

Legislative #

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ORDINANCE NO. 200249

An ordinance of the City of Gainesville, Florida, related to the regulation of residential rental units; amending Chapter 14.5 titled "Miscellaneous Business Regulations" of the City Code of Ordinances by repealing the existing Article I titled "Landlord Permits" and creating a new Article I titled "Residential Rental Unit Permits"; amending Appendix A. titled "Schedule of Fees, Rates and Charges" by repealing the existing Landlord Permit fees and creating new Residential Rental Unit Permit fees; amending Sec. 2-339 titled "Applicable codes and ordinances" within Division 6, Article V of Chapter 2; amending Sec. 2-377 titled "Applicability; jurisdiction" within Division 8, Article V of Chapter 2; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

WHEREAS, on November 8, 2018, the City Commission created the Rental Housing Subcommittee to study and make recommendations to the Commission on issues associated with rental housing within the City of Gainesville;

WHEREAS, the Rental Housing Subcommittee held public meetings from November 26, 2018 through May 28, 2019 and reported its recommendations to the City Commission at its General Policy Committee Meeting on July 25, 2019, at which meeting the City Commission directed the drafting of this ordinance;

WHEREAS, the City Commission believes that many residential rental units in the City are substandard and do not currently meet minimum property maintenance standards and are not energy efficient and that this ordinance is necessary to address these public health, safety and welfare concerns;

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 before the City Commission of the City of Gainesville; and

CODE: Words ~~stricken~~ are deletions; words underlined are additions; words ~~double-stricken~~ are deletions made at first reading; and words double-underlined are additions made at first reading.

1 **WHEREAS**, the public hearings were held pursuant to the published notice described at
2 which hearings the parties in interest and all others had an opportunity to be and were, in fact
3 heard.

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

6 **Section 1.** Article I titled “Landlord Permits” of Chapter 14.5 of the Code of Ordinances
7 is hereby repealed effective at 12:01am on August 1, 2021. Except as amended herein, the
8 remainder of Chapter 14.5 remains in full force and effect.

9 ~~**ARTICLE I. LANDLORD PERMITS**~~

10 ~~**Sec. 14.5-1. Landlord permits.**~~

11
12 ~~(a) — *Definitions.* Unless otherwise specified in this article, "days" shall mean calendar days~~
13 ~~and "notice" shall mean written notice that is made in the same manner as provided in~~
14 ~~F.S. § 162.12.~~

15 ~~(b) — *Application/issuance of permit.* The owner(s) of a dwelling unit, as defined in section~~
16 ~~30-23, that is located within a district designated in section 30-57 shall obtain a~~
17 ~~landlord permit prior to allowing the occupancy of that dwelling unit by any person,~~
18 ~~whether or not for consideration. Landlord permits shall be valid from August 1, or the~~
19 ~~date of issuance, through July 31. The owner(s) of the dwelling unit or the owner's~~
20 ~~agent shall submit a written application for a permit on a form provided by the city.~~
21 ~~Upon receipt of a completed application, the city manager or designee shall issue a~~
22 ~~landlord permit for the dwelling unit provided each of the following conditions are~~
23 ~~met:~~

1 ~~(1) The application is accompanied by payment of the permit fee set forth in~~
2 ~~Appendix A;~~

3 ~~(2) The owner(s) and the dwelling unit are in compliance with all provisions of this~~
4 ~~article; and~~

5 ~~(3) The application for the landlord permit provides the correct street address for the~~
6 ~~dwelling unit.~~

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

15 ~~(d) *Payment; late payment.* The applicable permit fee is specified in Appendix A. If~~
16 ~~payment is not received on or before the due date specified in Appendix A, the late fee~~
17 ~~specified in Appendix A shall be due and payable and the city manager or designee~~
18 ~~may refer the account to a collection agency. If the collection agency does not collect~~
19 ~~the amount due within 90 days of the referral, or if the city manager or designee~~
20 ~~decides not to refer the account to a collection agency, the applicant or permit holder~~
21 ~~shall be subject to notice of violation of this article and code enforcement proceedings,~~
22 ~~or the case can be referred to the city attorney to pursue resolution in a court of~~
23 ~~competent jurisdiction.~~

1 ~~(e) — Failure to apply for permit. If the city manager or designee has reasonable cause to~~
2 ~~believe that a dwelling unit is occupied without a permit in violation of this article, the~~
3 ~~owner(s) of the property shall be sent an application advising that the owner(s) shall,~~
4 ~~within 30 days of the date application was sent, either: a) provide evidence that a~~
5 ~~permit is not required, or b) submit a permit application. Failure to either provide~~
6 ~~evidence that a permit is not required, or submit a permit application within 30 days of~~
7 ~~the date notice was given shall subject the owner(s) to a notice of violation of this~~
8 ~~article and code enforcement proceedings. Fines imposed by the code enforcement~~
9 ~~proceedings shall stop accruing, and be calculated as due and payable to the city, upon~~
10 ~~the date of occurrence of any of the following events:~~

11 ~~(1) — A landlord permit is obtained for the subject property;~~

12 ~~(2) — The subject property is no longer occupied in violation of this article;~~

13 ~~(3) — The subject property has been relinquished by the owner(s) by sale,~~
14 ~~foreclosure, or other action that dispossesses the owner(s) of title to the~~
15 ~~property; or~~

16 ~~(4) — The landlord permit year for which the owner(s) is in arrears ends.~~

17 ~~(f) — Requirements of permit applicant. The applicant for a landlord permit shall comply~~
18 ~~with the following requirements. Failure to comply with any of the following~~
19 ~~requirements shall be grounds for revocation of the permit, as described in section~~
20 ~~14.5 3 or denial of a permit as described in section 14.5 4.~~

21 ~~(1) — The applicant shall certify that he/she has provided each occupant of the~~
22 ~~subject dwelling unit with a copy of:~~

23 ~~a. — F.S. ch. 83, pt. II, titled "Residential Tenancies";~~

1 b. ~~Chapter 14.5, article I of this Code, titled "Landlord Permits"; and~~

2 e. ~~A pamphlet prepared by the city containing guidelines for rentals in~~
3 ~~residential neighborhoods.~~

4 (2) ~~The applicant shall certify that, in the event the city provides notice of repeated~~
5 ~~violations of certain ordinances occurring at the dwelling unit, as provided in~~
6 ~~section 14.5-2, the applicant will pursue all lawful remedies available under~~
7 ~~F.S. § 83.56, regarding termination of the rental agreement due to the tenant's~~
8 ~~failure to comply with F.S. ch. 83, the provisions of the lease or this Code.~~

9 (3) ~~The applicant shall certify that he/she is the fee simple owner of the dwelling~~
10 ~~unit or the agent of the fee simple owner of the dwelling unit.~~

11 (4) ~~The applicant shall provide the name, address, and telephone number of a~~
12 ~~contact person who resides within Alachua County to receive communications~~
13 ~~from the city concerning the permit.~~

14 (5) ~~The applicant shall maintain a list of the names of occupants in each dwelling~~
15 ~~unit, and such lists shall be made available to the city in a reasonable amount~~
16 ~~of time upon request.~~

17 (g) ~~If owner(s) sells the property for which a valid permit has been issued, the new~~
18 ~~owner(s) shall submit a permit application and otherwise meet the requirements of this~~
19 ~~article, and has the option of either: a) paying the permit fee for transfers of a permit~~
20 ~~as set forth in Appendix A, which permit shall be transferred with any outstanding~~
21 ~~points accumulated per section 14.5-2, or b) paying the permit fee for a new permit as~~
22 ~~set forth in Appendix A, which permit shall have no accumulated points.~~

23 **Sec. 14.5-2. -- Points assessed on permit.**

1 ~~(a) — Violations; warnings; points.~~ When a dwelling unit regulated by this article is the
2 subject of repeated warnings of violation and/or adjudication of guilt, finding of guilt
3 with adjudication withheld, waiver of right to contest the violation, or pleas of no
4 contest (including, but not limited to, payment of fine) of the following city
5 ordinances:

6 (1) — Noise ordinances (chapter 15 of the Code of Ordinances);

7 (2) — Animal control ordinances (chapter 5 of the Code of Ordinances);

8 (3) — Solid waste ordinances (article III of chapter 27 of the Code of Ordinances);

9 (4) — The provisions of section 30-57 concerning habitation by more than one
10 family;

11 (5) — Yard parking ordinance (subsection 30-56(c)(4) of the Code of Ordinances);

12 (6) — Section 13-171 (related to insects, storage, trash and yard maintenance); or

13 (7) — Section 13-181 (related to hazardous conditions).

14 The landlord permit for the dwelling unit shall be subject to the accumulation of points
15 as follows:

16 a. ~~For one or more written warnings given in any 24-hour period for violation~~
17 ~~of one or more of the ordinances listed above, one point will be assessed on~~
18 ~~the landlord permit for that unit. For each instance of adjudication of guilt,~~
19 ~~finding of guilt with adjudication withheld, waiver of right to contest the~~
20 ~~violation, or plea of no contest (including, but not limited to, payment of~~
21 ~~fine) for violation of any of the ordinances listed above, two points will be~~
22 ~~assessed on the landlord permit for that unit. However, to the extent more~~

1 than one person is adjudicated guilty, found guilty with adjudication
2 withheld, waives the right to contest the violation or pleads no contest for
3 the same violations that occur within a 24-hour period, only two points will
4 be assessed on the landlord permit for that unit. For purposes of this
5 section, written warnings shall mean those warnings issued pursuant to
6 civil citation or code enforcement procedures, including stickers placed on
7 vehicles advising of violation of the yard parking ordinance.

8 b. After each point is assessed on a landlord permit for a unit, the city
9 manager or designee shall send a written warning to the owner(s) or agent.
10 Each warning shall specify which ordinance or ordinances have been
11 violated and shall state that further warnings or violations may lead to a
12 revocation of the permit.

13 **Sec. 14.5-3. -- Revocation of permit.**

14 (a) — Accumulation of six or more points on a permit during any three consecutive annual
15 (i.e., August 1 through July 31) permit periods or failure to comply with subsection
16 14.5-1(f), shall constitute a violation of this article subjecting the owner(s) to
17 proceedings to revoke the permit as follows:

18 (1) — The city manager or designee shall have written notice served to the owner(s)
19 or agent to show cause why the permit should not be revoked.

20 (2) — The owner(s) or agent shall have 15 days from the date of service to request a
21 hearing to determine whether the permit should be revoked. The request shall
22 be sent to the city manager by certified mail, return receipt requested. If such

1 request is not timely made, the revocation shall take effect on the 21st day after
2 the date of service to show cause.

3 ~~(3) Upon request for a hearing, a hearing shall be scheduled before the code
4 enforcement board or special magistrate.~~

5 ~~(4) In conducting the hearing, the code enforcement board or special magistrate
6 shall have the power to administer oaths, issue subpoenas, compel the
7 production of books, paper, and other documents, and receive evidence. All
8 parties shall have an opportunity to respond, to present evidence and argument
9 on all issues involved, to conduct cross-examination and submit rebuttal
10 evidence, and to be represented by counsel or other qualified representative.
11 Hearsay evidence may be used for the purpose of supplementing or explaining
12 other evidence, but it shall not be sufficient in itself to support a finding unless
13 it would be admissible over objection in civil actions. The lack of actual
14 knowledge of, acquiescence to, participation in, or responsibility for, a public
15 nuisance at common law or a noxious use of private property on the part of the
16 owner(s) or agent shall not be a defense by such owner(s) or agent.~~

17 ~~(5) If the code enforcement board or special magistrate finds either: (a) the
18 accumulation of the six points and the existence of a public nuisance at
19 common law or noxious use of private property, or (b) the owner(s) failed to
20 comply with subsection 14.5-1(f), the code enforcement board or special
21 magistrate shall enter an order revoking the permit.~~

22 ~~(6) If the code enforcement board or special magistrate finds no failure to comply
23 with subsection 14.5-1(f), no public nuisance at common law or noxious use of~~

1 private property exists, or that the owner(s) has recovered possession of the
2 dwelling unit from the tenant(s) that caused the violation(s), the code
3 enforcement board or special magistrate shall enter an order to dismiss the
4 revocation action and, if appropriate, to rescind points from the permit based
5 upon the actions taken by the owner(s) to seek compliance with the city's
6 ordinances.

7 (7) — The code enforcement board or special magistrate's order shall consist of
8 findings of fact, conclusions of law and relief.

9 (8) — Notice of the final order shall be provided to the owner(s) within 15 days of the
10 date of the final order.

11 (9) — If the permit is revoked under these procedures, the owner(s) or agent shall
12 have 15 days from the date of the final order to commence proceedings to
13 recover possession of the rental unit under state law from the tenant(s) that
14 caused the violation(s), if not already done. The owner(s) or agent shall
15 diligently pursue the process of eviction to completion. The owner(s) or agent
16 shall provide copies of all documents provided to the tenant(s) or filed with the
17 court concerning the eviction process to the city manager or designee. If the
18 owner(s) fails to comply with these provisions, or fails to abide with the final
19 order of the city, the city may cite the owner(s) for violation of section 14.5 1
20 ~~(renting without a landlord permit)~~, or seek other available legal or equitable
21 relief.

1 ~~(10) — In addition to the above-described procedures, the city attorney is authorized to~~
2 ~~file for injunctive relief to abate the public nuisance at common law or noxious~~
3 ~~use of private property pursuant to law.~~

4 ~~(11) — The final order of the city is subject to certiorari review in a court of competent~~
5 ~~jurisdiction in Alachua County, Florida.~~

6 **Sec. 14.5-4. — Denial of permit.**

7 ~~(a) — The city manager or designee may deny issuance of any permits applied for under this~~
8 ~~section if it is determined either that the owner or agent has made material~~
9 ~~misrepresentations about the condition of his/her property or status of ownership, or~~
10 ~~that the occupancy of the property is in violation of section 30-57 or that the owner or~~
11 ~~agent has refused to make or comply with the certifications required in subsection~~
12 ~~14.5-1.(e) or that the owner has otherwise violated a provision of this article.~~

13 ~~(b) — If the city manager or designee determines there is reasonable cause to believe that~~
14 ~~there are grounds to deny a permit applied for the city manager or designee shall~~
15 ~~provide notice of the denial, including the grounds for the denial.~~

16 ~~(c) — Within 15 days of the date of the notice, the owner may request in writing to the city~~
17 ~~manager a hearing on the denial. The city manager or designee shall schedule the~~
18 ~~hearing to occur within 15 days after receiving the request for hearing and shall notify~~
19 ~~the owner at least five days in advance of the time and location for the hearing. The~~
20 ~~hearing may be postponed if mutually agreed upon by the city manager and the owner.~~

21 ~~(d) — The hearing shall be conducted informally and adherence to the rules of evidence~~
22 ~~normally followed by the courts shall not be required. Any person may present~~

1 testimony, documents or other evidence as deemed relevant by the city manager or
2 designee. Any person may be represented by counsel.

3 ~~(e) — The city manager or designee shall consider all evidence presented, and if the
4 preponderance of the evidence supports the allegation of violation the permit shall be
5 denied. If the preponderance of the evidence does not support the allegation of
6 violation, the permit shall be issued. The decision of the city manager or designee may
7 be appealed by a writ of certiorari to a court of competent jurisdiction in Alachua
8 County, Florida.~~

9 ~~(f) — The city manager or designee may waive the denial requirement as to any permit if it
10 is determined that the owner has attempted in good faith to comply with this article. In
11 determining asserted good faith as required for a waiver, the city manager or designee
12 may consider, but not be limited to, the owner response to current violations and
13 remedy of past violations.~~

14 ~~(g) — If a permit is denied under this section, the owner whose permit was denied shall not
15 be issued another permit on the same dwelling unit for a period of 6 months after the
16 date of denial.~~

17 **Sec. 14.5-5. — Inspections and complaints.**

18 ~~(a) — *Inspections.* By applying for a permit, the owner agrees to allow inspection of the unit
19 for violations of this article, as well as violations of the housing code (article II of
20 chapter 13 of the Code of Ordinances) at any reasonable time; however, this provision
21 shall not be interpreted as authorizing the city to conduct an inspection of an occupied
22 rental unit without obtaining either the consent of an occupant or a warrant.~~

1 ~~(b) — *Complaints.* Each complainants shall be requested to state his/her name and addresses~~
2 ~~and give a statement of the facts giving rise to the complainant's belief that the~~
3 ~~provisions of this article are being violated. Such information may be obtained orally~~
4 ~~or in writing. A complainant may be subpoenaed to appear in a revocation or denial~~
5 ~~proceeding to provide evidence or testimony.~~

6 ~~**Secs. 14.5-6 — 14.5-14. — Reserved.**~~

7
8 **Section 2.** A new Article I titled “Residential Rental Unit Permits” within Chapter 14.5 of the
9 Code of Ordinances is hereby created effective at 12:01am on August 1, 2021. Except as
10 amended herein, the remainder of Chapter 14.5 remains in full force and effect.

11 **Chapter 14.5 – MISCELLANEOUS BUSINESS REGULATIONS**

12 **ARTICLE I. RESIDENTIAL RENTAL UNIT PERMITS**

13 **Sec. 14.5-1. - Purpose and intent.**

14
15 The purpose and intent of this article is to eliminate substandard residential rental units by
16 creating a permit and inspection program that requires all regulated residential rental units within
17 the city to meet minimum property maintenance and energy efficiency standards.

18 **Sec. 14.5-2. – Definitions.**

19 Throughout this article, the following words and phrases shall have the meanings defined below
20 unless the text of the article or section in which used clearly indicates otherwise. Any word or
21 phrase used in this article that is not defined below shall have the common dictionary meaning
22 most appropriate to the context in which such word or phrase is used.

23 *Living standards* means those property maintenance and energy efficiency standards set forth in

24 Sec. 14.5-4.

1 Occupant means any person age 18 or older who resides in a regulated residential rental unit,
2 excluding the owner of said unit and any one or more of the following natural persons who are
3 living with and interrelated to the owner as: spouse, domestic partner, child, stepchild, foster
4 child, parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece,
5 nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law,
6 legal guardian, or domestic servant, as evidenced by written documentation of such relationship.
7 And excluding any temporary gratuitous guest of the owner defined as a natural person who
8 occasionally visits the owner for a short period of time, not to exceed 30 calendar days within a
9 90 day period.

10 Owner means a person who, or entity which, alone, jointly or severally with others, or in a
11 representative capacity (including, without limitation, an authorized agent, attorney, executor,
12 personal representative or trustee) has legal or equitable title to a regulated residential rental unit.

13 Regulated residential rental unit (or regulated unit) means a room or rooms located in a
14 condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family dwelling that is
15 rented, or advertised or held out to be rented, for periods of at least 30 consecutive days or 1
16 calendar month (whichever is less). This definition expressly excludes public lodging
17 establishments regulated by the state pursuant to Part I of Chapter 509, Florida Statutes, and
18 dormitories.

19 Rented means allowing any occupant to reside in a regulated unit, regardless of whether such
20 occupancy is free, charitable or in exchange for monetary or other consideration.

21
22 **Sec. 14.5-3. – Annual residential rental unit permits.**

23
24 Commencing at 12:01 am on October 1, 2021, each regulated unit must have a current annual
25 permit. Each owner shall make application for a permit at least 10 business days prior to

1 allowing an occupant to reside in a regulated unit. Each annual permit issued by the city is valid
2 from October 1 (or date of issuance) to September 30 of the following year. In the event of a
3 change in ownership of a regulated unit, the permit may be transferred to the new owner, but
4 same shall require a new application and payment of the permit fee set forth in Appendix A.
5 Renewal permit applications shall be submitted on or before September 1 of each year. A permit
6 may not be issued, renewed or transferred for a unit with uncorrected living standard violations.
7 The owner shall submit a completed permit application (for the initial permit, each renewal and
8 any transfer), on the form provided by the city, that includes all of the following requirements:

9 (a) A confirmation by the owner that they will provide each occupant with a complete copy
10 (hard copy or electronic copy) of the following documents prior to the signing of the
11 lease or other written document granting occupancy, or prior to occupancy if there is no
12 written document between the occupant and the owner: the completed self-inspection
13 checklist (described in (d) below), the current version of the “Florida’s Landlord/Tenant
14 Law” brochure prepared by the Florida Department of Agriculture and Consumer
15 Services, the current version of the “Tenant Bill of Rights and Responsibilities” prepared
16 by the city, and the most recent U.S. Department of Energy Home Energy Score for the
17 regulated unit prepared by the City and provided to the owner ~~(HES) or equivalent energy~~
18 efficiency report. In addition, the owner shall maintain on file, and allow the city to
19 inspect same upon request, a receipt signed by each occupant confirming they received
20 the above documents prior to signing a lease (or other written document) or prior to
21 commencing residency, whichever is applicable, in the regulated unit.

22 (b) The name, mailing address, email address and telephone number of the owner to receive
23 communications from the city concerning the permit and this article. In addition, if the

1 owner is not physically located within Alachua County, the owner shall provide the
2 name, mailing address, email address and telephone number of an agent physically
3 located within Alachua County whom the owner has authorized to receive
4 communications from the city concerning the permit and this article.

5 (c) ~~Authorization for the city to inspect the regulated unit pursuant to Sec. 14.5-5.~~

6 (d) (c) A completed self-inspection checklist certifying that the regulated unit complies with
7 the living standards, along with a copy of the HVAC maintenance documentation and the
8 Home Energy Score (or equivalent ratings system) Report.

9 (e) (d) Payment of the permit fee set forth in Appendix A – schedule of fees, rates and
10 charges.

11 **Sec. 14.5-4. Living Standards.**

12 (a) Property maintenance: Effective at 12:01am on January 1, 2021, each regulated unit
13 must meet all requirements of Article II titled “Property Maintenance Code” of
14 Chapter 13 of the City Code of Ordinances.

15 (b) Energy efficiency: Effective at 12:01am on October 1, 2021, each regulated unit must
16 meet the following energy efficiency requirements.

17 a. Attic insulated to a minimum of R-19 and then a minimum of R-30 by 12:01am
18 on October 1, 2026.

19 b. Attic access is weather stripped and insulated to a minimum of R-30.

20 c. All visible duct joints sealed using mastic or a combination of mastic and
21 fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive foil
22 tape (UL 181AH) and all ducts insulated to a minimum of R-6 with appropriate
23 commercially available insulation material.

- 1 d. Fireplace chimneys have working dampers, doors, or closures.
- 2 e. Plumbing system is free of visible leaks.
- 3 f. All showerheads must be 2.2 gal/min flow rate or less, as evidenced by imprinting
4 on the showerhead or documentation maintained by the owner.
- 5 g. All faucets must have aerators with a 2.2 gal/min flow rate or less, as evidenced
6 by documentation maintained by the owner.
- 7 h. All toilets must be 3 gal/flush or less (use of a volume reduction device to achieve
8 this is acceptable) and 1.6gal/flush or less by 12:01am on October 1, 2026.
- 9 i. Water heater(s) have a visible and properly functioning Temperature/Pressure
10 Relief Valve (TPRV).
- 11 j. Water heater pipes insulated for the first 3' from the unit (excepting gas units)
12 with appropriate commercially available insulation.
- 13 k. All visible exterior water lines not in enclosed space must be insulated with
14 appropriate commercially available insulation.
- 15 l. HVAC system(s) must have maintenance performed by a currently licensed
16 HVAC or mechanical contractor at least once within the past 24 months, as
17 evidenced by documentation maintained by the owner, and have a filter installed
18 that is appropriately sized for the system(s).
- 19 m. Programmable thermostat connected to HVAC system by 12:01am on October 1,
20 2026.
- 21 n. Wall, window, or other single room or small space cooling units in good repair,
22 property secured and air-sealed, and with a filter installed that is appropriately
23 sized for the unit(s).

1 ~~o. A Home Energy Score (HES) Report or equivalent ratings system report with duct~~
2 ~~testing shall be done, prior to obtaining an initial permit (the report can be no~~
3 ~~more than 8 years old) and at least once every eight years thereafter, by a trained~~
4 ~~assessor, as evidenced by documentation maintained by the owner.~~

5 **Sec. 14.5-5. Education; Inspections.**

6 (a) From the effective date of this ordinance until 12:01am on October 1, 2021, the city will
7 educate and promote compliance with this article, but will not begin enforcement.

8 Thereafter, the city will begin compliance inspections. The inspections will be conducted
9 on a 4-year rolling cycle, with the goal that each regulated unit will be inspected at least
10 once every four (4) years for compliance with this article. In addition, with every other
11 compliance inspection, the city will prepare and provide to the owner a U.S. Department
12 of Energy Home Energy Score for the regulated unit. Inspections may also be conducted
13 more frequently and/or as a result of a complaint received by the city. Notwithstanding
14 the foregoing, the city will investigate complaints filed under the Property Maintenance
15 Code in accordance with the provisions therein.

16 (b) Written notice of an inspection will be provided via certified mail to the owner and
17 posted at the regulated unit at least 7 calendar days prior to the city conducting the
18 inspection. If the unit is not occupied, the owner shall give consent and shall be present
19 at the time of the inspection. If the unit is occupied, an occupant shall give consent and
20 shall be present at the time of the inspection. If the owner or occupant (as applicable)
21 refuse to consent to the inspection, the city may obtain an inspection warrant pursuant to
22 Section 933.20, et seq., Florida Statutes, prior to conducting the inspection, and/or the
23 city may revoke the permit.

1 **Sec. 14.5-6. Enforcement and Penalties**

2 (a) **Failure to meet living standards.** If upon inspection, the city manager or designee, has
3 reasonable grounds to believe that a regulated unit does not meet the living standard(s)
4 the enforcement procedure set forth in Division 6 or Division 8 (as applicable) within
5 Article V of Chapter 2 of the Code of Ordinances will be utilized. In addition, if living
6 standard violation(s) are not corrected and such violation(s) constitute a health, safety or
7 welfare hazard to the occupant, the city manager or designee may revoke the permit. A
8 permit may not be issued, renewed or transferred for a unit with uncorrected living
9 standard violations.

10 (b) **Extraordinary hardship.** Any owner who cannot comply with a particular living
11 standard may request an extraordinary hardship exception from the city manager or
12 designee. The owner shall have the burden of demonstrating the existence of an
13 extraordinary hardship by submittal of an application that sets forth facts demonstrating:
14 1. The hardship is due to unique building or site characteristics with an explanation of
15 why the living standard cannot be met, 2. The owner did not create the hardship by taking
16 actions that makes the property unable to meet the living standard, and 3. There are no
17 feasible alternatives for compliance. Examples of extraordinary hardship may include,
18 but are not limited to, where there is insufficient space or the presence of attic flooring
19 will not allow the installation of the required insulation or where the wastewater line
20 servicing the unit prevents the installation of a low flush toilet. Cost or inconvenience are
21 not considered extraordinary hardships.

22 (c) **Failure to apply for permit.** If the city manager or designee has reasonable grounds to
23 believe that a regulated unit is occupied without a permit in violation of this article, the

1 owner shall be sent a permit application and the owner shall, within 30 days of the date
2 the permit application was sent, either: a) provide evidence that a permit is not required,
3 or b) submit a complete permit application. Failure to either provide evidence that a
4 permit is not required or submit a complete permit application within 30 days of the date
5 the application was sent shall subject the owner(s) to a civil citation and/or the city may
6 seek injunctive relief to prevent the unit from being rented. Fines imposed by any
7 enforcement proceedings shall stop accruing, and be calculated as due and payable to the
8 city, upon the date of occurrence of any of the following events:

- 9 a. A permit is obtained for the regulated unit;
10 b. The regulated unit is no longer occupied in violation of this article;
11 c. The regulated unit has been relinquished by the owner by sale,
12 foreclosure, or other action that dispossesses the owner of title to the
13 regulated unit; or
14 d. The permit year for which the fines accrued ends.

15
16 Secs. 14.5-7 – 14.5-14. – Reserved.

17 **Section 3.** Appendix A. Schedule of Fees, Rates and Charges, is amended by deleting the
18 existing “Landlord Permit” fees within the Land Development Code category and by creating a
19 new category of permit fees titled “Residential Rental Unit Permit” effective at 12:01am on
20 August 1, 2021. Except as amended herein, the remainder of Appendix A remains in full force
21 and effect.

22 **APPENDIX A. SCHEDULE OF FEES, RATES AND CHARGES.**

23 LAND DEVELOPMENT CODE:

- 1 (4) Zoning:
- 2 a. Landlord permit:
- 3 1. Initial applications:
- 4 a. Application and payment received within first half of permit year (on or before January 31)
- 5 and by due date specified on application/notice 154.25
- 6 b. Application and payment received within second half of permit year (between February 1 and
- 7 July 31) and by due date specified on application/notice 77.25
- 8 2. Renewals: Application and payment received on or before August 31 154.25
- 9 3. Transfers of permit to new owner(s) 26.25
- 10 4. Multiple dwelling units: Where two or more dwelling units requiring a landlord permit are
- 11 located on a single parcel of property and are owned by the same owner(s), one unit shall be
- 12 subject to the full permit fee and each additional unit shall receive a 50% discount.
- 13 5. Late fee: A late fee of 25% of the permit fee shall be assessed when an application and full
- 14 payment is not received by the due dates specified herein.

15

16 RESIDENTIAL RENTAL UNIT PERMITS (Sec. 14.5-3):

17 Permit (including permit renewals and transfers) fee - per regulated residential rental unit:

18 \$122.00 ~~170.00~~. If the permit application is filed between April 1 – September 30, one-half of

19 the permit fee is due: \$61.00 ~~85.00~~.

20 **Section 4.** Section 2-339 titled “Applicable codes and ordinances” within Division 6,

21 Article V of Chapter 2 is amended as set forth below effective at 12:01am on August 1, 2021.

22 Except as amended herein, the remainder of Sec. 2-339 remains in full force and effect.

14.5-43	Not having a landlord <u>residential rental unit</u> permit	II	\$250.00
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CODE: Words ~~stricken~~ are deletions; words underlined are additions; words ~~double-stricken~~ are deletions made at first reading; and words double-underlined are additions made at first reading.

1 **Section 5.** Section 2-377 titled “Applicability; jurisdiction” within Division 8, Article V
2 of Chapter 2 is amended as set forth below effective at 12:01am on August 1, 2021. Except as
3 amended herein, the remainder of Sec. 2-377 remains in full force and effect.

4 Sec. 2-377. - Applicability; jurisdiction.

5 (a) The Gainesville Code Enforcement Board shall have jurisdiction to hear and decide
6 cases in which violations are alleged of any provisions of the following provisions of this
7 Code of Ordinances as they may exist or may hereafter be amended by ordinance:

8 (20) Chapter 14.5, Article I, ~~“Landlord Permits;”~~ “Residential Rental Unit
9 Permits;”

10 **Section 6.** It is the intention of the City Commission that the provisions of Sections 1
11 through 5 of this Ordinance shall become and be made a part of the Code of Ordinances of the
12 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
13 renumbered or relettered in order to accomplish such intentions.

14 **Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance
15 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
16 finding shall not affect the other provisions or application of the ordinance which can be given
17 effect without the invalid or unconstitutional provisions or application, and to this end the
18 provisions of this ordinance are declared severable.

19 **Section 8.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
20 such conflict hereby repealed.

21 **Section 9.** This ordinance shall become effective immediately upon adoption; however,
22 the various sections within this ordinance shall become effective on the date/time specified in
23 those sections.

1 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.**

2

3

4

LAUREN POE

5

MAYOR

6

7

8

ATTEST:

Approved as to form and legality

9

10

11

12

13

OMICHELE D. GAINNEY

NICOLLE M. SHALLEY

14

CLERK OF THE COMMISSION

CITY ATTORNEY

15

16

17

This ordinance passed on first reading this ____ day of _____, 2020.

18

19

This ordinance passed on second reading this ____ day of _____, 2020.