ORDINANCE NO. 2023- 64

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RELATING TO RENTAL CERTIFICATE PROGRAM, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 19 (PROPERTY MAINTENANCE AND STRUCTURAL STANDARDS); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City staff presented a report to City Council on October 28, 2021 regarding the existing Rental Certificate Program and recommended termination of the Program; and

WHEREAS, the City Council of the City of Tampa has determined that it is appropriate to terminate the Rental Certificate Program; and

WHEREAS, the following amendments to Chapter 19 Code of Ordinances are necessary in order to terminate the Rental Certificate Program; and

WHEREAS, the City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and

WHEREAS, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That "**Sec. 19.3. Definitions**." Is hereby amended by adding the underlined language as follows:

"**Sec. 19.3. Definitions**.

...

Code enforcement officer means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city. This shall include but is not limited to, code enforcement inspectors, building inspectors, solid waste code inspectors, grease management inspectors, law enforcement officers, and fire safety inspectors.

..."

Section 2. That **"Sec. 19-5. Authority of the director."** is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 19-5. Authority of the director."

...

~~(6) Order revoking rental certificate. Whenever the director determines that there are conditions existing on the premises of a residential rental unit in violation of the provisions of this code, he may issue an order revoking any rental certificate previously issued for the unit~~.

~~(7)~~ (6) *Order to abate.* Whenever the director, or his designee, determines that conditions on property or a structure violate the provision(s) of this chapter or any other city ordinance or chapter of the City of Tampa Code of Ordinances for which the director has enforcement responsibility, he or she may issue or cause to be issued an order to abate directing the property owner to abate the conditions violating the provision(s) of the ordinance or Code of Ordinances. If the conditions are not abated within the time set forth in the order, then the director may take whatever action is necessary, including hiring a contractor, to abate the conditions.

..."

Section 3. Division 6. Rental Certificate Program. That **"Sec. 19-105. Purpose and intent."** is hereby deleted in its entirety.

~~**"Sec. 19-105. Purpose and intent.**~~

~~The purpose of this rental certificate program is to implement a program that ensures residential rental units within the city's jurisdiction comply with minimum housing standards as set forth in the applicable City of Tampa Codes.~~

~~Some residential rental units are, or may become in the future, substandard in nature, with inadequate structure, maintenance, and/or equipment. The conditions on these units are, or may become, unsanitary, unsafe and/or overcrowded in the future. If not remedied, such conditions will create blighted areas leading to more incidents of crime and an increase in fire and emergency service calls. The rental certificate program seeks to ensure the residential rental units comply with the city's minimum housing standards and other applicable City of Tampa Codes. This program is implemented for the best interests of the public health, safety, and welfare of the citizens of the City of Tampa."~~

Section 4. That **"Sec. 19-106. Definitions."** is hereby deleted in its entirety:

~~**"Sec. 19-106. Definitions.**~~

~~For purposes of this article, the following terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise. All other terms and words shall have the meaning stated in Webster's Collegiate Dictionary, Current Edition, as subsequently revised and updated.~~

~~*Agent* means a person authorized by the owner of a residential rental unit to make or order repairs or service to the rental unit and is authorized to accept service or receive notices on behalf of the owner.~~

~~*City* means the City of Tampa, Florida.~~

~~*Code enforcement officer* means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city. This shall include but is not limited to, code enforcement inspectors, building inspectors, solid waste code inspectors, grease management inspectors, law enforcement officers, and fire safety inspectors.~~

~~*Inspection* means the act of examining areas around the exterior and within the interior of a residential rental unit for purposes of identifying compliance with city minimum housing and environmental regulations or other applicable city codes.~~

~~*Mobile home*, for purposes of this article, has the same definition as found in section 27-43 of this City Code.~~

~~*One property* means a parcel or plot of land that is not separated by a public street or highway, where the same property owner holds legal title to all of the residential rental units.~~

~~*Property owner* means the person, persons, or legal entity appearing in the Hillsborough County Property Appraiser's records as the current titleholder of one or more residential rental units.~~

~~*Rent* means to lease, sublease, to let or to otherwise grant for consideration the right of a tenant to occupy a residential rental unit, not owned by the tenant. It is also the payment or other consideration that is being made to an owner, agent, or manager, for the use of a permanent living facility.~~

~~*Rental agreement* means any mutual understanding or lease, whether oral or written, between the owner and tenant which governs the use and occupancy of a residential rental unit.~~

~~*Rental certificate* means a document, electronic or otherwise, issued by the city which shows that a residential rental unit, rooming house, or mobile home complies with the provisions of this section and may be offered for rent.~~

~~*Residential rental unit* means a dwelling unit which is being rented or offered to be rented as a permanent living facility, including but not limited to apartments, condominiums, townhouses, single family dwelling units, multi-family dwelling units, rooming houses, mobile homes, or garages or other outbuildings, for which payment or other consideration is, or will be, made to an owner, agent, or manager, for the use as a permanent living facility.~~

~~*Rooming house*, for purposes of this article, has the same definition as found in section 27-43 of the City of Tampa Code.~~

~~*Tenant* means any person or persons living, sleeping, cooking, or eating in, or having actual possession of a residential rental unit for thirty (30) or more days. It also means the person who pays or is required to pay rent for the use of any residential rental unit."~~

Section 5. That **"Sec. 19-107. Applicability."** is hereby deleted in its entirety.

~~**"Sec. 19-107. Applicability.**~~

~~(a) Scope. This article shall govern all residential rental units within the city where the authority to regulate has not been preempted to another governmental unit;~~

~~(b) No owner or agent shall rent or offer to rent to a tenant any residential rental unit governed by this article unless he or she has:~~

~~(1) Completed the attestation requirements of section 19-108(g); and~~

~~(2) Holds a valid rental certificate for that rental unit.~~

~~(c) Exemptions:~~

~~(1) Residential rental units are exempt from the requirements of this article when:~~

~~a. Owned by governmental entities, or~~

~~b. The regulation and inspection of the residential rental unit is preempted to another governmental agency.~~

~~(2) Residential rental units are exempt from the requirements of this article, provided that the owner submits a notarized exemption form as provided by the city when:~~

~~a. Vacant and either for sale or under repair/renovations, or~~

~~b. Occupied by the owner's family where no rent is charged.~~

~~(d) Prevailing standards. In any case where the provisions of this article impose a higher standard than those set forth in any other City Code provision, then the standard set forth herein shall prevail. If the provisions of this article impose a lower standard than those set forth in any other City of Tampa code provision, then the higher standard set forth shall prevail."~~

Section 6. That **"Sec. 19-108. Registration."** is hereby deleted in its entirety.

~~**"Sec. 19-108. Registration.**~~

~~(a) Owners of residential rental units governed by this article must register each unit online with the city.~~

~~(b) Agent: An agent who will serve as the city's main point of contact must be identified for each residential rental unit. The agent is deemed authorized to accept service of process and all legal notices. The agent may be the owner.~~

~~(c) Frequency of registration.~~

~~All owners must register their existing residential rental units online within one hundred eighty (180) days of the effective date of this ordinance.~~

~~Thereafter, all owners must register their residential rental unit(s) annually when the business tax is paid, or any time before a unit is rented or offered for rent.~~

~~(d) Change in information. If at any time the information provided during registration changes or id no longer accurate, the owner shall update the information with the city within fourteen (14) calendar days of the change.~~

~~(e) New owners. New owners must update the registration within fourteen (14) calendar days of closing.~~

~~(f) Information provided during registration. The following information shall be provided by the owner:~~

~~(1) The property address and designation of the residential rental unit.~~
~~(2) The folio number of the property.~~
~~(3) The type of residential rental unit:~~
~~a. Apartment;~~

~~b. Condominium;~~

~~c. Townhouse;~~

~~d. Single-family dwelling (free-standing residential building with one~~

~~e. Duplex (residential building with two units);~~

~~f. Triplex (residential building with three units);~~

~~g. Quadplex (residential building with four units);~~

~~h. Accessory dwelling unit (garage apartment, carriage house, etc.);~~

~~i. Rooming house;~~
~~j. Mobile home.~~

~~(4) The name, mailing address, contact phone number, and email address (if available) of the owner.~~

~~(5) The name, mailing address, contact phone number, and email address (if available) of the agent, if different than the owner.~~

~~(6) If any maintenance is the responsibility of the tenant, the owner must specify what the tenant is responsible for. In the event of a violation, it is the owner's responsibility to provide the city with a copy of the written rental agreement evidencing the tenant's responsibility.~~

~~(g) Attestation and affirmation. At each registration the owner must:~~

~~(1) Attest that he or she is familiar with the city's minimum housing and environmental Regulations and all applicable landlord/tenant laws and regulations of the State of Florida and Hillsborough County; and~~

~~(1) Affirm that he or she will abide by such regulations and requirements, and that the residential rental unit covered by the rental certificate meets all applicable regulations and requirements.~~

~~(h) If an owner fails to register the residential rental unit, rooming house, or mobile home, within the required time, the owner will be subject to enforcement action."~~

Section 7. That **"Sec. 19-110. Rental Certificate."** is hereby deleted in its entirety.

~~**"Sec. 19-110. Rental Certificate.**~~

~~(a) The rental certificate shall be issued upon completion of the registration process according to the terms of section 19-108.~~

~~(b) The rental certificate will be valid for one (1) year, unless it has been revoked by the director pursuant to section 19-5.~~

~~(c) One rental certificate shall be issued to each residential rental unit.~~

~~(d) A rental certificate shall not be issued if code violations exist on the property, or if the property owner has failed to pay any outstanding fines or fees related to the rental unit.~~

~~(e) A rental certificate shall not be issued if the applicable zoning regulations will not allow for a rental unit on the property.~~

~~(e) The department may revoke a rental certificate that has been issued in error."~~

Section 8. That **"Sec. 19-111. Fees."** is hereby deleted in its entirety.

~~**"Sec. 19-111. Fees.**~~

~~(a) There shall be no fee assessed for a rental certificate inspection."~~

Section 9. That **"Sec. 19-112. Enforcement and penalties."** is hereby deleted in its entirety:

~~**"Sec. 19-112. Enforcement and penalties.**~~

~~(a) The mayor or the mayor's designee has the authority to enforce the provisions of this article.~~

~~(b) The provisions of this article will be enforced by any of the enforcement means available to the city, including but not limited to, a hearing in front of the code enforcement magistrate, issuance of a civil citation, or a notice to appear.~~

~~(c) If the property owner contends that an alleged code violation(s) is the tenant's responsibility, the owner shall provide the city with a copy of the written rental agreement evidencing the tenant's responsibility, and the city will take initial enforcement action against the tenant. However, if enforcement action against the tenant does not cure the violation, then enforcement action will be taken against the property owner as the entity ultimately responsible for the condition of the property.~~

~~(d) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083, pursuant to F.S. § 162.21(6)."~~

Section 10. That **"19-105, 19-106, 19-107, 19-110, 19-111, 19-112. Reserved."** are hereby created and reserved.

"Division 6, Sec. 19-105, 19-106, 19-107, 19-110, 19-111, 19-112. Reserved."

Section 11. That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 12. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

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Section 13. That this ordinance shall immediately take effect upon becoming law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 04 2023.

CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

ATTEST:

CITY CLERK/~~DEPUTY CITY CLERK~~

APPROVED BY ME ON 5/5/23

Jane Castor, MAYOR

PREPARED AND APPROVED
AS TO LEGAL SUFFICIENCY BY:

/es/
Camaria Pettis-Mackle
Assistant City Attorney

NOTICE OF PUBLIC HEARING

ON **May 4, 2023 @ 9:30 A.M.** IN THE TAMPA CITY COUNCIL CHAMBERS, OLD CITY HALL, 315 E. KENNEDY BLVD., 3RD FLOOR, TAMPA, FLORIDA, A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

File No. VAC-23-08

An ordinance of the City of Tampa, Florida, vacating, closing, discontinuing and abandoning that alleyway located North of Henderson Avenue, South of 7th Avenue, East of Franklin Street and West of Florida Avenue, within the Plat of Livonia Dodds Cline Subdivision, in the City of tampa, Hillsborough County, Florida, as more fully described in Section 2 hereof, subject to certain covenants, conditions and restrictions as more particularly set forth herein; providing for enforcement and penalties for violations; providing for definitions, interpretations and repealing conflicts; providing for severability; providing an effective date.

File No. E2023-8 CH 2

An Ordinance of the City of Tampa, Florida, pertaining to the naming of city owned property in honor of a person, group or entity; amending Chapter 2 ("Administration") of the City of Tampa Code by adding "Article XI" entitled "Honorary Naming of City Owned Property", together with Section 2-826 ("Title and Purpose"), Section 2-827 ("Definition and Classifications of City Owned Property"), Section 2-828 ("Honorary Naming Criteria"), Section 2-829 ("Application Requirements"), Section 2-830 ("Review Process"), Section 2-831 ("Exemptions"), Section 2-832 ("Recession or Removal"), and Section 2-833 ("Effect on Executive Order"); reserving Sections 2-834 – 2-849; providing for the repeal of all ordinances in conflict; providing for severability; and providing an effective date.

File No. E2023-8 CH 19

An ordinance of the City of Tampa, Florida, relating to rental certificate program, making revisions to City of Tampa code of ordinances, Chapter 19 (property maintenance and structural standards); repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date

File No. TA/CPA 22-20

An Ordinance amending the Imagine 2040, Tampa Comprehensive Plan, Future Land Use Element, Future Land Use Map, for the property located at 5507 East Washington Street, from Transitional Use-24 (TU-24) to Residential-35 (R-35); Providing for repeal of all ordinances in conflict; Providing for severability; Providing an effective date.

File No. REZ-22-87

An Ordinance rezoning property in the general vicinity of 1200 North West Shore Boulevard, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) Op-1 (Office Professional) and M-AP-1 (Municipal Airport) to PD (Planned Development, Retail Sales, Residential, Multi-Family and Restaurant or OP-1 and M-AP-1 Uses); providing an effective date.

File No. REZ-23-05

An Ordinance rezoning property in the general vicinity of 8524 North Mulberry Street, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) RS-50 (Residential, Single-Family) to PD (Planned Development, Residential, Single-Family Detached); providing an effective date.

File No. REZ-23-17

An Ordinance rezoning property in the general vicinity of 4510 South Dale Mabry Highway, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) CG (Commercial General) and CI (Commercial Intensive) to CI (Commercial Intensive); providing an effective date.

File No. REZ-23-20

An Ordinance rezoning property in the general vicinity of 5802 and 5804 North Florida Avenue and 103 West Henry Avenue, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning classification(s) SH-CI (Seminole Heights, Commercial Intensive) to SH-PD (Seminole Heights, Planned Development, Residential, Single-Family Attached); providing an effective date.

File No. REZ-23-23

An Ordinance rezoning property in the general vicinity of 5507 East Washington Street, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) RM-16 (Residential, Multi-Family) to PD (Planned Development, Residential, Multi-Family); providing an effective date.

File No. SU2-23-01

An Ordinance approving a special use permit (SU-2); approving a restaurant, drive-in in a CG (Commercial General) zoning district in the general vicinity of 3603 West Hillsborough Avenue, in the City of Tampa, Florida, and as more particularly described in Section 1, hereof; providing and effective date.

SAID ORDINANCES MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK, CITY HALL, 3RD FLOOR CITY HALL, 315 E. KENNEDY BLVD., TAMPA, FL, DURING REGULAR BUSINESS HOURS, 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOXX-KNOWLES, CMC

CITY CLERK

4/21/23LG 1T