



**RESIDENTIAL RENTAL
HOUSING EDUCATIONAL
MATERIALS**





CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4720 FAX (727) 562-4735

Greetings Rental Property Owner,

In response to a public desire for a safe, clean and viable community, a team of civic, public and rental industry professionals worked together to formulate an ordinance and educational program to improve the quality of housing in Clearwater.

As a result of this joint effort, on April 4, 2002, the Clearwater City Commission adopted Ordinance 6932-02 relating to RESIDENTIAL RENTALS creating Article 3, Division 23 of the Community Development Code.

The purpose of the ordinance is to establish a system in which all rental properties are licensed by the City and certified as meeting certain minimum housing and development standards. The ordinance also provides for inspection, enforcement proceedings and revocation of the business tax receipt if the provisions of Ordinance 6932-02 are not met.

The main points of the ordinance are listed below:

- All rental property, including single-family units, must now have a Business Tax Receipt.
- All business tax receipt application shall include a local contact or representative with a current telephone number and local address (Pinellas, Hillsborough, Pasco, Manatee or Sarasota).
- If any of the contact information should change, the City shall be notified in writing within 30 days of the change.
- Each property owner shall file a Residential Rental Compliance Notice Requirement of Minimum Applicable Standards form with the Development Services Department acknowledging receipt of housing and development standards. Attached to this letter are educational materials regarding each of these codes.
- Courtesy visits to rental properties may be complaint-driven or inspector-initiated. If the visit reveals violation of 3 or more of the code provisions, it may trigger an inspection of the exterior and interior of the property.
- If one or more properties are owned or managed by one person or firm a random sampling of the properties may be inspected.

- If there are 50 or more units and the inspector finds one or more major, life safety or habitability violations in 5% of the units the inspector may ask to see up to 100% of the units.
- There is no charge for the courtesy visit or first inspection. A fee of \$50.00 per unit inspected per re-inspection shall be assessed if any violation still exists after allowance of a reasonable time period for compliance.
- Failure to obtain or renew your business tax receipt or failure to maintain the property may result in penalties to be administered either through the City's Municipal Code Enforcement Board or Pinellas County Court. If the provisions of the ordinance are not met, a business tax receipt may be denied or revoked.

Every property owner is responsible for the condition of his/her property. If you should need financial assistance to maintain or improve your property, the following resources may be able to help: The City of Clearwater Economic Development and Housing Department, Telephone Number (727) 562-4220 and The Florida Housing Finance Corporation, Telephone Number (850) 488-4197. For other inquiries about the residential rental regulations, please contact the City's Planning & Development Department at (727) 562-4567.

Sincerely,



Michael Delk

Planning & Development Director

City of Clearwater

Applicable Ordinances

Article 3, Division 23, of the Community Development Code of the City of Clearwater – Adopted April 4, 2002

Section 3-2301. Applicability.

This Division shall be applicable to the rental of all attached dwellings, detached dwellings, dwelling units, and accessory dwellings, as such terms are defined in Section 8-102, within the City of Clearwater, but shall not apply to hotels, motels, resort condominiums, transient apartments, rooming houses, resort dwellings, or bed and breakfast inns as defined in Florida Statutes Section 509.242, nor to manufactured housing as defined in Florida Statutes Section 320.01 (2) (b).

Section 3-2302. Business tax receipt required.

A Business Tax Receipt shall be required for all rentals set forth in Section 3-2301. Licensing procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such Business Tax Receipt shall be as set forth in Code of Ordinances Appendix A, Division XVIII.

Section 3-2303. Local representation for business tax receipt applications for residential rentals.

Business Tax applications for residential rentals shall include a local contact or representative. Such contact or representative shall maintain a current working local telephone number and current local address, not a public or private post office box, and provide notification thereof of any changes to the city within 30 days for a physical location and telephone number within one of the following counties in Florida: Pinellas, Hillsborough, Pasco, Manatee or Sarasota.

Section 3-2304. Residential Rental Compliance-Notice Requirements of Minimum Applicable Standards Form Acknowledging notice of housing and development standards.

Each owner of real property to which this Division is applicable shall receive notice of and shall file, with an initial business tax application or, for existing licensees, by October 1 of each business tax receipt year, a notice requirements of minimum applicable standards form with the Planning & Development Department acknowledging receipt of housing and development standards contained in Section 28.82, the Standard Housing Code, as adopted by Code of Ordinances Sections 49.01 and 49.02, and the Development Standards, Divisions 8, 12, 13, 14, 15, 18, contained in Community Development Code, Article 3.

Section 3-2305. Inspections; Noncompliance Inspection Fee.

Complaint-driven or inspector-initiated inspections of properties subject to this Division shall be conducted by the city to ensure that such properties are in compliance with the provisions of the Standard Housing Code and the city's Development Standards; provided, however, this provision shall not be interpreted as authorizing the city to conduct inspections of properties without the consent of the owner or occupant or without a warrant. If the inspection of a property reveals violations of three or more of the provisions of Section 28.82, the Standard Housing Code, or the city's Development Standards contained within Division 8, 12, 13, 14, 15, and/or 18, or a combination thereof, this may trigger a code inspector's request with the consent of the owner/occupant or designee, for an inspection of the interior of the property and/or a random sampling of the properties involved which may include multiple units.

For inspections involving multiple units at one location and upon consent of owner or designee or issuance of inspection warrant, a random sampling of the properties will be inspected as follows:

- 1-4 Unit, all units
- 5-10 units, 50 % of units
- 11-29 units, 20% of units
- 30-49 units, 15% of units
- 50 or greater, if one location, 5% of the units with a maximum of 20 units

In the case of 50 or greater units, if the inspector finds one or more, major, life safety or habitability violations in 5% of the units, the inspector may ask to see more units up to a total of 100% of the units in the community.

The Planning & Development Director shall assess a noncompliance inspection fee of \$50.00 per unit inspected per re-inspection if any violation still exists after allowance of a reasonable time period for compliance.

Section 3-2306. Penalties.

Failure to obtain or maintain a Business Tax Receipt as required by Section 3-2302 or failure to maintain a property in compliance with the code requirements set forth in Section 3-2304, shall subject the violator to enforcement proceedings and penalties in accordance with Article 7 of the Community Development Code and with Code of Ordinances Section 1.12. The provision of this Division shall provide an additional means of enforcement, but shall not prohibit the city from taking enforcement action under other code provisions.

Section 3-2307. Revocation or Denial of Business Tax Receipt.

In addition to the enforcement proceedings and penalties provided for in Section 3-2306, failure to comply with the provisions of this Division shall be considered just cause for denial of the issuance of an Business Tax Receipt for the subject property, and for revocation of an existing Business Tax Receipt pertaining to the subject property in accordance with the procedure set forth in this Section. Prior to revocation or denial the city manager or his/her designee shall issue a Notice of Revocation or Denial notifying the residential rental licensee of the city's intent to revoke or deny. The Notice shall be sent certified mail, return receipt requested, to the last known address for the residential rental licensee. Within ten calendar days from the date of mailing of said notice, the license shall be automatically denied, revoked or nonrenewable, unless the residential rental licensee files with the city clerk a written statement setting forth the grounds for an appeal. Upon the filing of such written statement, the city clerk shall notify the city manager, who shall schedule and conduct a hearing before the city manager or Designee within 30 calendar days from the date the written statement was filed. The residential rental licensee shall be given written notice of the hearing by certified mail, return receipt requested, and shall have an opportunity to present evidence, cross examine witnesses, and be represented by counsel. The city shall have the burden of proof by a preponderance of the evidence, and the city manager or designee's decision shall be based solely on the evidence presented at the hearing. Within ten calendar days of the hearing, the city manager or designee shall file with the city clerk's office and serve on the residential rental licensee a written decision containing findings of fact and conclusions of the legal basis for the Decision. The decision shall become final unless, within 30 days of the date the city manager or designee files the decision with the city clerk, the residential rental licensee files a petition for writ of certiorari in the circuit court for Pinellas County. The filing of a pleading seeking judicial review shall automatically stay the revocation until judicial review has been exhausted unless the city obtains injunctive relief. Any residential

rental business taxpayer who has had a business tax receipt revoked or denied under this Section or under Code of Ordinances Section 29.41 shall not be eligible to submit an initial or renewal application for license to conduct residential rental business on the subject property in the city until one year has expired from the date the license was revoked or denied by the city or, if an appeal is taken while the business continues in operation, until one year from the later of the date of the last decision or order affirming the revocation or denial or the date the business ceases operations in compliance with the decision or order.

Article 3, Development Standards, Division 9, and General Applicability Standards is hereby amended by adding a new provision, Section 3-918 – Adopted April 17, 2003.

Section 3-918. Prima Facie Evidence of Certain Uses in Residential Zoning District.

Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than thirty-one (31) days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than thirty-one (31) days or one calendar month, whichever is less, shall include but not be limited to one or more of the following:

- Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishment);
- Advertising or holding out a dwelling unit for tourist housing or vacation rental use;
- Reservations or holding out a dwelling unit for tourist housing or vacation rental use;
- Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than thirty-one (31) days or one calendar month, whichever is less; or
- Use of an agent or other third person to make reservations or booking arrangements.

Section 1. That Article 8, Definitions and Rules of Construction, Section 8-102, Definitions, of the Community Development Code, is hereby amended as follows:

Residential Use means a permanent place of residence for a family. A residential use located in any residential zoning district shall not include rentals for periods of less than thirty-one (31) days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than thirty-one (31) days or one calendar month, whichever is less.

Section 5. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 6. This ordinance shall take effect immediately upon adoption.

1. Family means persons who jointly occupy and have equal access to areas of a residence and who function as a housekeeping unit.
2. Housekeeping unit means a group of individuals, whether or not related by blood, marriage, or civil union, who reside together as a family. Existence of one or more of the following shall create a rebuttable presumption that the group is not a bona fide housekeeping unit:
 - a. Interior doors that contain padlocks or keyed doorknobs, which limits tenants' use and access;

- b. Members of the group have separate leases or sub leases and/or make separate payments to the landlord;
- c. The group significantly reforms over the course of a twelve (12) month period or during the lease term by losing and/or gaining two or more members. Additions can be made with landlord approval if member(s) abandon(s) property, tenants and landlords should verify right under Florida Landlord Tenant Laws.
- d. Residentially zoned property which provides living, sleeping and at least one meal to four or more unrelated individuals for periods of one week or longer, typically referred to as a boarding house. Such individuals only obtain a license to use their rooms while landlord maintains right access, and are typically referred to as boarders. Such uses are prohibited by this code.
- e. Residentially zoned property that provides living and sleeping for more than four unrelated individuals for periods of one week or longer, typically referred to as rooming house. Such individuals do not have a lease agreement with landlord for property. Such individuals only obtain a license to use their rooms while landlord maintains right of access, and are typically referred to as boarders. Such uses are prohibited by this code.
- f. Members of this group do not engage in group living activities such as shopping, cooking, eating and socializing.

Housing Code Standards:



Electrical:

All electrical equipment must be safe and functional.
Must be installed, maintained and repaired by a licensed contractor.

Fire Protection/Smoke Detectors

Smoke detectors are to be installed near all sleeping areas and must be working properly. Every dwelling unit shall be provided with an approved, listed smoke detector, installed in accordance with the manufacturer's recommendations and listing.

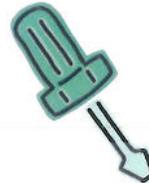
Heating:

All residential units must have heat.
Permanent heating equipment must be installed and repaired by a licensed contractor.

Kitchen and Sanitary Facilities:

Each occupied residential dwelling unit must have:

- A kitchen with a sink, refrigerator and stove.
- A hot and cold water supply.
- A bathtub and/or shower and a toilet.



All Plumbing and sanitary equipment must be in good working order. Pipes must be leak-free.
Must be installed and repaired by a licensed contractor.

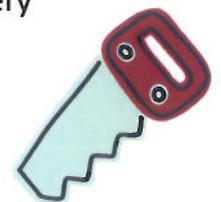
Light and Ventilation:

Windows must be unbroken, secure and weatherproof.
Every habitable room shall have at least one window or skylight-type window, which can be easily, opened facing directly to the outdoors.

Adequate ventilation must be provided. This means at least one operable window or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal at least 45% of the minimum skylight-type window size.

Central air conditioned systems may be substituted for windows as required herein.

Every common hall and inside stairway must be adequately lighted.



Pest Extermination:

The tenant of a single-family dwelling or the owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents or other pests within the building or premises.

EXCEPTION: Extermination of wood-destroying organisms shall, in all cases, be the responsibility of the building owners.

Space Requirements:

Habitable room is space in a building for living, sleeping, eating or cooking. Bathrooms, toilets compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

There must be a minimum of 150 square feet of living space for the first resident in a dwelling unit and a minimum of 100 square feet of living space for each additional person in the dwelling unit.

Stairs & Porches:

Stairs and porches must be maintained in a structurally sound and safe condition.



Walls, Roofs, Ceilings and Floors:

Must be maintained in a structurally sound and safe condition.

Roofs and exterior walls shall be weatherproof and repaired by a licensed contractor.

Local Business Tax Fees

(Effective October 1, 2005)

Rental units (1-5 units on the same or contiguous parcels)	\$31.50
Plus, each unit of 5	\$1.70

Fees are subject to change periodically. Please contact Planning & Development to verify fees. Phone (727) 562-4567.

****Five units or more units** require a license from the State, issued by the Department of Business and Professional Regulation, Division of Hotels & Restaurants. Phone (1-850-487-1395).



Penalties

Rental Ordinance Penalties:

- Courtesy visits to rental properties may be complaint-driven or inspector-initiated. If the visit reveals violation of 3 or more of the code provisions, it may trigger an inspection of the exterior and interior of the property.
 - 1 – 4 units, all units
 - 5 – 10 units, 50% of units
 - 11 – 29 units, 20% of units
 - 30 – 49 units, 15% of units
 - 50 or greater, if one location, 5% of the units with a maximum of 20 units.
- If one or more properties are owned or managed by one person or firm a random sampling of the properties may be inspected.
- If there are 50 or more units and the inspector finds one or more major, life safety or habitability violations in 5% of the units the inspector may ask to see up to 100% of the units.
- There is no charge for the courtesy visit or first inspection. A fee of \$50.00 per unit inspected per re-inspection shall be assessed if any violation still exists after allowance of a reasonable time period for compliance.
- Failure to obtain or maintain a Business Tax Receipt or failure to maintain the property may result in penalties administered either through the City's Municipal Code Enforcement Board or Pinellas County Court.

If the provisions of the ordinance are not met a business tax receipt may be denied or revoked.

What happens if my property is in violation?

If there is a violation, an inspector will give you a courtesy notification, talk through the issues with you and give you a reasonable amount of time to correct the violation. If the violation continues past the courtesy time period, a notice of violation will be issued. A compliance date will be on the notice. Then, in addition to the rental housing penalties referred to in the cover letter (inspection all properties, re-inspection fees and business tax receipt revocation), the following standard enforcement actions may be taken:

If the violation is not corrected by the compliance date, the violation will either be schedule for the Municipal Code Enforcement Board or a Notice to Appear in Pinellas County Court will be issued.

Are there any fines?

If the municipal Code Enforcement Board finds the property in violation, they may give a short time, usually 10 days, to correct the violation. If after the time given by the Board the violation continues, a fine per day will begin. The fine will be anywhere from \$25 per day to \$250 per day. If the fine is not paid, it will become a lien on the property.

A Notice to Appear (NTA) in Pinellas County Court is \$188 for the initial NTA. If the violation continues, the next NTA is \$363 and then \$363 for each NTA issued thereafter. If you decide to go to Pinellas County Court you may have to pay the cost of each NTA plus court costs.