

CHAPTER 117. LANDLORD PERMITS

Sec. 117.01. PERMIT REQUIRED.

(A) No person, company or other entity who leases or offers for lease any residential units within the City may enter into any arrangement, written or otherwise, which constitutes a lease of property which is used for residential purposes, unless a landlord permit is obtained or in existence for the rental units. All oral rental arrangements shall be included within the scope of this Section, but the operation of a hotel shall not (any building which fits the definition of hotel but also fits the definition of another use which requires a landlord permit shall be interpreted to require a landlord permit).

(B) A separate permit shall be required for each rental unit. However, where a building contains a number of rental units under the same owner, or where a number of different owners in one building authorize the same person or company to act as their agent for the purposes of applying for a permit, a single permit may be obtained for all qualifying units within a single building which are under the same owner or agent, provided that the permit fee is paid for each individual unit. Nothing in this Section shall require a permit for any unit enrolled in Federal housing programs or under Federal [Department of] Housing and Urban Development general supervision.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 81-94, passed 10/18/94)

Cross references: Penalty, § 175.99.

Sec. 117.02. PERMIT FEES.

Applications for a landlord permit shall be available through the Community Improvement Department. The annual permit fee shall be sixty dollars (\$60.00) per unit. Such permit fee shall be for one year from the date of issue on November 1 of each year. This fee shall not be prorated.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 140-88, passed 11/8/88; Am. Ord. No. 58-89, passed 9/26/89; Am. Ord. No. 65-91, passed 9/24/91; Am. Ord. No. 81-94, passed 10/18/94; Ord. No. 35-03, § 1, passed 9/23/03; Ord. No. 30-07, § 1, passed 8/21/07)

Sec. 117.03. APPROVAL OF APPLICATION.

(A) The Chief Building Official, or his 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; and
- (3) That the rental of the units is in compliance with applicable zoning code regulations as enumerated in Chapter 4 of the Land Development Regulations.

(B) The permit shall state the maximum number of persons who can occupy each unit. That number shall be no more than two (2) per bedroom plus two (2) additional persons per unit, provided that the relationship of the occupants does not violate the definition of family as

defined in Appendix A of the Land Development Regulations. This Section shall not be interpreted to prohibit a landlord from renting a unit to a family as defined by Appendix A of the Land Development Regulations.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 81-94, passed 10/18/94)

Sec. 117.04. APPEALS.

Appeals of a denial of a landlord permit shall be made to the Permit Review Committee which shall consist of the City Manager, the Community Development Coordinator and the Planning and Zoning Director or their respective designees. The City Attorney's office shall act as counsel to the Permit Review Committee. Requests for appeal must be made in writing and received by the Chief Building Official within thirty (30) days of formal notice of denial, with the date of the notice of denial being the first day. Decisions of the Permit Review Committee may be appealed to the City Commission, whose decision shall be final subject to any appeal of such decision to the circuit court.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 81-94, passed 10/18/94; Ord. No. 35-03, § 2, passed 9/23/03)

Sec. 117.05. INSPECTIONS.

The Chief Building Official or his/her designee may inspect all rental units or units which are reasonably suspected to be rental units for compliance with all applicable City codes at reasonable hours with the permission of the owner, agent or tenant.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 81-94, passed 10/18/94; Ord. No. 35-03, § 3, passed 9/23/03)

Secs. 117.06--117.98. RESERVED.

Sec. 117.99. PENALTY.

Should any person or entity required to obtain a landlord permit under Section 117.01 not file an application for such landlord permit within thirty (30) days of acquiring interest in any qualifying property, or renew such permit within sixty (60) days of the annual renewal date, the permit fees shall be tripled.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 81-94, passed 10/18/94)