

Legistar #
180471

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ORDINANCE NO. 180471

An ordinance of the City of Gainesville, Florida, amending section 14.5-1 of the Code of Ordinances relating to landlord permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 14.5-1 of Article I, Chapter 14.5 is amended to read as set forth below.

Chapter 14.5 – MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. – LANDLORD PERMITS

Sec. 14.5-1. - Landlord permits.

(a) *Definitions.* Unless otherwise specified in this article, "days" shall mean calendar days and "notice" shall mean written notice that is made in the same manner as provided in F.S. § 162.12.

(b) *Application/issuance of permit.* The owner(s) of a dwelling unit, as defined in section 30-232.1, that is located within one of the following a-districts: designated in section 30-57 RSF-1: RSF-2: RSF-3: RSF-4: RC: all PD's designated for residential use at a density of more than eight dwelling units per acre; and all other PD's as may be specified in the rezoning ordinance. shall obtain a landlord permit prior to allowing the occupancy of that

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31 dwelling unit by any person, whether or not for consideration. Landlord permits shall be
 32 valid from August 1, or the date of issuance, through July 31. The owner(s) of the dwelling
 33 unit or the owner's agent shall submit a written application for a permit on a form provided
 34 by the city. Upon receipt of a completed application, the city manager or designee shall issue
 35 a landlord permit for the dwelling unit provided each of the following conditions are met:

- 36 (1) The application is accompanied by payment of the permit fee set forth in Appendix A;
 37 (2) The owner(s) and the dwelling unit are in compliance with all provisions of this
 38 article; and
 39 (3) The application for the landlord permit provides the correct street address for the
 40 dwelling unit.

41 (c) *Exemption.* This section does not apply if the dwelling unit is occupied by: a) the owner(s)
 42 as a permanent place of residence, as evidenced by an existing homestead exemption or a
 43 filed application for a homestead exemption, or b) no persons other than the following
 44 family members of the owner(s): spouse, domestic partner, child, stepchild, foster child,
 45 parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece,
 46 nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-
 47 law, or legal guardian, as evidenced by written documentation of such relationship.

48 (d) *Payment; late payment.* The applicable permit fee is specified in Appendix A. If payment
 49 is not received on or before the due date specified in Appendix A, the late fee specified in
 50 Appendix A shall be due and payable and the city manager or designee may refer the
 51 account to a collection agency. If the collection agency does not collect the amount due
 52 within 90 days of the referral, or if the city manager or designee decides not to refer the
 53 account to a collection agency, the applicant or permit holder shall be subject to notice of
 54 violation of this article and code enforcement proceedings, or the case can be referred to the
 55 city attorney to pursue resolution in a court of competent jurisdiction.

56 (e) *Failure to apply for permit.* If the city manager or designee has reasonable cause to believe
 57 that a dwelling unit is occupied without a permit in violation of this article, the owner(s) of
 58 the property shall be ~~given notice~~ sent an application advising that the owner(s) shall, within
 59 30 days of the date ~~notice was given~~ application was sent, either: a) provide evidence that a
 60 permit is not required, or b) submit a permit application. Failure to either provide evidence
 61 that a permit is not required, or submit a permit application within 30 days ~~of the date notice~~
 62 ~~was given~~ shall subject the owner(s) to a notice of violation of this article and code
 63 enforcement proceedings. Fines imposed by the code enforcement-proceedings shall stop
 64 accruing, and be calculated as due and payable to the city, upon the date of occurrence of
 65 any of the following events:

- 66 (1) A landlord permit is obtained for the subject property;
 67 (2) The subject property is no longer occupied in violation of this article;
 68 (3) The subject property has been relinquished by the owner(s) by sale, foreclosure, or
 69 other action that dispossesses the owner(s) of title to the property; or

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- 70 (4) The landlord permit year for which the owner(s) is in arrears ends.
- 71 (f) *Requirements of permit applicant.* The applicant for a landlord permit shall comply with
 72 the following requirements. Failure to comply with any of the following requirements shall
 73 be grounds for revocation of the permit, as described in section 14.5-3 or denial of a permit
 74 as described in section 14.5-4.
- 75 (1) The applicant shall certify that he/she has provided each occupant of the subject
 76 dwelling unit with a copy of:
- 77 a. F.S. ch. 83, pt. II, titled "Residential Tenancies";
- 78 b. Chapter 14.5, article I of this Code, titled "Landlord Permits"; and
- 79 c. A pamphlet prepared by the city containing guidelines for rentals in residential
 80 neighborhoods.
- 81 (2) The applicant shall certify that, in the event the city provides notice of repeated
 82 violations of certain ordinances occurring at the dwelling unit, as provided in section
 83 14.5-2, the applicant will pursue all lawful remedies available under F.S. § 83.56,
 84 regarding termination of the rental agreement due to the tenant's failure to comply with
 85 F.S. ch. 83, the provisions of the lease or this Code.
- 86 (3) The applicant shall certify that he/she is the fee simple owner of the dwelling unit or
 87 the agent of the fee simple owner of the dwelling unit.
- 88 (4) The applicant shall provide the name, address, and telephone number of a contact
 89 person who resides within Alachua County to receive communications from the city
 90 concerning the permit.
- 91 (5) The applicant shall maintain a list of the names of occupants in each dwelling unit,
 92 and such lists shall be made available to the city in a reasonable amount of time upon
 93 request.
- 94 (g) If owner(s) sells the property for which a valid permit has been issued, the new owner(s)
 95 shall submit a permit application and otherwise meet the requirements of this article, and has
 96 the option of either: a) paying the permit fee for transfers of a permit as set forth in
 97 Appendix A, which permit shall be transferred with any outstanding points accumulated per
 98 section 14.5-2, or b) paying the permit fee for a new permit as set forth in Appendix A,
 99 which permit shall have no accumulated points.

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101 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
 102 this Ordinance shall become and be made a part of the Code of Ordinances of the City of
 103 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
 104 or relettered in order to accomplish such intentions.

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105 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 106 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 107 finding shall not affect the other provisions or application of the ordinance which can be given
 108 effect without the invalid or unconstitutional provisions or application, and to this end the
 109 provisions of this ordinance are declared severable.

110 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
 111 such conflict hereby repealed.

112 **Section 5.** This ordinance shall become effective immediately upon final adoption.

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114 **PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.**

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 LAUREN POE
 MAYOR

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122 ATTEST:

Approved as to form and legality

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 OMICHELE D. GAINY
 CLERK OF THE COMMISSION

 NICOLLE M. SHALLEY
 CITY ATTORNEY

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This ordinance passed on first reading this ____ day of _____, 2019.

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This ordinance passed on second reading this ____ day of _____, 2019.

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