

ORDINANCE NO. 2024-443

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES TO CREATE ARTICLE VI OF CHAPTER 26 RELATING TO THE RESIDENTIAL RENTAL REGISTRATION PROGRAM IN PLACE OF THE RECENTLY REPEALED RENTAL LICENSING PROGRAM; ESTABLISHING AN ANNUAL REGISTRATION PROGRAM THAT APPLIES TO ALL OWNERS OF 1-4 RESIDENTIAL RENTAL UNITS; ESTABLISHING A VOLUNTARY INSPECTION PROGRAM FOR REGISTRANTS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an amendment has been proposed to the City Code to create Article VI of Chapter 26, related to Residential Rental Registration Program in place of the recently repealed Rental Licensing Program; and

WHEREAS, the amendment establishes an annual registration program that applies to all owners of 1-4 residential rental units and establishes a voluntary inspection program for registrants.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. Chapter 26, City Code, is hereby amended to create Article VI as follows [underline indicates added text]:

ARTICLE VI. - RENTAL OF RESIDENTIAL DWELLING UNITS

Sec. 26-291. Purpose.

The city recognizes the need for safe, decent, well maintained residential property within the city. The State of Florida regulates residential rental properties with five or more units. This article is intended to ensure that residential rental units that are not subject to state regulation meet minimum standards for the health, safety, and welfare of all city residents, and to preserve the aesthetics and property values of residential neighborhoods containing one or more residential rental units. The terms of this article provide a means for urgent or emergency contact of owners and provides a means for confirming tenants of record who are exercising possession and control of the residential property.

Sec. 26-292. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Florida Building Code as referenced in F.S. § 553.73 contains or incorporates by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, with local amendments as adopted by reference, including all codes incorporated therein and including all revisions that may from time to time be made by administrative rules promulgated by the Florida Building Commission in accordance with F.S. ch. 553., as adopted by the City of Daytona Beach pursuant to Article 9 of the Land Development Code, as it may be amended from time to time.

International Property Maintenance Code or property maintenance code refers to the minimum standards for maintenance of residential properties as adopted by the City of Daytona Beach pursuant to Article 9 of the Land Development Code, as it may be amended from time to time.

Residential rental property means the contiguous lot or parcel of real property under single ownership on which one or more residential rental units are located.

Residential rental unit means any building, structure, living unit, room, enclosure, mobile home, or part thereof, located within the city which is rented or offered for rent as the primary residence of any person, or which is rented or offered for rent to serve or which does serve as the residence of such person for a continuous period of more than 30 days. Residential rental unit does not include living quarters provided by any institution or facility, whether public or private, incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services; a property or unit which is occupied under a contract for sale; transient lodgings occupied for less than a 30-day period and which are not the primary residence of the transient occupant.

Sec. 26-293. Applicability.

The requirements of this article shall apply to all residential rental properties with one to four units located within the city.

Sec. 26-294. Registration required.

Every person owning one or more residential rental units located within the city shall annually register with the City in accordance with the provisions of this article.

Sec. 26-295. Filing of registration; registration fee; obligation to update information.

- (a) Unless exempt as provided below, the owner of one or more residential rental units shall file the required registration in writing or electronically, using a registration form provided by the city. Registration shall be completed within 180 days after the effective date of this article or within 60 days of a residential unit first being leased or held out for lease as a residential rental unit.

(b) Residential rental units owned or operated by a governmental agency, such as the Daytona Beach Housing Authority, and residential rental units under the Federal HUD Section 8 program are not required to be registered.

(c) The registration shall include the following information:

(1) The street address of the property on which the residential rental unit is located.

(2) The number of residential rental units located on the property, type of each unit (e.g., detached single-family dwelling unit, apartment, sleeping room, etc.), and the unit number or other identifying designation of each unit.

(3) Name, mailing address, email address, and phone number of the property owner or owners.

(4) Name, mailing address, email address, and phone number of any designated agent authorized to act on behalf of the owner. If the owner is not a natural person, a natural person shall be designated as agent.

(5) Name, mailing address, email address, and phone number of any person authorized to make or order made repairs or services for the property, if the person is different than the owner or designated agent.

(6) Name, mailing address, email address, and phone number of a natural person 18 years of age or older who can be contacted 24 hours a day, seven days a week, regarding the residential rental unit. This contact person may be the owner, the owner's agent, or any other person other than a resident of the rental unit who has agreed to be the contact person.

(d) At the time of submitting or renewing registration the owner shall also pay a registration fee in accordance with section 26-297, except as follows:

(1) If the owner indicates in the completed registration form that the owner agrees to the voluntary inspection as provided in section 26-296, payment of the registration fee will be deferred until the inspection is scheduled as provided in section 26-296. If the inspection is not scheduled or does not take place in accordance with section 26-296 all applicable registration fees shall be due immediately upon expiration of time to obtain the inspection. Failure to pay the registration fees when due shall result in immediate cancellation of the registration.

(2) If, during the prior year of registration, the city inspected the property pursuant to section 26-296 and the (i) inspection report indicated no outstanding defects/compliance issues or (ii) at the time of registration the city has determined that all outstanding compliance issues identified during the inspection have been fully remedied, registration fee for the current year shall be waived.

(e) In addition, at the time of submitting or renewing registration, the owner shall be required to pay any unpaid local business taxes that may be due pursuant to article V of chapter 90 of this code.

- (f) The residential rental property owner or designated agent shall have a continuing obligation to notify the city in writing within 15 calendar days of any change in the information provided in the registration statement. Failure to notify the city of changes shall be a violation of this article.

Sec. 26-296. Voluntary Inspection.

- (a) Beginning in the initial year of registration and every other year thereafter, if the completed registration/registration renewal form indicates that the owner is amenable to a voluntary inspection as referenced above, the city shall inspect the residential rental property and units to determine compliance with all applicable provisions of the Land Development Code, including the Florida Building Code and International Property Maintenance Code, and provide the owner with written notice of any defects which must be remedied to attain compliance. Nothing herein will be deemed to prohibit or alter the city's authority to commence code enforcement action in relation to such defects.
- (b) The city will contact the registrant within 30 days after registration to schedule the inspection. The inspection shall occur within 90 day days thereafter. The city may in its discretion extend these time frames at the request of the registrant.
- (c) A registered unit receiving a voluntary inspection shall remedy any violations noted by the code inspector within 30 calendar days or upon any fixed time thereafter if authorized by the code inspector. Upon a passed inspection within the period authorized, the inspection fee for a voluntary inspection of the unit will be waived in the subsequent year.
- (d) This section does not require the owner of a residential rental unit to agree to property inspection as a condition of registration. If, after a voluntary inspection has been requested as provided above and the inspection does not occur for any reason, the sole consequence shall be that the deferred registration fee shall be payable as provided above.
- (e) This section shall not be deemed to authorize the city to conduct an inspection of any residential rental unit without first obtaining either consent to entry for purposes of inspection by a person having lawful possession and control of the premises or obtaining an inspection warrant pursuant to state law. This provision shall not be interpreted as authorizing the city to conduct an inspection of any tenant-occupied rental unit without obtaining either the consent of the tenant or other person in possession, or an inspection warrant.

Sec. 26-297. Fees.

- (a) There shall be an initial registration fee of \$40.00 plus an additional fee of \$15.00 per unit registered, and an annual registration renewal fee of \$25.00 per unit. In addition, where registration is not timely, there shall be a late fee of \$50.00. These fees shall be payable at the time of registration or renewal, except where the fee is waived in relation to the voluntary inspection as per section 26-295.
- (b) Failure to register within 90 days after registration is due, failure to renew within four months of expiration, or failure to pay registration fees when due, will result in code enforcement action. In addition to the late fee provided in (a) above, the code board or magistrate may impose any fines and issue any orders authorized by law.

Article VI. – Rental of Residential Dwelling Units

[strike through indicates deleted text; underline indicates added text]:

** * * [omitted text not affected by this ordinance]*

Sec. 26-297. Fees.

- (a) There shall be an initial application fee of \$40. There shall be a registration fee of \$50 per unit to be paid upon submitting Registration Form. There shall be an annual registration fee of \$75 per unit. There shall be an initial registration fee of \$40.00 plus an additional fee of \$15.00 per unit registered, and an annual registration renewal fee of \$25.00 per unit. In addition, where registration is not timely, there shall be a late fee of \$50.00. These fees shall be payable at the time of registration or renewal, except where the fee is waived in relation to the voluntary inspection as per section 26-295. In addition, where registration renewal is not timely, there shall be a late fee of \$50.00.

** * * [omitted text not affected by this ordinance]*

Sec. 26-298. Tenants.

- (a) As a condition of registration, the owner or designated agent shall maintain a current tenant list at all times. The contact person shall have possession of the current tenant list. The city may review the tenant list upon consent of the contact person, owner, or agent, or may seek an administrative warrant to view the tenant list pursuant to state law.
- (b) The tenant list shall include for each adult tenant:
 - (1) Tenant's full name, date of birth and Florida I.D. or driver's license number.
 - (2) Tenant's signature.
- (c) A blank form which can be used to record the tenant list may be obtained from the city.

Sec. 26-299. Enforcement.

- (a) The code enforcement board/special magistrate shall have jurisdiction to enforce the provisions of this article, and any person, firm, corporation, or agent determined to be in violation shall be subject to all penalties and remedies available to the board magistrate as provided by law.
- (b) Any violation of this article is also enforceable pursuant to section 1-14 of this code.
- (c) The city may institute any appropriate legal action or procedure to bring about compliance or remedy violations of this article.

Sec. 26-300. Violations related to act or omission of tenant.

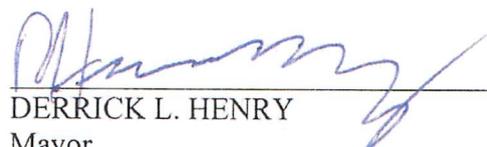
No adverse action shall be taken against a property owner pursuant to this article for owner's failure to remedy a condition related to a tenant during the pendency of a bona fide eviction proceeding against the tenant which the property owner is diligently pursuing.

Secs. 26-301 - 26-320. Reserved.

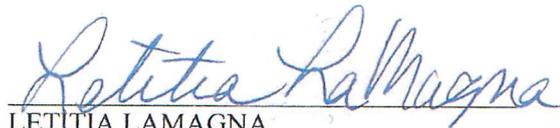
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect immediately upon its adoption.

(c) There shall be a voluntary inspection fee of \$50.00 per unit. The inspection fee shall be paid at least ten business days before the scheduled date of inspection.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Passed: November 20, 2024
Adopted: December 4, 2024