

CITY OF DELRAY BEACH



**Community Improvement
100 NW 1st Avenue
Delray Beach, Fl 33444**

**INSTRUCTIONS FOR APPLICATION AND AFFIDAVIT FOR
LANDLORD PERMIT**

RESIDENTIAL PROPERTY

(561) 243-7243

1. Please complete all applicable information on the Application for Landlord Permit and the Landlord Permit Affidavit. The Property Control Number (17 digit number) can be obtained from your property tax bill.

Note: Please complete the Permit Application for each rental unit. Attach additional sheets as necessary. A Landlord Permit is **NOT** required for a hotel, for any unit enrolled in a federal housing program, or under Housing and Urban Development general supervision.

2. **A Landlord Permit Affidavit must be notarized and submitted with each application.** A permit cannot be issued without the affidavit. Be sure to read the information on the reverse side of the affidavit. (A Notary Public is available in the Code Enforcement Division.)
3. Landlord Permits are issued for the 12-month period of **November 1**, through **October 31**, at a fee of **\$60.00 per rental unit**. Please do not send cash. Checks must be made payable to the City of Delray Beach. **Landlord Permits not renewed within 60 days of the annual renewal date will be subject to triple permit fees.**
4. Please return your completed application, notarized affidavit, supplemental sheets (if any), and payment to Landlord Permit Section, Code Enforcement Division, City of Delray Beach, 100 NW 1st Avenue, Delray Beach, Florida 33444.

If you have any questions or need further information, please call the Code Enforcement Division at (561) 243-7243, 8:00 AM to 5:00 PM, Monday through Friday.



Landlord Permit # _____

CITY OF DELRAY BEACH APPLICATION FOR LANDLORD PERMIT

IF YOU HAVE MORE THAN ONE RENTAL UNIT AND IF YOU RECEIVE A SEPARATE PROPERTY TAX BILL FOR EACH UNIT, YOU **MUST** COMPLETE A SEPARATE APPLICATION FOR EACH UNIT.

PLEASE PRINT

Property Control No. _____ - _____ - _____ - _____ - _____ - _____

Rental Address _____

Property Owner _____ Phone _____

Mailing Address _____

City _____ State _____ Zip _____

Type of Building _____ Single Family Are you under the HUD Program?
 _____ Duplex Yes _____ No _____
 _____ Multi Family

TOTAL NUMBER OF UNITS IN BUILDING _____ NUMBER OF RENTAL UNITS FOR THIS PERMIT _____

PLEASE COMPLETE THIS RENTAL INFORMATION:

Unit No. _____	No. of Bedrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	Total No. of Occupants _____

A notarized Landlord Permit Affidavit (attached) **MUST** accompany this application before a permit will be issued.

Signature of Owner or Authorized Agent _____

DO NOT WRITE BELOW THIS LINE

DATE: _____

AMOUNT PAID: _____



**LANDLORD PERMIT AFFIDAVIT
RESIDENTIAL PROPERTY**

I, _____, being duly sworn affirm that I am authorized to apply for a landlord permit for the following residential unit(s) located at _____

because I am the actual owner of the unit(s) or because I have the legal authority to represent the actual owner of the unit(s).

I have read and understand the requirements of Sections [302.1, 302.3, 302.5.1, 302.6, 302.7, 302.9 and 305.4 of the Standard Housing Code,] as printed on the reverse side of this document, and affirm that the above described residential unit(s) complies with those requirements. I further affirm that the above residential unit(s) is in sound structural condition, has electrical service and that all electrical devices are properly installed and in good working order. I also affirm that every habitable room has at least one window or skylight facing directly to the outdoors and that all windows are capable of being easily opened and secured in position by existing window hardware and have screens (if there is no central a/c) and unbroken glazing.

I will inform the City of Delray Beach Code Enforcement Division of any changes from the original Application for Landlord Permit and supplemental sheets (if utilized) concerning ownership, owner's mailing address for permits and renewals, number of unit(s), number of units under Federal programs or HUD supervision, number of bedrooms or number of occupants in each unit. I affirm that the individual unit(s) described above will only be rented to occupants whose relationship does not violate the City's definition of family, which definition is printed on the reverse side of the Instructions for Landlord Permit Application and which I acknowledge as reading and understanding.

Owner or Authorized Agent: _____
(Signature)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,

by _____ who is personally known to me or who has produced
(NAME)

_____ as identification and who did take an oath.
(TYPE OF ID)

Signature

Type, Print or Stamp Name

Title

Serial Number

FAMILY DEFINITION:

“Family” shall mean two (2) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and/or a group of persons not more than three (3) in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. Occupancies in excess of the number allowed herein shall have twelve (12) months from the date of the enactment of this definition or the termination of the current lease agreement to come into compliance, whichever occurs first.

302.1 Sanitary Facilities

Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks and obstructions.

302.3 Hot and Cold Water Supply

Every dwelling unit shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory, tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.

302.5.1 Heating Facilities

Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions and are capable of safely and adequately heating all habitable rooms and bathrooms.

302.6 Kitchen Facilities

Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
2. Shelving, cabinets or drawers for the storage of food, cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cook stove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
4. Mechanical refrigeration equipment for the storage of perishable foodstuffs. EXCEPTION: Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cook stove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

302.7 Garbage Disposal Facilities

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, or a type and location approved by the applicable governing body.

302.9 Smoke Detector Systems

Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217 (1989), Single and Multiple Station Smoke Detectors.

305.4 Means of Egress

Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of 7 ft (2134 mm) leading to a safe and open space at ground level. Stairs shall have a minimum head room of 6 ft 8 inches (2032 mm).

Sec. 117.03 APPROVAL OF APPLICATION

A. The Community Improvement Director or the assigned designee, shall grant approval for the lease of units within the City for residential purposes upon a determination;

- 1) That the applicant has an interest in the property or is the agent or acting under the permission of one with a sufficient interest in the property to obtain a landlord permit;
- 2) That the units comply with the requirements of the Housing Code as set forth in Section 7.4.1 of the Land Development Regulations of the City of Delray Beach with regard to those facilities necessary to make the rental unit habitable;
- 3) That the of the units is in compliance with applicable zoning code regulations as enumerated in Chapter 4 of the Land Development Regulations;
- 4) That no more than three unrelated persons shall reside in any unit as further defined in the definition of "family" as provided in Appendix "A" of the Land Development Regulations;
- 5) That an annual permit fee in accordance with Section 117.02 is paid;
- 6) That the applicant and applicant's property are not in violation of this article;

New Requirements:

- 7) That proof of payment of state sales tax is provided on a annual basis at renewal for all leases that are less than six 6 months in duration in accordance with Section 212.03, Fla. State;
- 8) That a local business tax receipt has been obtained for all leases that are rented more often than six (6) times in any one (1) year; and
- 9) That the applicant has certified that they will provide each tenant with a copy of:
 - a. Chapter 83, Florida Statutes, Part II, entitled "Residential Tenancies";
 - b. Chapter 117 of the Code of Ordinances, entitled "Landlord Permits"; and
 - c. A pamphlet provided by the City containing guidelines for rentals.

Section 3. That Chapter 117, "Landlord Permits", Section 117.04, "Appeals", shall be to read as follows:

Sec. 117.04 DENIAL OR REVOCATION OF PERMIT APPLICATION: APPEALS

A. Permit application may be denied for the following reasons:

- 1) The application for permit is not full completed and executed
- 2) The applicant has not tendered the required application fee with the application;
- 3) The application for permit contains a material falsehood or misrepresentation;
- 4) The use is not allowed in the zoning district;
- 5) The applicant had their landlord permit revoked within the last twelve (12) months as set forth in Section 117.04(B) below.

B. Permits may be revoked for the following reasons:

- 1) Violations of the City's Ordinances or state laws where the violation takes place at a unit regulated by this Section shall be grounds for applicable fines and the commencement of permit revocation proceedings as follows:

- a. For each civil citation for a violation of a City ordinance, one (1) point will be assessed on the landlord permit for that individual unit.
- b. After two (2) points are assessed on a landlord permit for an individual unit the City Manager or his/her designee will send a written warning to the permittee or agent. The warning will specify which ordinance of ordinances have been violated and will state that further citations or violations could lead to a revocation of the permit.
- c. Accumulation of three (3) or more points on a landlord permit for an individual unit during a 12-month period from the date of the first citation shall constitute a violation of this section and the certifications of the applicant described above, subjecting the permittee to revocation of the permit for the individual unit.

CITY OF DELRAY BEACH ORDINANCE NO. 29-09

WHEREAS, the City Commission hereby finds and declares that the leasing, renting, licensing, subleasing or otherwise allowing in any manner or form the use of single-family residential dwelling units for periods of less than twelve (12) months with a turnover in occupancy more often than six (6) times per year to any person, entity or family, is a non-residential activity and is not considered an accessory use customarily accessory and subordinate to the primary intended purpose of dwellings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the Land Development Regulations of the City of Delray Beach, Florida, Section 4.3.3, "Specific Requirements for Specific Uses", Subsection 4.3.3(ZZZ), "Transient Residential Uses", shall hereby be enacted to read as follows:

(ZZZ) TRANSIENT RESIDENTIAL USE shall mean a dwelling that is operated or used in such a way that it has a turnover in occupancy of more than (6) times in any one (1) year.

1. **Transient Residential Uses are Prohibited in Single Family and Planned Residential Development Zoning Districts:** All transient residential uses are prohibited in Single-Family and Planned Residential Development zoning districts in order to preserve the residential character of single-family neighborhoods and minimize the impact of transient uses on permanent single-family land uses. Transient Residential Uses are permitted uses in Medium Density Residential (RM) Districts.
2. **Exceptions/Exemptions:**
 - a. Existing transient residential uses in single-family and planned residential development zoning districts may continue until the expiration of the current lease agreement between an existing occupant and the real property owner or twelve (12) months after the effective date of this ordinance, whichever occurs first.
 - b. The leasing, renting, licensing, subleasing or otherwise allowing in any manner or form the use of a single-family dwelling unit for Community Residential Homes, Group Homes, and /or Assisted Living Facilities, which are licensed by the state are exempt.
 - c. The real property owners of the dwelling unit are exempt regardless of how much time the owners spend at the dwelling unit on a yearly basis.

3. **Waiver for Undue Economic Hardship:** In all instances where there is a claim of undue economic hardship, the property owner may be granted a waiver from Section 4.3.3(ZZZ) after submission of waiver request to the City's Community Improvement Director or his/her designee including the following documentation:
 - a. The amount paid for the property, the date of purchase, and the party from whom purchased;
 - b. The assessed value of the land and improvements thereon, according to the two most recent assessments;
 - c. Real estate taxes for the previous two years;
 - d. Annual debt service or mortgage payments, if any, for the previous two years;
 - e. All appraisals, if any, obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - f. Any listing of the property for sale or rent, price asked, and offers received, if any;
 - g. The annual gross income from the property for the previous two years, if any;
 - h. The annual cash flow, if any, for the previous two years;
 - i. An applicant may submit and the Director of Community Improvement or his/her designee may require that an applicant furnish additional information relevant to the determination of any alleged undue economic hardship; and
 - j. In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file a statement of the information, which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates, which will be as accurate as are feasible.
4. **Reasonable Accommodation:** Reasonable Accommodations from this section may be obtained pursuant to LDR Section 2.4.7(G).
5. **Penalties for Violations:** The City adopts all enforcement methods, which include, but are not limited to, the issuance of a citation, summons, and notice to appear in county court, arrest for violation of municipal ordinances, civil citations, injunction or any other enforcement method authorized by law including penalties as set forth in Section 10.00 of the City's Code of Ordinances. Any property owner that leases, rents, licenses, subleases, or otherwise allows in any manner or form the use of a single-family residential dwelling unit within a single-family zoning district for a period of less than twelve (12) months with a turnover in occupancy of more than six (6) times per year shall be in violation of this section.
6. **Severability:**
 - a. **Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 4.3.3(ZZZ) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the remainder of Section 4.3.3(ZZZ), "Transient Residential Uses".

Section 2. That Section 4.4.6, "Medium Density Residential (RM) Districts", Subsection (B), "Principal Uses and Structures permitted", of the Land Development Regulations of the City of Delray Beach, Florida, shall be hereby amended to read as follows:

- B. **Principal Uses and Structures Permitted:** The following types of uses are allowed within the (RM) District as permitted use:
- 1) Single family detached dwellings.
 - 2) Duplex structures.
 - 3) Multiple family structures
 - 4) An abused spouse residence with twelve (12) or fewer residents.
 - 5) Group Homes, Types 1 and 2, and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I).
 - 6) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan.
 - 7) Pocket parks.
 - 8) Public education facilities of The School District of the Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH).
 - 9) Assisted Living Facilities and Continuing Care Facilities.
 - 10) Transient Residential Use.

Section 3. That Appendix "A" "Definitions", of the Land Development Regulations of the City of Delray Beach, Florida, shall hereby be amended to read as follows:

TRANSIENT RESIDENTIAL USE shall mean a dwelling that is operated or used in such a way that it has a turnover in occupancy of more than six (6) times in any one (1) year.

Section 4. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That this ordinance shall become effective immediately upon its passage on second and final reading.