

ORDINANCE NO. 2013-21-309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 6-149 OF THE CITY'S CODE OF ORDINANCES RELATING TO LANDLORD PERMITS TO REQUIRE TENANT CRIMINAL BACKGROUND CHECKS AND TO REQUIRE LEASE AGREEMENTS TO CONTAIN DRUG-FREE AND CRIME FREE PROVISIONS; AMENDING SECTION 6-156 RELATING TO DUTIES OF LANDLORD TO REQUIRE PROPERTY OWNERS TO PROVIDE INFORMATION REGARDING ALL TENANTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 9, 2005, the City Council adopted Ordinance No. 2005-14-52, which requires landlords to obtain an annual landlord permit prior to leasing residential rental property in the City of Miami Gardens, and

WHEREAS, Mayor Oliver Gilbert is recommending an amendment to require landlords to obtain comprehensive national background checks on all residential tenants, and

WHEREAS, Mayor Gilbert also proposes that all lease agreements include a provision that requires the premises to remain drug-free and free of criminal activity, and

WHEREAS, landlords will also be required to provide the names and dates of birth of all tenants, residing in the premises, to the City on a continuous basis, and

WHEREAS, in accordance with Section 166.021, Florida Statutes and Article VIII, Section 2(b) of the Florida Constitution, the City is vested with broad

municipal powers to enact legislation to protect the health, safety and welfare of its citizens, and

WHEREAS, it is in the best interest of the citizens of the City of Miami Gardens, to reside in homes and neighborhoods that are free from criminal activity,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Section 6-149 of the City's Code of Ordinance shall be amended as follows:

**Sec. 6-149. - Required; exemption.**

- (a) Every owner of a dwelling or dwelling unit within the city is required to apply for and obtain an annual landlord permit from the city manager or his/her designee prior to leasing, subleasing, renting or otherwise allowing the occupancy of any dwelling or dwelling unit for the purpose of tenancy of such unit to another natural person or other natural persons, whether or not for consideration. In the case of multiple owners of any such dwelling or dwelling unit, it shall be sufficient for any one of the owners to have obtained a permit on the dwelling or unit. The application shall be in writing and on a form provided by the city.
- (b) It is hereby deemed unlawful for any person to lease, sublease, rent or allow the occupancy of any dwelling or dwelling unit for the purpose of tenancy, whether or not for consideration, without first obtaining the required landlord permit.
- (c) No structure, single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, roominghouse or other dwelling or dwelling unit shall be used for the purpose of tenancy or leasing, subleasing, or rental without first obtaining a landlord permit therefore from the city as may be required herein.

- (d) This division shall not apply to dwelling units owned by governmental entities, which units are subject to mandatory annual inspections pursuant to state or federal law and regulations to ensure that they are safe, sanitary and in good repair, provided that a copy of the annual inspection report be provided to the city within 30 days of such inspection. Such dwelling units shall be subject to compliance with all of the city's codes and ordinances.
- (e) Prior to leasing, subleasing, renting or otherwise allowing the occupancy of any dwelling or dwelling unit for the purpose of tenancy of such unit to another natural person or other natural persons, whether or not for consideration, the property owner shall conduct a comprehensive national criminal background check on all tenants. Copies of said background check(s) shall be provided to the City Manager, or his or her designee, within 30 days of leasing said premises.
- (f) All tenant lease agreements for the occupancy of any dwelling or dwelling unit for the purpose of tenancy of such unit to another natural person or other natural persons, shall contain a provision that requires the premises to remain drug-free and free of criminal activity.

**Sec. 6-156. - Duties of landlord.**

The applicant for a landlord permit will be required to make the following certifications. Failure to comply with the provisions of either of these certifications shall be grounds for revocation of the permit for that unit.

- (1) Prior to executing a lease for the dwelling or dwelling unit covered by the permit, the applicant will provide each tenant with a copy of:
  - a. F.S. ch. 83, pt. II, entitled Residential Tenancies;
  - b. A copy of this division, entitled Landlord Permit; and
  - c. Other informational literature as may be provided by the City.
- (2) In the event the City provides notice to the applicant (property owner or designated agent) of repeated violations of ordinances by a tenant or guests of a tenant of the dwelling or dwelling unit, as provided herein, the applicant will pursue all lawful remedies available under F.S. § 83.56, regarding termination of the rental agreement due to the tenant's failure to comply with F.S. ch. 83, the provisions of the lease or this Code.
- (3) At the time an application is made for a landlord permit, the property owner shall provide the City with the names and dates of birth of all tenants residing in the property. Landlord shall continuously update the City with said information whenever new tenants occupy the premises.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

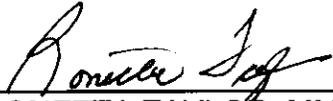
PASSED ON FIRST READING ON THE 11<sup>th</sup> DAY OF SEPTEMBER, 2013.

PASSED ON SECOND READING ON THE 25<sup>th</sup> DAY OF SEPTEMBER, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25<sup>th</sup> DAY OF SEPTEMBER, 2013.

  
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OLIVER GILBERT, III, MAYOR

**ATTEST:**

  
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RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY  
SPONSORED BY: MAYOR OLIVER GILBERT, III

Moved by: Mayor Gilbert  
Second by: Councilman Harris

**VOTE: 7-0**

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	____ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	____ (No)
Councilwoman Lillie Q. Odom	<u> X </u> (Yes)	____ (No)
Councilman David Williams Jr	<u> X </u> (Yes)	____ (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	____ (No)
Councilman Rodney Harris	<u> X </u> (Yes)	____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u> X </u> (Yes)	____ (No)