a national criminal background check on ALL tenants. Copy of background check will be provided to the city manager. ○ Leases shall contain a provision that requires the premises to remain drug-free. • <u>Term</u> – No landlord permit shall be issued for more than 12 months. Change of ownership shall be treated as a new application process • <u>Fees</u> - Established under separate resolution. Building and code compliance department shall collect all fees. <ul style="list-style-type: none"> ○ Missed inspections will warrant a re-inspection fee. ○ Three consecutive missed inspections will warrant a revocation of landlord permit. • <u>Application procedures</u> <ul style="list-style-type: none"> ○ Landlords name, address, and phone number required. <ul style="list-style-type: none"> ▪ If application is a corporation or partnership, the owner must additionally submit their articles of incorporation. ○ Application must include a “Statement of Accuracy” ○ If applicable, Certificate of Occupancy must be issued prior to submitting the application. ○ State license, certification, and/or registration required if premises are regulated by the state. • <u>Ground for denial</u> <ul style="list-style-type: none"> ○ Failure to disclose or purposeful misrepresentation of material facts in the application. ○ Property has been determined as a chronic nuisance (defined as an instance where 3 or more unrelated disturbance calls have been reported on the property within the last 6 months). • <u>Renewal</u> – All liens and outstanding payments must be made prior to renewal. • <u>Duties of the Landlord</u> – must provide tenant with F.S. Ch 83 Pt. II, copy of “Landlord Permit”, and informational literature provided by the city. • <u>Duties of the city</u> – Collect fees and determine the eligibility of the applicant for a landlord permit. Must also inspect or cause the inspection of the dwelling to verify compliance with applicable minimum housing codes. 		

EXHIBIT 2

VILLAGE OF BISCAYNE PARK		Dec-16					
Enforcement List							
Enforcement Number	Address/ Parcel Number	Category	Date Filed	Status	Next Action	Next Action Date	Date Closed
EEN16-0741	920 NE 120 ST 17-2230-045-0070	Object in Right-of-Way Comment:	12/8/2016	Violation Noted	Pending	Pending	Open
EEN16-0742	700 NE 113 ST 17-2231-003-0970	Property Clean-Up Comment:	12/8/2016	Violation Noted	Pending	Pending	Open
EEN16-0743	1003 NE 115 ST 17-2232-023-0580	Permit Violation Comment:	12/8/2016	Violation Noted	Pending	Pending	Open
EEN16-0744	690 NE 113 ST 17-2231-003-0980	Permit Violation Comment:	12/8/2016	Violation Noted	Pending	Pending	Open
EEN16-0745	840 NE 116 ST 17-2231-007-0500	Animal Care Comment:	12/10/2016	Violation Noted	Pending	Pending	Open
EEN16-0746	685 NE 119 ST 17-2230-043-0270	Property Maintenance Comment:	12/15/2016	Pending	Pending	Pending	Open
EEN16-0747	11550 NE 11 PL 17-2232-023-0490	Fences Comment:	12/15/2016	Pending	Pending	Pending	Open
EEN16-0748	666 NE 115 ST 17-2231-003-0440	Property Maintenance Comment:	12/15/2016	Letter Sent	Pending	Pending	Open
EEN16-0749	940 NE 120 ST 17-2230-045-0050	Property Maintenance Comment:	12/27/2016	Letter Sent	Pending	Pending	Open
EEN16-0750	11535 NE 8 AVE 17-2231-007-0170	Permit Violation Comment:	12/28/2016	Violation Noted	Pending	Pending	Open
EEN16-0751	11504 NE 11 PL 17-2232-023-0500	Property Clean-Up Comment:	12/28/2016	Pending	Pending	Pending	Open
EEN16-0752	1007 NE 116 ST 17-2232-023-0360	Permit Violation Comment:	12/8/2016	Pending	Pending	Pending	Open
Records:		12					
Population:		All Records					
Enforcement.DateFiled Between 12/1/2016 12:00:00 AM AND 12/31/2016 11:59:59 PM							