

Citizen Centered Gainesville

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RENTAL HOUSING CODE

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Rental Housing Code

This Memorandum brings together three topics that the Rental Housing Subcommittee (RHS) has been discussing: Landlord License Rental # 170873, Short-term Vacation Rentals # 180399, and Energy Efficiency # 180591 into a single regulatory framework.

Creating new framework

Staff envisions the ordinance to create this new regulatory framework would delete the existing Article I. titled “ Landlord Permits in Chapter 14.5, City Code of Ordinances and create a new Article IV. Titled “Rental Housing Code” in Chapter 13 of the code.

What are the problems that currently exist. (finding of fact)

City Commission will need to create a “finding of fact”.

This means locating and citing, to some level, that rental housing units currently fail to meet the minimum housing code, are not energy efficient and do not contain life safety equipment.

What is the public purpose for the City to regulate?

City Commission will need to articulate the public purpose such as “eliminating substandard rental dwelling units and ensuring that rental dwelling units within the City of Gainesville meet minimum housing code, life safety and energy efficiency standards and that enforcement mechanisms are in place to hold landlords accountable for compliance.”

Identify who/what is regulated?

The City Commission will need to identify who/what is regulated – such as a “regulated unit” means each dwelling unit (dwelling unit is currently defined in Sec. 30-2.1

Florida State Statute 509

509.032(7) Preemption authority

509.013(4)(a) defines “public lodging establishment”

509.242 classifies “public lodging establishment”

509.13(4)(b) - excludes some types of non-transient

Several bills pending in 2019 State Legislative Session.

City staff is working to gain a better understanding of the existing state regulation of “public lodging establishments,” but for now it appears that the City is preempted from regulating and inspecting transient (meaning held out as regularly rented for less than 30 days) rentals and apartment buildings. The City will need to craft a definition of “regulated unit” that does not fall within the State statutory preemption.

What are the regulations?

The City Commission will need to specify the regulatory requirements such as outlined in the Memo.

Staff is continuing to work on exemptions, such as historic homes that may not ever be able to meet some of these regulatory requirements.

Thank You.