



Neighborhood & Community Services  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

## INSTRUCTIONS FOR APPLICATION AND AFFIDAVIT FOR LANDLORD PERMIT RESIDENTIAL PROPERTY

(561) 243-7243

1. Applicants are hereby advised that any leases, subleases, and/or agreements to occupy the building for which a permit is sought should provide that such agreement does not become effective until receipt of the approval by the City's Director of Neighborhood & Community Services or his/her designee of this application.
2. Please complete **ALL** applicable information on the Application for Landlord Permit and the Landlord Permit Affidavit. Incomplete applications will not be considered and will be returned to the applicant.

**Note:** Please complete the Permit Application for each rental unit. Attach additional sheets as necessary. A Landlord Permit is **NOT** required for a hotel, for any unit enrolled in a federal housing program, or under Housing and Urban Development general supervision.

3. Landlord Permits are issued for the 12-month period beginning on **November 1**, through **October 31**, at a fee of **\$75.00 per rental unit**. Each separate lease, sublease, and/or agreement constitutes a rental unit. Please do not send cash. Checks must be made payable to the City of Delray Beach. The fee will not be prorated. **Landlord Permits not renewed within 60 days of the annual renewal date will be subject to triple permit fees.**
4. Please return your completed application, notarized affidavit, supplemental sheets (if any), and payment to Landlord Permit Section, Code Enforcement Division, City of Delray Beach, 100 NW 1st Avenue, Delray Beach, Florida 33444.
5. If approved, applicants shall be required to provide a copy of the lease, sublease and/or agreement for each rental dwelling unit at the time of the application and/or renewal. In the event of an oral agreement between the parties instead of a written lease, the terms of these agreements shall be reduced to notarized writing specifically including, but not limited to, duration of the lease term, rental payment, and number of tenants, such information to be provided to the City at the time of application and within thirty (30) days of any modification thereof. Failure to provide the City with a modification could result in the revocation of any permit issued by the City of Delray Beach.

If you have any questions or need further information, please call the Code Enforcement Division at (561) 243-7243, 8:00 AM to 5:00 PM, Monday through Friday.



Landlord Permit # \_\_\_\_\_

# CITY OF DELRAY BEACH APPLICATION FOR LANDLORD PERMIT

IF YOU HAVE MORE THAN ONE RENTAL UNIT AND IF YOU RECEIVE A SEPARATE PROPERTY TAX BILL FOR EACH UNIT, YOU **MUST** COMPLETE A SEPARATE APPLICATION FOR EACH UNIT.

PLEASE PRINT

Property Control No. \_\_\_\_\_

Rental Address \_\_\_\_\_

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Type of Building    \_\_\_\_\_ Single Family                      Are you under the HUD Program?  
                                 \_\_\_\_\_ Duplex    Yes \_\_\_\_\_ No \_\_\_\_\_  
                                 \_\_\_\_\_ Multi Family

TOTAL NUMBER OF UNITS OR SEPARATE LEASES IN BUILDING \_\_\_\_\_  
NUMBER OF RENTAL UNITS FOR THIS PERMIT \_\_\_\_\_

**PLEASE COMPLETE THIS RENTAL INFORMATION:**

Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____

A notarized Landlord Permit Affidavit (attached) **MUST** accompany this application before a permit will be issued.

Signature of Owner or Authorized Agent \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

DATE: \_\_\_\_\_

AMOUNT PAID: \_\_\_\_\_

# SUPPLEMENTAL SHEET FOR APPLICATION FOR LANDLORD PERMIT

## DESIGNATE UNIT NUMBERS BELOW:

Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____
Unit No. _____	No. of Bedrooms _____	No. of Bathrooms _____	Total No. of Occupants _____
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**LANDLORD PERMIT AFFIDAVIT  
RESIDENTIAL PROPERTY**

I, \_\_\_\_\_, being duly sworn affirm that I am authorized to apply for a landlord permit for the following residential unit(s) located at \_\_\_\_\_ because:

- I am the actual owner of the unit(s) OR
- I have the legal authority to represent the actual owner of the unit(s). [Submit a copy of your authorization from the property owner.]

I have read and understand the requirements of the Delray Beach Code of Ordinances and Land Development Regulations and affirm that the above described residential unit(s) complies with those requirements. I further affirm that the above residential unit(s) is in sound structural condition, has electrical service and that all electrical devices are properly installed and in good working order. I also affirm that every habitable room has at least one window or skylight facing directly to the outdoors and that all windows are capable of being easily opened and secured in position by existing window hardware and have screens (if there is no central a/c) and unbroken glazing.

**New or Renewing Landlord Permit Application**

- I am applying for a Landlord Permit for the above described residential unit(s) for the first time. I am enclosing a copy of the current lease for each of the above described residential unit(s) with this Affidavit.
- I am applying to renew an existing Landlord Permit for the above described residential unit(s). I am enclosing a copy of the current lease for each above described residential unit(s) with this Affidavit.

**Description of Vehicles:**

**Vehicle 1:** Make \_\_\_\_\_ Model \_\_\_\_\_ Color: \_\_\_\_\_ License Plate Number: \_\_\_\_\_

**Vehicle 2:** Make \_\_\_\_\_ Model \_\_\_\_\_ Color: \_\_\_\_\_ License Plate Number: \_\_\_\_\_

**Vehicle 3:** Make \_\_\_\_\_ Model \_\_\_\_\_ Color: \_\_\_\_\_ License Plate Number: \_\_\_\_\_

**Vehicle 4:** Make \_\_\_\_\_ Model \_\_\_\_\_ Color: \_\_\_\_\_ License Plate Number: \_\_\_\_\_

**Compliance with Chapter 117, "Landlord Permits"**

I certify that I am in compliance with all applicable requirements of Chapter 117, Landlord Permits, including specifically the following:

1. I will provide each tenant with a copy of:
  - a. Chapter 83, *Florida Statutes*, Part II, entitled "Residential Tenancies";
  - b. Chapter 117 of the Code of Ordinances, entitled "Landlord Permits"; and
  - c. A pamphlet provided by the City containing guidelines for rentals.
  
2. I  am  am not [you must check one of the boxes] otherwise required to follow Chapter 83, *Florida Statutes*, regarding evictions.

For those applicants that are not otherwise required to follow Chapter 83, *Florida Statutes*—I am providing with my Landlord Permit Affidavit the following proof of availability of an alternative temporary dwelling unit in the event of an eviction, in compliance with Section 117.06 of the Code of Ordinances of the City of Delray Beach: \_\_\_\_\_

\_\_\_\_\_  
[describe type of proof and attach proof to Affidavit].

3. All of my tenants shall be in compliance with Chapter 136 of the Code of Ordinances of the City of Delray Beach regarding Sexual Offenders and Sexual Predators.

I will inform the City of Delray Beach Code Enforcement Division of any changes from the original Application for Landlord Permit and supplemental sheets (if utilized) concerning ownership, owner's mailing address for permits and renewals, number of unit(s), number of units under Federal programs or HUD supervision, number of bedrooms or number of occupants in each unit within thirty (30) days of each such change. I affirm that the individual unit(s) described above will only be rented to occupants whose relationship does not violate the City's definition of family, which I acknowledge as reading and understanding. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION THE FOREGOING INFORMATION THAT I HAVE PROVIDED IS TRUE AND CORRECT.

Owner or Authorized Agent: \_\_\_\_\_  
(Signature)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_ who is personally known to me or who has produced  
(NAME)

\_\_\_\_\_ as identification and who did take an oath.  
(TYPE OF ID)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Type, Print, or Stamp Name

\_\_\_\_\_  
Serial Number

## FAMILY DEFINITION:

“Family” shall mean two (2) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and/or a group of persons not more than three (3) in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. Occupancies in excess of the number allowed herein shall have twelve (12) months from the date of the enactment of this definition or the termination of the current lease agreement to come into compliance, whichever occurs first.

### Sec. 117.03 APPROVAL OF APPLICATION

- A. The Community Improvement Director or the assigned designee, shall grant a landlord permit for the lease, sublease, and/or agreement for each rental unit within the City for residential purposes upon the filing of an application on forms designated by the City and a determination:
- 1) That the applicant has an interest in the property or is the agent or acting under the permission of one with a sufficient interest in the property to obtain a landlord permit;
  - 2) That the units comply with the requirements of the Housing Code as set forth in Section 7.4.1 of the Land Development Regulations of the City of Delray Beach with regard to those facilities necessary to make the rental unit habitable specifically including, but not limited to, numbers of bedrooms and bathrooms required for the number of persons who will occupy the dwelling;
  - 3) That the rental of the units is in compliance with applicable zoning code regulations as enumerated in Chapter 4 of the Land Development Regulations as well as all other applicable regulations within the City's Code of Ordinances and Land Development Regulations;
  - 4) That no more than three unrelated persons shall reside in any unit as further defined in the definition of "family" as provided in Appendix "A" of the Land Development Regulations;
  - 5) That an annual permit fee in accordance with Section 117.02 is paid;
  - 6) That the applicant and applicant's property are not in violation of this article;
  - 7) That proof of payment of state sales tax is provided on an annual basis at renewal for all leases that are less than six (6) months in duration in accordance with Section 212.03, Fla. Stat.;
  - 8) That the applicant has certified that they will provide each tenant with a copy of:
    - a. Chapter 83, Florida Statutes, Part II, entitled "Residential Tenancies";
    - b. Chapter 117 of the Code of Ordinances, entitled "Landlord Permits"; and
    - c. A pamphlet provided by the City containing guidelines for rentals.
  - 9) That if the applicant is not otherwise required to follow Chapter 83 or other regulations and laws concerning eviction proceedings, the applicant provides proof of availability of an alternative temporary dwelling unit in the event of an eviction, in compliance with Section 117.06 of the Code of Ordinances of the City of Delray Beach; and
  - 10) All tenants will be in compliance with Chapter 136 of the Code of Ordinances of the City of Delray Beach regarding Sexual Offenders and Sexual Predators.
- B. Any permit shall be conditioned upon receipt of the documents required by Section 117.01(B).

## **Sec. 117.04 DENIAL OR REVOCATION OF PERMIT APPLICATION: APPEALS**

A. A permit application may be denied for the following reasons:

- 1) The application for permit is not fully completed and executed, with the Landlord Permit Affidavit;
- 2) The applicant has not tendered the required application fee with the application;
- 3) The application for permit contains a material falsehood or misrepresentation;
- 4) The use is not allowed in the zoning district;
- 5) The applicant had their landlord permit revoked within the last twelve (12) months as set forth in Section 117.04(B) below.

B. Permits may be revoked for the following reasons:

- 1) Violations of the City's Ordinances or state laws where the violation takes place at a unit regulated by Chapter 117 of the Code of Ordinances of the City of Delray Beach shall be grounds for applicable fines and the commencement of permit revocation proceedings as follows:
  - a. For each civil citation for a violation of a City ordinance, one (1) point will be assessed on the landlord permit for that individual unit.
  - b. After two (2) points are assessed on a landlord permit for an individual unit the City Manager or his/her designee will send a written warning to the permittee or agent. The warning will specify which ordinance of ordinances have been violated and will state that further citations or violations could lead to a revocation of the permit.
  - c. Accumulation of three (3) or more points on a landlord permit for an individual unit during a 12-month period from the date of the first citation shall constitute a violation of Chapter 117 of the Code of Ordinances of the City of Delray Beach.
  - d.
- 2) The representations made in the application are no longer true and correct.
- 3) The lease, sublease and/or agreement and written statement regarding all lease arrangements to occupy the building or unit(s) therein is not updated within thirty (30) days of any changes.

## **Sec. 117.05. - INSPECTIONS.**

A. The Community Improvement Director or his/her designee may inspect all rental units or units which are reasonably suspected to be rental units for compliance with all applicable City codes at reasonable hours with the permission of the owner, agent or tenant or a warrant.

(Ord. No. 80-87, passed 10/13/87; Am. Ord. No. 81-94, passed 10/18/94; Ord. No. 35-03, § 3, passed 9/23/03; Ord. No. 30-09, § 4, passed 7/7/09)