



24 WHEREAS, Article IV of Chapter 5 of the Code establishes the Minimum Housing  
25 Code for Broward County, Florida, and provides uniform minimum standards within  
26 Broward County for occupied living units, rental units, and unoccupied or abandoned  
27 structures; provides uniform minimum standards for the maintenance of occupied  
28 structures and adjacent properties, including vacant lots and any adjacent properties that  
29 may be subject to the Minimum Housing Code; and creates an appeal procedure;

30 WHEREAS, the Minimum Housing Code is a means of protecting the public health,  
31 general welfare, and life safety of the public by eliminating overcrowding, substandard  
32 living conditions, unsanitary conditions, and unsafe structures;

33 WHEREAS, since the Minimum Housing Code was enacted, many of the  
34 standards contained therein have been superseded or incorporated into other areas of  
35 the Code or the Florida Building Code, or preempted by state law, such as Chapter 509  
36 of the Florida Statutes that gives exclusive jurisdiction to the Division of Hotels and  
37 Restaurants of the Florida Department of Business and Professional Regulation over the  
38 enforcement of minimum housing standards in public lodging establishments, including  
39 hotels and hotel units;

40 WHEREAS, Article IX<sup>1</sup>/<sub>2</sub> of Chapter 39 of the Code ("Zoning Code") was enacted  
41 to establish the Landlord Registration and Residential Rental Property Inspections  
42 Program ("Program") in the Broward Municipal Services District ("BMSD") for the purpose  
43 of creating a landlord registration database of current and accurate information for  
44 purposes of contacting a property owner, or designated entity, regarding health or safety  
45 violations, Minimum Housing Code complaints, or emergency situations at residential  
46 rental units;

47 WHEREAS, the Program seeks to conduct rental property inspections in the  
48 BMSD to address substandard maintenance of rental properties; to promote greater  
49 compliance with property maintenance standards and protect property values; and to  
50 preserve the quality of the BMSD neighborhoods and available housing; and

51 WHEREAS, the Board deems it in the best interests of the residents of Broward  
52 County to incorporate provisions from the Minimum Housing Code, such as inspections  
53 and enforcement, into the Program,

54 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
55 BROWARD COUNTY, FLORIDA:

56 Section 1. Article IV of Chapter 5 of the Broward County Code of Ordinances is  
57 hereby amended to read as follows:

58 **ARTICLE IV. MINIMUM HOUSING CODE**

59 **Sec. 5-52. Title.**

60 The title ~~for~~ of this article shall be "The Minimum Housing Code of Broward County,  
61 Florida." ("Minimum Housing Code").

62 **Sec. 5-53. Purpose and authority.**

63 The purpose of ~~the~~ Minimum Housing Code ~~for Broward County, Florida,~~ is to  
64 establish uniform minimum standards within Broward County for occupied living units,  
65 rental units, and unoccupied or abandoned structures; to establish uniform minimum  
66 standards for the maintenance of occupied structures and adjacent properties, including  
67 vacant lots ~~and commercial properties adjacent thereto~~; and to create an appeal  
68 procedure. This article is a means of protecting the public health, general welfare, and

69 life safety of the public by eliminating overcrowding, substandard living conditions,  
70 unsanitary conditions, and unsafe structures.

71 **Sec. 5-54. Scope and application.**

72 (a) Every structure or building in Broward County used, or intended to be used,  
73 in whole or in part as a single-family dwelling, as two (2) ~~or more~~ to four (4) dwelling units,  
74 ~~or as a hotel or rooming house [(including an abandoned dwelling structure)], or as a~~  
75 dormitory-type sleeping accommodation that is let shall conform to the requirements and  
76 minimum standards established by this article, irrespective of when such structure or  
77 building may have been constructed, altered, or repaired, except those structures or  
78 buildings located within a municipality that elects to adopt its own minimum housing code.

79 Where the Minimum Housing Code is effective within a municipality, all enforcement  
80 action shall be taken by the municipality pursuant to its code enforcement processes.

81 The provisions of the Minimum Housing Code do not apply to: (i) the rental of mobile  
82 home lots governed under Chapter 723, Florida Statutes; (ii) "transient public lodging  
83 establishments" or "vacation rentals" licensed under Chapter 509, Florida Statutes;  
84 (iii) "assisted living facilities" licensed under Chapter 429, Florida Statutes; or (iv) any  
85 buildings or structures where the regulation of such buildings or structures is preempted  
86 by state law.

87 (b) This article establishes minimum standards for the occupancy and  
88 structural integrity of single-family dwellings, dwelling units, ~~hotels, and~~ rooming units,  
89 and dormitory-type sleeping accommodations. It does not replace ~~of~~ or modify standards  
90 established by other codes or ordinances for the construction, replacement, or repair of  
91 buildings.

92 (c) ~~This article shall also apply to buildings or structures, other than residential~~  
93 ~~or dwelling units, to the extent provided herein.~~

94 (d) The provisions contained herein are additional and supplemental means of  
95 enforcing the Minimum Housing Code for ~~Broward County~~. Nothing in this article shall  
96 prohibit enforcement of the Minimum Housing Code by any other means.

97 **Sec. 5-55. Definitions.**

98 . . .

99 ~~Board shall mean the Unsafe Structures Board, maintained pursuant to the Florida~~  
100 ~~Building Code, as authorized by Chapter 553, Part IV, Florida Statutes, and this article,~~  
101 ~~as same may be amended.~~

102 . . .

103 *Director* shall mean the director, or designee, of the Broward County ~~Permitting,~~  
104 ~~Licensing and Consumer Protection~~ Urban Planning Division, or successor agency,  
105 charged with enforcing zoning and building regulations within ~~unincorporated Broward~~  
106 ~~County and those areas located within municipalities that do not have a municipal~~  
107 ~~ordinance in conflict with the provisions of this article~~ the Broward Municipal Services  
108 District ("BMSD"). The term "director" shall be synonymous with head of "enforcing  
109 agency," as defined herein.

110 . . .

111 *Enforcing agency* shall mean the Broward County ~~Permitting, Licensing and~~  
112 ~~Consumer Protection~~ Urban Planning Division, and any successor department or division  
113 of County government.

114            *Enforcing officer* shall mean any employee of Broward County, or of any  
115 municipality, charged with the responsibility of ~~making inspections of~~ inspecting buildings  
116 and premises and issuing violation notices and citations when necessary. The term  
117 "enforcing officer" shall be synonymous with "inspection officer" and "code enforcement  
118 inspector."

119            . . .

120            ~~*Hotel* shall mean any building or group of buildings, which contains sleeping room~~  
121 ~~accommodations for three (3) or more guests, which offers the services generally~~  
122 ~~provided by a hotel, and is recognized as a hotel in the community in which it is situated,~~  
123 ~~or by the industry; is declared to be a hotel; or which must be licensed by the Florida~~  
124 ~~Division of Hotels and Restaurants. For the purpose of this article, motels and buildings~~  
125 ~~offering dormitory-type sleeping accommodations shall be included in this category.~~

126            ~~*Hotel unit* shall mean any room or group of hotel rooms forming a single habitable~~  
127 ~~unit used, or intended to be used, for living or sleeping purposes. For the purpose of this~~  
128 ~~article, motel units and dormitory-type sleeping accommodations shall be included in this~~  
129 ~~category.~~

130            . . .

131            *Operator* shall mean any person who has the charge, care, custody, or control of  
132 a building, or any part thereof, in which dwelling units, ~~hotel units,~~ rooming units, or  
133 dormitory-type sleeping accommodations are let.

134            . . .

135            *Owner* shall mean any person who alone, or jointly or severally with others, has  
136 any legal or equitable title to any dwelling, dwelling unit, ~~hotel~~, or rooming house with or  
137 without having actual possession thereof.

138            . . .

139            *Plumbing* shall mean, include, and refer to:

140            (1) The materials, including pipes, fittings, valves, fixtures, and appliances,  
141 attached to and a part of a plumbing or gas system for the purpose of  
142 creating and maintaining sanitary, heating, or cooking facilities in buildings,  
143 camps, and swimming pools on property where people live, work, play, or  
144 assemble, ~~or travel~~.

145            . . .

146            *Premises* signifies a distinct and definite locality or place with metes and bounds,  
147 as land alone or land with buildings thereon, and shall mean: lands and tenements; an  
148 estate; the area of land surrounding a building, and actually, or by legal construction,  
149 forming one (1) enclosure with it; and may mean land alone or land with buildings or  
150 appurtenances, a room, ~~shop~~, or any definite area.

151            *Rooming house* shall mean any ~~building dwelling, or part of any dwelling,~~  
152 containing one (1) or more rooming units in which space is let by the owner or operator  
153 ~~for living and sleeping purposes, but not for eating or cooking purposes; or which is~~  
154 ~~required to be licensed by the Florida Division of Hotels and Restaurants as a rooming~~  
155 ~~house to persons in return for remuneration or for the provision of services or for both, in~~  
156 ~~rooms furnished by the owner or operator. For the purpose of this article, boarding~~  
157 ~~houses, guest houses, and cabins are included in this category.~~

158            *Rooming unit* shall mean any room or group of rooms, forming a single habitable  
159 unit, used, or intended to be used, for living and sleeping purposes, but not for cooking or  
160 eating purposes; ~~and which is not categorized as a hotel or motel unit by the Florida~~  
161 ~~Division of Hotels and Restaurants.~~

162            . . .

163            Meaning of certain words: Whenever the words "dwelling," "dwelling unit," "~~hotel,~~"  
164 "~~hotel unit,~~" "rooming house," "rooming unit," ~~and~~ "premises," and "dormitory-type  
165 sleeping accommodations" are used in this article, they shall be construed as though they  
166 were followed by the words "or any part thereof."

167            **Sec. 5-56. Appeals Enforcement; conflicts.**

168            (a) ~~Appeals board~~ Enforcement. ~~The Unsafe Structures Board is authorized by~~  
169 ~~the Board of County Commissioners to act as the Unsafe Structures and Housing Appeals~~  
170 ~~Board, and to enter such orders or decisions that are authorized under both the Florida~~  
171 ~~Building Code and The Minimum Housing Code for Broward County, Florida.~~  
172 ~~Notwithstanding the foregoing, a violation of this article shall also be deemed a County~~  
173 ~~ordinance violation, and an enforcing officer may issue a citation or notice of violation in~~  
174 ~~accordance with the provisions of Chapter 8½, Broward County Code of Ordinances.~~  
175 ~~Nothing contained in this article shall prohibit the County from enforcing its codes or~~  
176 ~~ordinances by any other lawful means~~ This article may be enforced by code enforcement  
177 officers, including municipal code enforcement officers, and any law enforcement agency  
178 having jurisdiction of the area within which the real property at issue is located pursuant  
179 to Section 125.69 and Chapter 162, Florida Statutes, or any applicable municipal code  
180 enforcement provision.

181 (b) ~~Duties and powers of the Board.~~ In addition to the duties and powers  
182 specified in the Florida Building Code, the Board shall have the following duties, functions,  
183 powers, and responsibilities with respect to the implementation of this article, to wit:

184 (1) ~~Hear and determine appeals from actions and decisions of the director;~~

185 (2) ~~Hear and review the actions and orders of the director, where the director's~~  
186 ~~decision or order, as indicated in a notice of violation or rule to show cause,~~  
187 ~~has not been complied with;~~

188 (3) ~~Affirm, modify, or reverse any decision or order of the director;~~

189 (4) ~~Maintain minutes of all proceedings; and~~

190 (5) ~~Issue such orders as may be necessary in order to enforce the standards~~  
191 ~~established by this article.~~

192 (c) ~~Conflict of interests.~~ No official, ~~Board member,~~ or employee of Broward  
193 County charged with the enforcement of this ~~law~~ article shall have any financial interest,  
194 directly or indirectly, in any repairs, corrections, construction, or demolition ~~which~~ that may  
195 be required or ordered hereunder.

196 . . .

197 **Sec. 5-58. Minimum standards for space, light and ventilation, basic facilities,**  
198 **equipment, and maintenance.**

199 (a) No person shall occupy, or let to another for occupancy, any dwelling or  
200 dwelling unit for the purpose of living, sleeping, cooking, or eating therein, or occupy or  
201 let any ~~hotel, hotel unit,~~ rooming house, ~~or~~ rooming unit, or dormitory-type sleeping  
202 accommodation, for the purpose of living or sleeping therein, which does not comply with  
203 the minimum standards and requirements established hereunder.

- 204 (b) *Requirements for space.*
- 205 . . .
- 206 (2) Every room or unit in a dwelling, dwelling unit, ~~hotel, or~~ rooming house, or  
207 dormitory-type sleeping accommodation occupied for sleeping purposes  
208 shall:
- 209 . . .
- 210 (4) Every habitable room or unit in a dwelling, dwelling unit, ~~hotel, and~~ rooming  
211 house, or dormitory-type sleeping accommodation shall have a ceiling  
212 height of not less than seven (7) feet for at least fifty (50) per cent of the  
213 floor area of the room. Any portion of a habitable room having a ceiling  
214 height of five (5) feet or less shall not be included in computing the gross  
215 floor area of such room.
- 216 . . .
- 217 (c) *Requirements for light and ventilation.*
- 218 . . .
- 219 (3) Every hall, stairway, and other space or area located within, or on the  
220 exterior of, a dwelling, dwelling unit, ~~hotel, or~~ rooming house, or  
221 dormitory-type sleeping accommodation shall be provided with properly  
222 installed electric lighting facilities capable of providing not less than one (1)  
223 footcandle of illumination throughout, and such facilities shall be controlled  
224 by, and available to, the occupants at all times.
- 225 . . .

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

226 (7) Every door opening directly from a dwelling, dwelling unit, ~~hotel~~, or rooming  
227 unit, or dormitory-type sleeping accommodation to outdoor spaces shall be  
228 adequately screened for protection against mosquitoes, flies, and other  
229 insects.

230 . . .

231 (d) *Requirements for basic sanitary facilities and equipment.*

232 . . .

233 (2) Each ~~hotel and~~ rooming house shall have not less than the following:

234 a. One (1) flush water closet, lavatory basin, and bathtub or shower for  
235 each six (6) persons, or fraction thereof, residing within such ~~hotel or~~  
236 rooming house;

237 . . .

238 c. Where ten (10) or more persons may occupy a ~~hotel or~~ rooming  
239 house, separate facilities consisting of one (1) flush water closet,  
240 lavatory basin, and bathtub or shower, in a sanitary and good  
241 working condition, shall be provided for each sex;

242 d. Where, in a ~~hotel or~~ rooming house, rooms that are let only to males,  
243 flush urinals may be substituted for not more than one-half (½) of the  
244 required number of water closets; and

245 e. Adequate receptacles for the storage of garbage, trash, refuse, and  
246 rubbish.

247 (3) Each dwelling, dwelling unit, ~~hotel~~, and rooming house shall provide privacy  
248 for, and accessibility to, toilet and bath facilities as follows:

249 . . .

250 b. Rooms containing water closets, urinals, bathtubs, or showers shall

251 be not more than one (1) story removed from the ~~hotel or~~ rooming

252 unit of any occupant sharing the facilities; and

253 c. All toilet and bath facilities shall be so located so as to be accessible

254 without going outside of the building or without going through a

255 dwelling unit, ~~hotel unit,~~ or rooming unit of another occupant.

256 . . .

257 (5) All plumbing fixtures shall be properly connected to approved water, sewer,

258 or gas systems. Where a sewer system is not available, drain lines shall be

259 connected to an approved and permitted septic tank.

260 . . .

261 (7) Every supplied facility and piece of equipment to be utilized by a tenant or

262 occupant, including tenant-owned equipment, shall be maintained in a safe,

263 sanitary, and properly operating condition. This provision shall not apply to

264 small domestic appliances including, but not limited to, microwaves, coffee

265 pots, blenders, etc.

266 . . .

267 (9) Every occupied dwelling and dwelling unit shall have a properly installed

268 cooking facility consisting of a stove having at least two (2) top burners and

269 all necessary utility connections for said cooking facility. Cooking facilities

270 shall not be permitted in any ~~hotel unit or~~ rooming unit.

271 (e) *General requirements for all dwellings, dwelling units, ~~hotels, hotel units,~~*  
272 *rooming houses, ~~and rooming units, and dormitory-style sleeping accommodations.~~*

273 . . .

274 (f) *Heating facilities.*

275 . . .

276 (7) ~~Only those accessory heating units which are approved and acceptable~~  
277 ~~under regulations promulgated by the Division of Hotels and Restaurants of~~  
278 ~~the Florida Department of Business and Professional Regulation, or~~  
279 ~~successor agency, and other applicable regulatory codes, shall be used in~~  
280 ~~any hotel unit or rooming unit.~~

281 (8) The use of unsafe heating or cooking stoves and the use of cooking stoves,  
282 including ovens, for heating purposes is prohibited.

283 **Sec. 5-59. Unsafe dwellings, rooming houses, ~~hotels,~~ dormitory-style sleeping**  
284 **accommodations, and structures.**

285 A dwelling, dwelling unit, ~~hotel,~~ rooming house, dormitory-style sleeping  
286 accommodation, or structure shall be deemed unsafe when any one (1) or more of the  
287 conditions set forth within Subsection 116.2 of the Florida Building Code are met.

288 . . .

289 **Sec. 5-61. Responsibilities of owners, operators, and occupants.**

290 (a) The owner shall not occupy, nor permit another to occupy, nor let to another  
291 for occupancy, a dwelling unit, ~~hotel unit, or rooming unit,~~ or dormitory-type sleeping  
292 accommodation that is not ~~clean,~~ sanitary, safe, ~~and or~~ fit for human habitation as required

293 by the standards established hereunder, and other regulatory codes of Broward County  
294 and the state of Florida.

295 . . .

296 (d) The owner, agent, or operator of a ~~hotel~~ or rooming house or dormitory-type  
297 sleeping accommodation shall jointly and severally:

298 . . .

299 **Sec. 5-62. Requirements relating to the safe and sanitary maintenance of**  
300 **premises adjacent to dwelling structures.**

301 (a) No owner, occupant, or operator of a dwelling, dwelling unit, ~~hotel, hotel~~  
302 ~~unit, rooming house, or rooming unit,~~ or dormitory-type sleeping accommodation shall  
303 store, deposit, or cause to be deposited, any rubbish, garbage, or other refuse on adjacent  
304 property adjacent to the dwelling structure.

305 . . .

306 **Sec. 5-63. Inspections.**

307 (a) The enforcing agency is hereby authorized and empowered to make  
308 inspections of dwellings, dwelling units, ~~hotels,~~ rooming houses, dormitory-type sleeping  
309 accommodations, and all premises adjacent to such structures, including vacant lots ~~and~~  
310 ~~commercial properties located adjacent thereto,~~ in order to determine the physical  
311 condition of said premises and to ensure compliance with the minimum standards  
312 established by this article.

313 (b) Except as provided in Section (c) for owner-occupied residences, ~~The~~  
314 inspecting officers of the enforcing agency are hereby authorized to enter, examine, and  
315 survey ("inspect") all structures and premises, at reasonable hours, or at such other time

316 as may be necessary in an emergency, to ensure compliance with the minimum  
317 standards established by this article. Except in emergencies endangering the public  
318 health, general welfare, or life safety, the inspecting officers of the enforcing agency shall  
319 enter a dwelling, dwelling unit, rooming house, rooming unit, dormitory-type sleeping  
320 accommodation, or premises only upon the prior or contemporaneous consent of the  
321 person lawfully in occupancy thereof or the person having legal right of possession  
322 thereof, or with a court order, inspection warrant, or in accordance with the provisions of  
323 this section.

324 (c) In the event a person who ~~has common authority~~ is lawfully in occupancy  
325 or has the legal right of possession over a structure or premises regulated hereunder  
326 shall not consent to an inspection, ~~survey, and examination~~ of said structure or premises,  
327 said person shall be given the opportunity to reschedule such inspection, ~~survey, and~~  
328 ~~examination~~ for a time certain within ten (10) days of after the inspector's initial contact.  
329 Failure of the such person ~~exercising common authority over said structure or premises~~  
330 to thereafter consent to an inspection, ~~survey, and examination~~ of the structure or  
331 premises, without just cause, shall be sufficient grounds and probable cause to seek an  
332 inspection warrant, as authorized by Sections 933.20 through 933.30, Florida Statutes,  
333 as amended, for the purpose of inspecting, ~~surveying, or examining~~ said structure or  
334 premises. Owner-occupied family residences are exempt from the provisions of  
335 Sections 933.20 through 933.30, Florida Statutes, as amended.

336 (d) ~~In the event a structure or premises appears to be abandoned or vacant~~  
337 ~~and the owner cannot be readily contacted in order to obtain consent to inspect, survey,~~  
338 ~~and examine the structure or premises, then, and in that event, the inspector may enter~~

339 ~~upon any open, unsecured, or unlocked portion of the structure or premises in order to~~  
340 ~~conduct an inspection, survey, and examination thereof.~~

341       (e) In the event it shall be deemed necessary by an inspector of the enforcing  
342 agency to enter a ~~secured or locked~~ structure or premises which ~~appears to be~~  
343 ~~abandoned or vacant, and where the owner person lawfully in occupancy or has the legal~~  
344 right of possession (i) cannot be readily contacted in order to obtain consent to inspect,  
345 ~~survey, and examine the structure or premises, then, and in that event, the absence of~~  
346 ~~the owner and vacancy of the structure and premises shall be sufficient grounds and~~  
347 ~~probable cause to obtain an inspection warrant, as authorized by Sections 933.20 through~~  
348 ~~933.30, Florida Statutes, as amended, for the purpose of inspecting, examining, and~~  
349 ~~surveying the structure and premises. Owner occupied family residences are exempt from~~  
350 ~~the provisions of Sections 933.20 through 933.30 Florida Statutes, as amended; or (ii)~~  
351 refuses to consent to the inspection, the inspecting officer of the enforcing agency may  
352 apply to the County Court or Circuit Court for the issuance of an inspection warrant to be  
353 served by an officer duly authorized by law to serve inspection warrants. Refusal to permit  
354 an inspection pursuant to an inspection warrant authorized by this section shall constitute  
355 a violation of this article and shall subject the violator to the penalties prescribed herein  
356 and any penalties deemed appropriate by the issuing court, as allowed by law.

357       (f) ~~(e)~~ Inspecting officers of the enforcing agency shall be provided with official  
358 identification and shall exhibit such identification when making any inspection.

359 **Sec. 5-64. Service of notice.**

360 . . .

361 (b) A notice of violation and order to show cause shall be served on the alleged  
362 violator and, if different from the alleged violator, the owner of the structure or premises.

363 Such notice and order shall:

364 . . .

365 (8) Contain a statement that final compliance must conform to the requirements  
366 of the Florida Building Code; and

367 ~~Inform the violator that, unless an objection to the notice of violation and~~  
368 ~~order to show cause is filed with the enforcing agency within thirty (30) days~~  
369 ~~of the date of service, the Board may issue a final order of correction which,~~  
370 ~~when issued, may be enforced by the director; and~~

371 ~~(40) For those cases arising out of violations on properties located in the BMSD,~~  
372 ~~Sstate that the director may cause to be made any corrections ordered by~~  
373 ~~the Board hearing officer, the cost of which shall be paid by the owner, and,~~  
374 ~~if not paid, assessed against the property, and which shall become a lien~~  
375 ~~against the property.~~

376 (c) All notices required by this article shall be served in accordance with the  
377 provisions of ~~Section 116 of the Florida Building Code~~ Chapter 162, Florida Statutes, as  
378 amended.

379 . . .

380 **Sec. 5-65. Hearings on notice arising out of violations on properties located in**  
381 **the Broward Municipal Services District; hearing officer.**

382 (a) ~~Any person served with a violation notice and order to show cause issued~~  
383 ~~in connection with the enforcement of any provisions of this article may, within thirty (30)~~  
384

385 ~~days of service, file written objections to said notice and order with the enforcing agency,~~  
386 ~~and may request a hearing on the matter before the Board~~ There is hereby created, for  
387 the purpose of conducting hearings pursuant to this article, the position of hearing officer.  
388 The hearing officer shall be selected by the County Attorney from a list of candidates  
389 approved by the Board of County Commissioners of Broward County. The hearing officer  
390 shall be a member in good standing with The Florida Bar and engaged in the practice of  
391 law in Broward County. This section shall only apply to those cases arising out of  
392 violations on properties located in the BMSD.

393 (b) ~~All objections to a notice of violation and order to show cause shall be in the~~  
394 ~~form of a petition seeking review of the director's order to show cause. The petition shall:~~

395 (1) ~~Be printed or typewritten on no less than eight and one-half by eleven~~  
396 ~~inches (8½" x 11") white bond paper;~~

397 (2) ~~Contain the name, address, and telephone number of the petitioner and the~~  
398 ~~violation number;~~

399 (3) ~~Indicate whether or not the petitioner is represented by an attorney and, if~~  
400 ~~so, state the attorney's name, address, and telephone number;~~

401 (4) ~~Set forth in clear and concise language the petitioner's objections to the~~  
402 ~~notice of violation and order to show cause;~~

403 (5) ~~Contain a brief statement setting forth the specific grounds for each~~  
404 ~~objection;~~

405 (6) ~~State whether or not the petitioner will appear at the hearing before the~~  
406 ~~Board, and if the petitioner will be accompanied by counsel;~~

407 (7) ~~State the relief or decision sought by the petitioner from the Board; and~~

408           ~~(8) Be signed and verified under oath by the petitioner.~~

409                   Upon receipt of a timely request for an administrative hearing, the matter  
410 shall be set for hearing on the next regularly scheduled hearing or as soon thereafter as  
411 possible.

412           ~~(c) The filing of objections to a notice and order of the director with the enforcing~~  
413 ~~agency, in the form of a petition as specified hereunder, shall entitle the petitioner to a~~  
414 ~~hearing before the Board. The County shall serve a notice of hearing to the alleged~~  
415 ~~violator, which notice shall include, but not be limited to, the following:~~

416           ~~(1) Place, date, and time of the hearing.~~

417           ~~(2) Right of the alleged violator to be represented by an attorney.~~

418           ~~(3) Right of the alleged violator to present witnesses and evidence and conduct~~  
419 ~~cross-examination.~~

420           ~~(4) A conspicuous statement reflecting the requirements of Chapter 286,~~  
421 ~~Florida Statutes, that a person deciding to appeal any decision of a hearing~~  
422 ~~officer will need to ensure that a verbatim record of the proceedings is~~  
423 ~~made. In lieu of providing a notice of hearing as provided above, the County~~  
424 ~~may include a hearing date in the notice of violation that will be scheduled~~  
425 ~~if the alleged violator requests an administrative hearing, provided that the~~  
426 ~~notice of violation includes the information required by this section.~~

427           ~~(d) Upon receipt of a petition in the form specified hereunder, the enforcing~~  
428 ~~agency shall immediately set a time and place for a hearing thereon, and shall notify the~~  
429 ~~chair or vice-chair of the Board of the time and place set for the hearing. The petitioner~~  
430 ~~shall also be given written notice of the hearing, by mailing a copy of the hearing notice~~

431 ~~to the address given in the petition~~ No hearing shall be scheduled sooner than ten (10)  
432 days from the date of service of the notice of violation unless there is reason to believe  
433 that a violation presents a serious threat to the public health, general welfare, or life safety.

434 (e) ~~The hearing shall be held not less than fifteen (15) days, nor more than~~  
435 ~~sixty (60) days, after the day upon which the petition was received by the enforcing~~  
436 ~~agency~~ All hearings shall be open to the public. All testimony shall be under oath and  
437 minutes shall be taken.

438 (f) ~~Upon application of the petitioner or the petitioner's attorney, the chair or~~  
439 ~~vice-chair of the Board may postpone or continue the date of a hearing for a reasonable~~  
440 ~~time beyond the sixty-day period if, in the chair's or vice-chair's judgment, the petitioner~~  
441 ~~has submitted a good and sufficient reason for such postponement or continuance~~ The  
442 County shall provide clerical and administrative personnel as may be reasonably required  
443 by each hearing officer.

444 (g) ~~At the hearing, the petitioner shall be given an opportunity to be heard and~~  
445 ~~to show why the violation notice and order to show cause should be modified or withdrawn~~  
446 Each case before a hearing officer shall be presented by the personnel designated by  
447 the County Administrator or the director of the enforcing agency. The County  
448 Administrator or the director of the enforcing agency shall adopt procedures for the  
449 conduct of hearings before hearing officers.

450 (h) ~~Hearings shall be informal and need not be conducted according to~~  
451 ~~technical rules relating to evidence and witnesses. Any relevant evidence may be~~  
452 ~~admitted if it is the type of evidence on which responsible persons are accustomed to~~  
453 ~~relying on in the conduct of serious affairs. Hearsay evidence may be used for the purpose~~

454 ~~of supplementing or explaining any direct evidence, but shall not be sufficient in and of~~  
455 ~~itself to support a finding, unless it would be admissible over objections in civil actions.~~  
456 ~~The rules of privilege shall be effective to the same extent that they are recognized in all~~  
457 ~~civil actions. All witnesses shall be sworn prior to giving any testimony, and irrelevant and~~  
458 ~~unduly repetitious evidence and testimony shall be excluded~~ Formal rules of evidence  
459 shall not apply, but fundamental principles of due process shall be observed and govern  
460 the proceedings. All evidence of a type commonly relied upon by reasonably prudent  
461 persons in the conduct of their affairs shall be admissible whether or not such evidence  
462 would be admissible in a state of Florida court.

463 (i) ~~All parties shall have an opportunity to respond, to present evidence and~~  
464 ~~argument on all issues involved, to conduct cross-examination, to submit rebuttal~~  
465 ~~evidence, to submit proposed findings of facts and orders, to file exceptions to any order~~  
466 ~~or Board member's recommended order, and to be represented by counsel. When~~  
467 ~~appropriate, the general public may be given an opportunity to present oral or written~~  
468 ~~communications. If the Board proposes to consider such material, then all parties shall~~  
469 ~~be given an opportunity to cross-examine, challenge, or rebut such material~~ Each party  
470 shall have the right to call and examine witnesses, to introduce exhibits, and to  
471 cross-examine opposing witnesses on any relevant matter.

472 (j) ~~The record in hearings governed by this article shall consist only of:~~

473 (1) ~~All notices, pleadings, motions, and intermediate rulings;~~

474 (2) ~~Evidence received or considered;~~

475 (3) ~~A statement of matters officially recognized;~~

476 (4) ~~Questions and proffers of proof and objections and rulings thereon;~~

- 477           (5)    ~~Proposed findings of fact and exceptions;~~
- 478           (6)    ~~Any decision, opinion, recommended order, or report by the Board member~~  
479                     ~~presiding at the hearing;~~
- 480           (7)    ~~All staff memoranda or data submitted to the Board during the hearing or~~  
481                     ~~prior to its disposition; and~~
- 482           (8)    ~~The official transcript.~~

483                     The hearing officer shall make findings of fact based on the evidence  
484 presented. In order to make a finding affirming the code inspector's decision, the hearing  
485 officer must find by clear and convincing evidence that the alleged violator was properly  
486 served with notice, that the alleged violator was responsible for the violation of the  
487 relevant provision as cited, and that the time for correction set by the code inspector in  
488 the warning notice, if required, was reasonable.

489           (k)    ~~The Board shall accurately and completely preserve all testimony and~~  
490 ~~evidence in the proceeding~~ The hearing officer may not determine that the time given for  
491 correction in the warning notice was too long. If the hearing officer finds that a violation  
492 occurred but determines that the time given for correction was not reasonable, the hearing  
493 officer shall determine a reasonable time period, which shall then be the required time for  
494 compliance.

495           (l)    ~~Findings of fact shall be based exclusively on the evidence of record and~~  
496 ~~on matters officially recognized~~ If the alleged violator is found guilty of the violation and  
497 the appropriate fine is imposed, the violator may also be held liable for the reasonable  
498 costs of the administrative hearing, at the discretion of the hearing officer.

499           (m) ~~The Board may, for due cause and where a proven hardship exists, modify~~  
500 ~~or waive the requirements set forth in this article, provided the subject premises do not~~  
501 ~~constitute an immediate health hazard to the public. The hearing officer shall have the~~  
502 ~~power to:~~

503           (1) Take testimony under oath.

504           (2) Determine whether the cited violations occurred.

505           (3) Determine whether a reasonable time period for compliance was given.

506           (4) Determine whether the alleged violator was properly notified of the hearing.

507           (5) Assess and order the payment of fines, which may include civil penalties  
508 and administrative costs within a specified period of time, as provided under  
509 this article.

510           (6) Issue a fine consistent with Section 5-72 of the Broward County Code of  
511 Ordinances.

512           (7) Impose liens as provided by Chapter 162, Florida Statutes.

513           (n) ~~The Board shall, at the conclusion of a hearing hereunder, sustain, modify,~~  
514 ~~or dismiss the notice of violation and order to show cause, and issue an order relative~~  
515 ~~thereto consisting of the Board's findings of fact, conclusions of law, a legal description of~~  
516 ~~the subject premises, and such other information deemed pertinent by the Board. When~~  
517 ~~corrective action is ordered by the Board, it shall specify a date certain by which said~~  
518 ~~action is to be completed.~~

519           ...

520 **Sec. 5-67. ~~Final orders of the board~~ Rehearing; appeals.**

521           (a)    ~~The director shall file a copy of all final orders of the board with the Broward~~  
522 ~~County Finance and Administrative Services Department, Records, Taxes, and Treasury~~  
523 ~~Division, or its successor, and shall cause the same to be recorded in the public records~~  
524 ~~of Broward County, Florida. The recordation of such final order shall constitute~~  
525 ~~constructive notice to any subsequent purchasers, transferees, grantees, mortgagees,~~  
526 ~~lessees, lienors, and all persons having, claiming or acquiring any interest in the property~~  
527 ~~described therein or affected thereby~~ The violator or the County may seek a rehearing of  
528 the case by filing a written motion for rehearing within five (5) working days after rendition  
529 of the decision by the hearing officer. The motion for rehearing shall set forth issues that  
530 were overlooked or omitted at the hearing but shall not consist of a reargument of the  
531 case. If the motion is made by the violator, said motion shall be sent to the enforcing  
532 agency at the address set forth on the notice of hearing. The enforcing agency shall  
533 immediately forward the motion for rehearing to the hearing officer. If the motion is made  
534 by the County, the County shall forward a copy of the motion to the hearing officer and to  
535 the violator at the last known address. Within ten (10) days after receipt of the motion, the  
536 hearing officer shall enter an order on the motion for rehearing. If the motion for rehearing  
537 is granted, the case shall be set for rehearing on the next regularly scheduled hearing or  
538 as soon thereafter as possible.

539           (b)    ~~When the corrective action specified in a final order of the Board is~~  
540 ~~completed and the costs imposed thereon have been paid by the owner of the subject~~  
541 ~~premises, including any administrative costs, the director shall record a release of notice~~  
542 ~~of violation and lien in the Public Records of Broward County, Florida, stating that all~~  
543 ~~violations have been corrected and, thereupon, the order of the Board shall be deemed~~

544 ~~to be satisfied~~ The violator or the County may appeal a final decision of a hearing officer  
545 to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days after the  
546 date of rendition of the decision of the hearing officer, as provided by the Florida Rules of  
547 Appellate Procedure.

548 (c) ~~The cost of recording the final order of the Board and the release shall be~~  
549 ~~recoverable as costs from the owner of record of the property prior to recording said~~  
550 ~~release.~~

551 (d) ~~Any person acquiring any interest in or to property described in a notice of~~  
552 ~~violation and order to show cause shall be bound thereby to the same extent as the prior~~  
553 ~~owner or transferee, and shall take the property subject thereto. Provided, however, that~~  
554 ~~if the time for the filing of objections has not expired, the new owner or transferee shall~~  
555 ~~then have ten (10) days from the date upon which the transfer of the property interest is~~  
556 ~~effective as to that new owner or transferee or upon the last day set for the filing of~~  
557 ~~objections, whichever is greater, to file objections to the notice of violation and order to~~  
558 ~~show cause. The new owner or transferee shall be accorded all the rights and privileges~~  
559 ~~of the prior owner or transferee.~~

560 . . .

561 **~~Sec. 5-69. Action to be taken upon noncompliance with final order.~~**

562 (a) ~~Upon the refusal, failure, or neglect of a person to comply with a final order~~  
563 ~~of the Board, the enforcing agency shall notify the Board, in writing, and ask for a hearing~~  
564 ~~to be conducted by the Board. After the hearing, the Board may order the enforcing~~  
565 ~~agency to have the dwelling, dwelling unit, hotel, hotel unit, rooming house, rooming unit,~~

566 ~~or structure repaired, altered, vacated, demolished, or otherwise made to conform with~~  
567 ~~the requirements of this article and the order of the Board.~~

568 (b) ~~All owners and mortgagees shall be provided notice by certified or~~  
569 ~~registered mail to the last known address and a copy of the notice shall be posted in a~~  
570 ~~conspicuous place on the premises subject to the Board's order. In addition, the enforcing~~  
571 ~~agency shall cause to be published two (2) times, at least one (1) week apart, in a~~  
572 ~~newspaper of general circulation within Broward County, a notice of the action to be taken~~  
573 ~~by the enforcing agency. All notices shall be served and the last publication shall occur~~  
574 ~~not less than ten (10) days before any repairs, alterations, vacation, demolition, or other~~  
575 ~~action is commenced hereunder.~~

576 (c) ~~The owner of any property which is the subject of an order of the Board~~  
577 ~~shall pay all costs of the corrective action required and ordered by the Board and all costs~~  
578 ~~incurred in the execution of any action ordered by the Board, including the costs of~~  
579 ~~service, notice, and title search.~~

580 (d) ~~A certified copy of the order, showing the actual cost incurred in the~~  
581 ~~execution of the action ordered by the Board, the date of the action, and the legal~~  
582 ~~description of the property may be recorded in the Official Records of Broward County as~~  
583 ~~provided by Section 28.222, Florida Statutes, and thereafter shall constitute a lien against~~  
584 ~~the land on which the violation exists. The lien shall be prima facie evidence of the debt~~  
585 ~~to the County and may be foreclosed as mortgages are foreclosed in the circuit court;~~  
586 ~~provided, however, that no liens created pursuant to this part may be foreclosed on real~~  
587 ~~property that constitutes a homestead under Section 4, Article X of the Florida~~  
588 ~~Constitution.~~

589           (e) ~~All costs incurred by the enforcing agency in the execution of any repairs,~~  
590 ~~alterations, vacations, demolitions, or other action ordered by the Board, may be paid~~  
591 ~~from public funds upon certification by the enforcing agency of the date or dates the work~~  
592 ~~was performed, and that the items of cost are accurate and reasonable.~~

593 **Sec. 5-70. Standards for declaration of structures as unfit for human habitation;**  
594 **condemnation procedures.**

595           (a) ~~The designation of dwellings, dwelling units, hotels, hotel units, rooming~~  
596 ~~houses, and rooming units as unfit for human habitation, and the procedure for the~~  
597 ~~placarding and condemnation of such unfit structures and units shall be executed by the~~  
598 ~~enforcing agency in compliance with the standards and procedures established~~  
599 ~~hereunder.~~

600           (b) ~~The head of the enforcing agency shall declare as unfit for human~~  
601 ~~occupancy any dwelling, dwelling unit, hotel, hotel unit, rooming house, or rooming unit~~  
602 ~~which is found to have any of the following defects, to wit:~~

603           (1) ~~One which is so dilapidated, damaged, decayed, unsanitary, unsafe, or~~  
604 ~~vermin infested that it creates a serious hazard to the health or safety of the~~  
605 ~~occupants or the public;~~

606           (2) ~~One which lacks illumination, ventilation, or sanitary facilities adequate to~~  
607 ~~protect the health or safety of the occupants or the public;~~

608           (3) ~~One which, because of its general condition or location, is unsanitary, or~~  
609 ~~otherwise dangerous or injurious to the health or safety of the occupants or~~  
610 ~~the public; or~~

611           (4) ~~Any defect as provided in Section 5-58 of this article.~~



635 ~~notice shall be subject to arrest and punishment, as provided by law. This~~  
636 ~~notice shall not be removed except by authority of the Board."~~

637 (f) ~~No person, except a representative of the enforcing agency, may deface or~~  
638 ~~remove a placard from any premises which has been declared and placarded as unfit for~~  
639 ~~human habitation.~~

640 (g) ~~The head of the enforcing agency may order a placard removed whenever~~  
641 ~~the defect or defects upon which the placarding action was based have been eliminated.~~

642 (h) ~~After a premises has been placarded as provided in this Section 5-70, and~~  
643 ~~the owner or occupant fails or refuses to voluntarily comply with the notice, the director~~  
644 ~~shall immediately apply to the Board for an order condemning said premises as unfit for~~  
645 ~~human occupancy, and shall cause a hearing to be set thereon, as soon as possible.~~

646 (1) ~~The director shall provide notice to the owner, occupants, and mortgagees~~  
647 ~~stating the time, date, and place of the hearing. Notice shall be provided by~~  
648 ~~certified or registered mail, or by hand delivery of a copy of said notice to~~  
649 ~~the owner, occupants, and mortgagees, and by posting a copy of the notice~~  
650 ~~on the premises.~~

651 (2) ~~At the hearing, all interested parties shall be given an opportunity to be~~  
652 ~~heard and present evidence.~~

653 (3) ~~At the hearing, the Board shall consider and determine all relevant issues,~~  
654 ~~and shall treat the owner's failure to comply as an objection and petition for~~  
655 ~~review under Section 5-65 of this article.~~

656 (4) ~~Notice of the hearing shall be provided pursuant to Section 116 of the~~  
657 ~~Florida Building Code.~~

658 (i) ~~Whenever any premises are designated as unfit for human habitation, as~~  
659 ~~provided in this article, the enforcing agency shall compare the cost necessary to correct~~  
660 ~~the violation to the value of the building:~~

661 (1) ~~If the cost of the corrective measures to be taken exceeds fifty percent~~  
662 ~~(50%) of the building's value or if the cost of structural repair exceeds~~  
663 ~~thirty-three percent (33%) of its structural value, based on current~~  
664 ~~replacement cost less reasonable depreciation, such building may be~~  
665 ~~demolished and removed.~~

666 (2) ~~If the cost of the corrective measures does not exceed fifty percent (50%)~~  
667 ~~of the building's value or if the cost of structural repair exceeds~~  
668 ~~thirty-three percent (33%) of its structural value, based on current~~  
669 ~~replacement cost less reasonable depreciation, such building may be~~  
670 ~~repaired, renovated, or otherwise made to comply with the requirements of~~  
671 ~~this article.~~

672 ~~In order to determine the value of a building or structure and the cost of alterations,~~  
673 ~~repairs, and replacement, the guides and standards provided in the "Florida Building~~  
674 ~~Code Existing Buildings" shall apply.~~

675 . . .

676 **~~Sec. 5-71. Certification of inspectors.~~**

677 (a) ~~The Board is hereby authorized and empowered to certify individuals as~~  
678 ~~Minimum Housing Inspectors, and to issue to such individuals certificates of competency~~  
679 ~~attesting to their proficiency, experience, and expertise as inspectors under The Minimum~~  
680 ~~Housing Code for Broward County, Florida.~~

681           (b) ~~The Board shall promulgate and establish minimum requirements for all~~  
682 ~~individuals desiring certification as Broward County Minimum Housing Inspectors.~~

683           (c) ~~Those individuals certified as inspectors, hereunder, shall be competent to~~  
684 ~~testify before any agency, board, or court of competent jurisdiction as expert inspectors~~  
685 ~~in the field of minimum housing standards within Broward County, Florida.~~

686           . . .

687           Section 2. Article IX½ of Chapter 39 of the Broward County Code of Ordinances  
688 is hereby amended to read as follows:

689           **ARTICLE IX½. LANDLORD REGISTRATION, MINIMUM STANDARDS, AND**  
690           **RESIDENTIAL RENTAL PROPERTY INSPECTIONS PROGRAM**

691           **Sec. 39-115. Title and purpose.**

692           This article shall be known as the "~~Landlord Registration, Minimum Standards, and~~  
693 ~~Residential Rental Property Inspections Program ("Program")."~~ The purpose of the  
694 Program is to create a landlord registration database of current and accurate information  
695 required to contact a property owner, or designated entity, regarding health or safety  
696 violations, minimum housing code complaints, or emergency situations at residential  
697 rental units. The Program's further purpose is to conduct minimum standards and rental  
698 property inspections to address substandard maintenance of rental properties, promote  
699 greater compliance with property maintenance standards, protect property values, and  
700 preserve the quality of the ~~unincorporated area~~ BMSD neighborhoods and available  
701 housing.

702           **Sec. 39-116. Landlord registration, minimum standards, and residential rental**  
703 **property inspections program established.**

704 The Landlord Registration, Minimum Standards, and Residential Rental Property  
705 Inspections Program for the ~~unincorporated areas of Broward County~~ BMSD is hereby  
706 established.

707 **Sec. 39-117. Definitions.**

708 Director shall mean the director, or designee, of the Broward County Urban  
709 Planning Division, or successor agency, charged with enforcing zoning and minimum  
710 standard regulations within the BMSD.

711 Enforcing agency shall mean the Urban Planning Division and any successor  
712 department or division of County government.

713 ~~(a)~~ Lease shall mean any agreement or other arrangement, written or otherwise,  
714 offered by a landlord to a lessee in order to lease, sublease, rent, license, sublicense, or  
715 allow occupancy of a residential rental unit.

716 ~~(b)~~ Lessee shall mean a person to whom a lease, sublease, license, or residential  
717 rental agreement is granted, whether written or oral.

718 ~~(c)~~ Owner shall mean any person having any legal or equitable title in any residential  
719 rental unit.

720 ~~(d)~~ *Residential Rental Certificate of Use* ("*Certificate*") shall mean a certificate that  
721 shall be obtained from the Division by any person that leases a residential rental unit to a  
722 lessee.

723 ~~(e)~~ *Residential rental unit* shall mean any residential dwelling that is leased for  
724 residential purposes, including any single family home, ~~multi-family~~ multifamily dwelling  
725 (including condominium units), ~~duplex, triplex, and quadraplex, mobile home, or other~~  
726 similar unit with four (4) or fewer units. Residential rental unit shall not include any dwelling

727 unit that is owned by a federal, state, or local housing program or the federal Department  
728 of Housing and Urban Development, hotels, motels, public lodging establishments, as  
729 defined in Section 509.013, Florida Statutes, or any community residential facility licensed  
730 and inspected by the state of Florida.

731 **Sec. 39-118. Landlord registration of residential rental units required.**

732 . . .

733 (f) No Certificate shall be issued until an inspection by a code enforcement  
734 officer has been completed and the officer has determined that no material violation of  
735 the requirements of this article exists on the property that is the subject of the application.  
736 An inspection shall be completed, and a report of findings shall be filed, no later than  
737 fifteen (15) business days after the Division's receipt of a complete application. The report  
738 shall include findings on whether the property is subject to outstanding code violations or  
739 lot-clearing liens or bills. Failure to complete the required inspection and file a report within  
740 the time prescribed shall result in a determination that no material violations of this article  
741 exist on the property that is the subject of the application. A new inspection is required  
742 annually.

743 . . .

744 Section 3. Sections 39-120 through 39-126 of the Broward County Code of  
745 Ordinances are hereby created to read as follows:

746 [Underlining omitted]

747 **Sec. 39-120. Purpose and authority for uniform minimum standards.**

748 The purpose of this section is to establish uniform minimum standards within the  
749 BMSD for residential rental units; to establish uniform minimum standards for the

750

751 maintenance of residential rental units that may be subject to this article; and to create an  
752 appeal procedure. This section is a means of protecting the public health, general welfare,  
753 and life safety of the public by eliminating substandard living conditions, unsanitary  
754 conditions, and unsafe structures.

755 **Sec. 39-121. Minimum standards.**

756 (a) No person shall let to another for occupancy any residential rental unit for  
757 the purpose of living, sleeping, cooking, or eating therein, that does not comply with the  
758 minimum standards and requirements established hereunder.

759 (b) Requirements for basic sanitary facilities and equipment.

760 (1) Each residential rental unit shall have not less than the following:

- 761 a. A flush water closet, lavatory basin, and a bathtub or shower;
- 762 b. An approved source of running water suitable for human  
763 consumption;
- 764 c. An approved type of kitchen sink; and
- 765 d. Adequate receptacles for the storage of garbage, trash, refuse, and  
766 rubbish.

767 (2) Each residential rental unit shall provide privacy for, and accessibility to,  
768 toilet and bath facilities as follows:

- 769 a. All water closets, urinals, bathtubs, and showers shall be located in  
770 a room or rooms that afford privacy to the user;
- 771 b. Rooms containing water closets, urinals, bathtubs, or showers shall  
772 be not more than one (1) story removed from the residential rental  
773 unit of any occupant sharing the facilities; and

- 774 c. All toilet and bath facilities shall be so located so as to be accessible  
775 without going outside of the building or without going through a  
776 residential rental unit of another occupant.
- 777 (3) Each kitchen sink, lavatory basin, bathtub, and shower shall be supplied  
778 with hot and cold water. The water heating facility shall be adequate to  
779 supply at least twenty (20) gallons of not less than one hundred twenty  
780 degrees Fahrenheit (120° F) water per day for each occupant.
- 781 a. Water heating facilities shall be properly installed, connected, and  
782 maintained in a safe and good working condition.
- 783 b. No electric water heater shall be allowed in any bathroom unless the  
784 water heater and all electrical connections are totally encased in a  
785 nonconductive material or the water heater is installed in such a  
786 manner as to avoid any probability of shock hazard.
- 787 (4) All plumbing fixtures shall be properly connected to approved water, sewer,  
788 or gas systems. Where a sewer system is not available, drain lines shall be  
789 connected to an approved and permitted septic tank.
- 790 (5) Every plumbing fixture, water pipe, waste pipe, gas line, and drain line shall  
791 be maintained in a good, sanitary working condition.
- 792 (6) Every supplied facility and piece of equipment to be utilized by a tenant or  
793 occupant, including tenant-owned equipment, shall be maintained in a safe,  
794 sanitary, and properly operating condition. This provision shall not apply to  
795 small domestic appliances including, but not limited to, microwaves, coffee  
796 pots, blenders, etc.

797 (7) Floor surfaces in water closet compartments, bathrooms, shower rooms,  
798 and kitchens shall be covered with asphalt, vinyl-plastic, rubber tile, ceramic  
799 tile, terrazzo, linoleum, or other durable, waterproof, nonabsorbent material,  
800 and such floors shall be properly maintained in a clean and sanitary  
801 condition. No finished flooring material that requires "face nailing" shall be  
802 used.

803 (c) General requirements for all residential rental units.

804 (1) Foundations, floors, walls, ceilings, roofs, windows, doors, and all other  
805 building parts shall be structurally sound, weathertight, watertight, and  
806 rodent proof and shall be kept in good repair. All roof surfaces shall be  
807 watertight. Where water is permitted to stand on a roof for cooling purposes,  
808 the roof must be designed for that purpose, and proper precautionary  
809 measures shall be taken to prevent breeding of mosquitoes and other  
810 similar insects. Gutters and downspouts, where in existence, shall be  
811 maintained in a good state of repair.

812 (2) All parts and areas subject to deterioration shall be properly maintained and  
813 suitably protected from the elements.

814 (3) All accessory structures, including fences, garden walls, and other similar  
815 enclosures, shall be kept clean and maintained in reasonably good repair,  
816 free from infestations.

817 (4) Exterior premises shall be kept free from excessive growth of weeds, grass,  
818 and other flora. The term "excessive" shall be interpreted as a condition,

819 the existence of which could be detrimental to the health, safety, and  
820 welfare of the occupants of the premises or to the public.

821 (d) Heating facilities.

822 Every residential rental unit shall have adequate space-heating facilities, which are  
823 properly installed and maintained in a safe and good working condition, as provided in  
824 the Florida Building Code and other regulatory codes of Broward County and the state of  
825 Florida.

826 **Sec. 39-122. Minimum standards inspections.**

827 (a) The enforcing agency is hereby authorized and empowered to make  
828 inspections of any properties that have applied for or obtained a Certificate pursuant to  
829 this article, in order to determine the physical condition of said premises and ensure  
830 compliance with this article.

831 (b) Except as provided in Section (c) for owner-occupied residences, the  
832 inspecting officers of the enforcing agency are hereby authorized to enter, examine, and  
833 survey ("inspect") any residential rental unit, at reasonable hours, or at such other time  
834 as may be necessary in an emergency, to ensure compliance with this article. Except for  
835 emergencies endangering the public health, general welfare, or life safety, the inspecting  
836 officers of the enforcing agency shall enter a residential rental unit only upon the prior or  
837 contemporaneous consent of the person lawfully in occupancy thereof or the person who  
838 has the legal right of possession thereof, or with a court order or inspection warrant, or in  
839 accordance with the provisions of this section.

840 (c) In the event that a person who is lawfully in occupancy or has the legal right  
841 of possession over a residential rental unit shall not consent to an inspection of said  
842

843 residential rental unit, said person shall be given the opportunity to reschedule such  
844 inspection for a time certain within ten (10) days after the inspector's initial contact. Failure  
845 of the person exercising common authority over said residential rental unit to thereafter  
846 consent to an inspection of the structure or premises without just cause shall be sufficient  
847 grounds and probable cause to seek an inspection warrant, as authorized by  
848 Sections 933.20 through 933.30, Florida Statutes, as amended, for the purpose of  
849 inspecting said structure or premises. Owner-occupied family residences are exempt from  
850 the provisions of Sections 933.20 through 933.30, Florida Statutes, as amended.

851 (d) In the event that it shall be deemed necessary by an inspector of the  
852 enforcing agency to enter a residential rental unit where the person lawfully in occupancy  
853 or having legal right of possession (i) cannot be readily contacted in order to obtain  
854 consent to inspect the residential rental unit; or (ii) refuses to consent to the inspection,  
855 the inspecting officer of the enforcing agency may apply to the County Court or Circuit  
856 Court for the issuance of an inspection warrant to be served by an officer duly authorized  
857 by law to serve inspection warrants.

858 (e) Inspecting officers of the enforcing agency shall be provided with official  
859 identification and shall exhibit such identification when making any inspection.

860 **Sec. 39-123. Enforcement of minimum standards.**

861 (a) The minimum standards outlined in this article may be enforced by code  
862 enforcement officers and by any law enforcement agency having jurisdiction of the area  
863 within which the residential rental unit is located pursuant to Section 125.69 and  
864 Chapter 162, Florida Statutes.

865 (b) Conflict of interests. No official, Board member, or employee of Broward  
866 County charged with the enforcement of this article shall have any financial interest,  
867 directly or indirectly, in any repairs, corrections, construction, or demolition that may be  
868 required or ordered hereunder.

869 **Sec. 39-124. Service of notice for violations of minimum standards.**

870 (a) With the exception of buildings or structures deemed unsafe, whenever an  
871 enforcing officer determines that there is a violation of any provision related to minimum  
872 standards found in this article, such enforcing officer shall document the violation and  
873 submit a report of the same to the director, whereupon the director shall review all  
874 pertinent reports and exhibits, and thereafter may issue a notice of violation and order to  
875 show cause why the violation(s) should not be corrected.

876 (b) A notice of violation and order to show cause shall be served on the alleged  
877 violator and, if different from the alleged violator, the owner of the structure or premises.

878 Such notice and order shall:

- 879 (1) Be in writing;
- 880 (2) Be dated and signed by the code inspector;
- 881 (3) Specify the violation or violations, and their respective code citations;
- 882 (4) Contain an outline of the corrective action, which, if properly performed, will  
883 effect compliance with the provisions of this article;
- 884 (5) State whether a building permit is or is not necessary to correct the  
885 violation(s);

886 (6) State that, if a building permit is necessary, it must be obtained prior to  
887 correcting the violation(s) and that it must be obtained no later than  
888 thirty (30) days after the date of the violation notice;

889 (7) Set a time certain within which the corrective work is to be completed;

890 (8) Contain a statement that final compliance must conform to the requirements  
891 of the Florida Building Code; and

892 (9) State that the director may cause to be made any corrections ordered by  
893 the hearing officer, the cost of which shall be paid by the owner and, if not  
894 paid, assessed against the property and shall become a lien against the  
895 property.

896 (c) All notices required by this article shall be served in accordance with the  
897 provisions of Chapter 162, Florida Statutes, as amended.

898 (d) Notice, duly served, shall be an order to correct the violation(s) specified  
899 therein.

900 **Sec. 39-125. Hearings; hearing officers.**

901 (a) There is hereby created, for the purpose of conducting hearings pursuant  
902 to this article, the position of hearing officer. The hearing officer shall be selected by the  
903 County Attorney from a list of candidates approved by the Board of County  
904 Commissioners of Broward County. The hearing officer shall be a member in good  
905 standing with The Florida Bar engaged in the practice of law in Broward County.

906 (b) Upon receipt of a timely request for an administrative hearing, the matter  
907 shall be set for hearing on the next regularly scheduled hearing or as soon thereafter as  
908 possible.

909 (c) The County shall serve a notice of hearing to the alleged violator, which  
910 notice shall include but not be limited to the following:

911 (1) Place, date, and time of the hearing.

912 (2) Right of the alleged violator to be represented by an attorney.

913 (3) Right of the alleged violator to present witnesses and evidence and conduct  
914 cross-examination.

915 (4) A conspicuous statement reflecting the requirements of Chapter 286,  
916 Florida Statutes, that a person deciding to appeal any decision of a hearing  
917 officer will need to ensure that a verbatim record of the proceedings is  
918 made. In lieu of providing a notice of hearing as provided above, the County  
919 may include a hearing date in the notice of violation that will be scheduled  
920 if the alleged violator requests an administrative hearing, provided that the  
921 notice of violation includes the information required by this section.

922 (d) No hearing shall be scheduled sooner than ten (10) days from the date of  
923 service of the notice of violation unless there is reason to believe that a violation presents  
924 a serious threat to the public health, general welfare, or life safety.

925 (e) All hearings shall be open to the public. All testimony shall be under oath  
926 and minutes shall be taken.

927 (f) The County shall provide clerical and administrative personnel as may be  
928 reasonably required by each hearing officer.

929 (g) Each case before a hearing officer shall be presented by the personnel  
930 designated by the County Administrator or the director. The County Administrator or the  
931 director shall adopt procedures for the conduct of hearings before hearing officers.

932 (h) Formal rules of evidence shall not apply, but fundamental principles of due  
933 process shall be observed and govern the proceedings. All evidence of a type commonly  
934 relied upon by reasonably prudent persons in the conduct of their affairs shall be  
935 admissible whether or not such evidence would be admissible in a state of Florida court.

936 (i) Each party shall have the right to call and examine witnesses, to introduce  
937 exhibits, and to cross-examine opposing witnesses on any relevant matter.

938 (j) The hearing officer shall make findings of fact based on the evidence  
939 presented. In order to make a finding affirming the code inspector's decision, the hearing  
940 officer must find by clear and convincing evidence that the alleged violator was properly  
941 served with notice, that the alleged violator was responsible for the violation of the  
942 relevant provision as cited, and that the time for correction set by the code inspector in  
943 the warning notice, if required, was reasonable.

944 (k) The hearing officer may not determine that the time given for correction in  
945 the warning notice was too long. If the hearing officer finds that a violation occurred but  
946 determines that the time given for correction was not reasonable, the hearing officer shall  
947 determine a reasonable time period, which shall then be the required time for compliance.

948 (l) If the alleged violator is found guilty of the violation and the appropriate fine  
949 is imposed, the violator may also be held liable for the reasonable costs of the  
950 administrative hearing, at the discretion of the hearing officer.

951 (m) The hearing officer shall have the power to:

952 (1) Take testimony under oath.

953 (2) Determine whether the cited violations occurred.

954 (3) Determine whether a reasonable time period for compliance was given.

- 955 (4) Determine whether the alleged violator was properly notified of the hearing.
- 956 (5) Assess and order the payment of fines, which may include civil penalties  
957 and administrative costs as provided under this article within a specified  
958 time.
- 959 (6) Impose liens as provided by Chapter 8½, Broward County Code of  
960 Ordinances, and Chapter 162, Florida Statutes.
- 961 (7) Issue a fine consistent with Section 5-72 of the Broward County Code of  
962 Ordinances and Chapter 162, Florida Statutes.

963 **Sec. 39-126. Enforcement of minimum standards.**

964 (a) The violator or the County may seek a rehearing of the case by filing a  
965 written motion for rehearing within five (5) working days after rendition of the decision by  
966 the hearing officer. The motion for rehearing shall set forth issues that were overlooked  
967 or omitted at the hearing but shall not consist of a reargument of the case. If the motion  
968 is made by the violator, said motion shall be sent to the enforcing agency at the address  
969 set forth on the notice of hearing. The enforcing agency shall immediately forward the  
970 motion for rehearing to the hearing officer. If the motion is made by the County, the County  
971 shall forward a copy of the motion to the hearing officer and to the violator at the last  
972 known address. Within ten (10) days after receipt of the motion, the hearing officer shall  
973 enter an order on the motion for rehearing. If the motion for rehearing is granted, the case  
974 shall be set for rehearing on the next regularly scheduled hearing or as soon thereafter  
975 as possible.

976 (b) The violator or the County may appeal a final decision of a hearing officer  
977 to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days after the  
978

979 date of rendition of the decision of the hearing officer, as provided by the Florida Rules of  
980 Appellate Procedure.

981 Section 4. Severability.

982 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
983 portion will be stricken, and such striking will not affect the validity of the remainder of this  
984 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
985 legally applied to any individual, group, entity, property, or circumstance, such  
986 determination will not affect the applicability of this Ordinance to any other individual,  
987 group, entity, property, or circumstance.

988 Section 5. Inclusion in the Broward County Code of Ordinances.

989 It is the intention of the Board of County Commissioners that the provisions of this  
990 Ordinance become part of the Broward County Code of Ordinances as of the effective  
991 date. The sections of this Ordinance may be renumbered or relettered and the word  
992 "ordinance" may be changed to "section," "article," or such other appropriate word or  
993 phrase to the extent necessary in order to accomplish such intention.

994 Section 6. Effective Date.

995 This Ordinance is effective as of the date provided by law.

ENACTED February 7, 2023

FILED WITH THE DEPARTMENT OF STATE February 8, 2023

EFFECTIVE February 8, 2023

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Alexis I. Marrero Koratich 01/04/2023  
Alexis I. Marrero Koratich (date)  
Assistant County Attorney

By: /s/ Maite Azcoitia 01/04/2023  
Maite Azcoitia (date)  
Deputy County Attorney

996 AIK/gmb  
997 Minimum Housing Ordinance  
998 02/08/2023  
999 #60053-0052

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.