



## Community Development Committee

# Landlord Permit Program December 2, 2015

# Item History

Item	Status	Code Section	Next Step	Notes
Replace tiered late fee with 25% single late fee	Approved by City Commission (FY16)	Appendix A	Draft ordinance	
50% discount for multiple unit parcels	Approved by City Commission (FY16)	Appendix A	Draft Ordinance	
Reduction of permit fee	Approved by City Commission (FY17)	Appendix A	FY17 budget process	
Revocation hearing before Special Magistrate	Approved by Commission	14-5	Draft ordinance	May change depending on revocation alternative
Create alternative to revocation – increased fee	Pending CDC recommendation	14-5 / Appendix A	December CDC meeting	
Transfer of permit to new owner	Approved by Commission	14-5	Draft ordinance	
Definition of “related”	Approved by Commission / Being discussed by CDC	14-5	December CDC meeting	
Amend exemption for owner occupied properties	Pending CDC recommendation	14-5	December CDC meeting	
Amend occupancy limit	Pending CDC recommendation	Chapter 30	December CDC meeting	

# Owner Occupied Exemption

- The provisions of this section do not apply if the dwelling unit is occupied by less than three persons 18 years of age or older; one of whom is the owner, and the children of the owner or the other person.
- Examples:
  - Owner (individual) + one unrelated tenant = no permit required.
  - Owner and family + one or more unrelated tenant = permit required.
  - Owner (individual) + two unrelated tenants = permit required.

# Owner Occupied Exemption

- **Proposed exemption language**
  - The provisions of this section do not apply if the dwelling unit is occupied by the owner and the owners family as defined in Section 30-23 provided a homestead exemption exists.
- **Examples**
  - Owner and family + up to two unrelated individuals (18+ years old) = no permit required.
- **Fiscal Impact**
  - Approximately 70 properties identified with permits that may be exempt
  - Current permit fee - \$14,280
  - Proposed \$118 permit fee - \$8,260

# Relative Occupied Exemption

- Properties are not owner occupied (no homestead exemption).
- If property is only occupied by a person related by the owner no permit is required.
- Properties occupied by a person related to the owner and unrelated individuals require a permit.
- Current regulation does not go into detail about allowable relationship type.

# Relative Occupied Exemption

- Approximately 600 permit notices are returned as relative occupied.
- Staff finds this status is sometimes used to evade the permit requirement.
- Proposed exemption language's goal is to make the exemption more stringent and verifiable to maintain the equitable application of the permit requirement.

# Relative Occupied Exemption

- **Current language**
  - A landlord permit shall be obtained prior to allowing the occupancy of that dwelling unit by any person unrelated to the owner.
- **Proposed exemption language**
  - The provisions of this section do not apply if the property is occupied by immediate family of the owner. Immediate family shall mean spouse, children, step-children, parent, step-parent, foster parent, foster children, grandparent, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian.

# Permit Revocation Options

- Continue to issue revocation notices when six points are reached.
  - City Commission approved recommendation to draft ordinance to allow the Special Magistrate to consider revocations.
- Charge a higher permit fee for properties with six points.
  - Higher fee would be charged each permit cycle following the accrual of six points until less than six points are attached to permit.

# Occupancy Limit - Peer City Examples

Jurisdiction	Occupancy Limit
Gainesville	Three unrelated.
Tallahassee	Rooming house based on amount of habitable space.
Lakeland	Five unrelated.
Coral Springs	Three unrelated.
Cape Coral	Does not specifically limit. Limited by amount of habitable space.
Clearwater	Does not specifically limit. Limited by amount of habitable space.
Pembroke Pines	Does not specifically limit. Limited by amount of habitable space.
Port St Lucie	Two unrelated individuals or two related groups.
Temple Terrace	Three unrelated.
Ft Myers	Four unrelated.
Delray Beach	Three Unrelated

# Ways to Regulate

- Choose a number
- Habitable floor area
  - Currently in City Code
  - 150 square feet for first occupant and 100 square feet for each additional occupant.
  - Each habitable room should be at least 70 square feet.
  - Each room designated for sleeping shall have 50 square feet of floor space per occupant.
- Number of bedrooms available

# Items to Consider

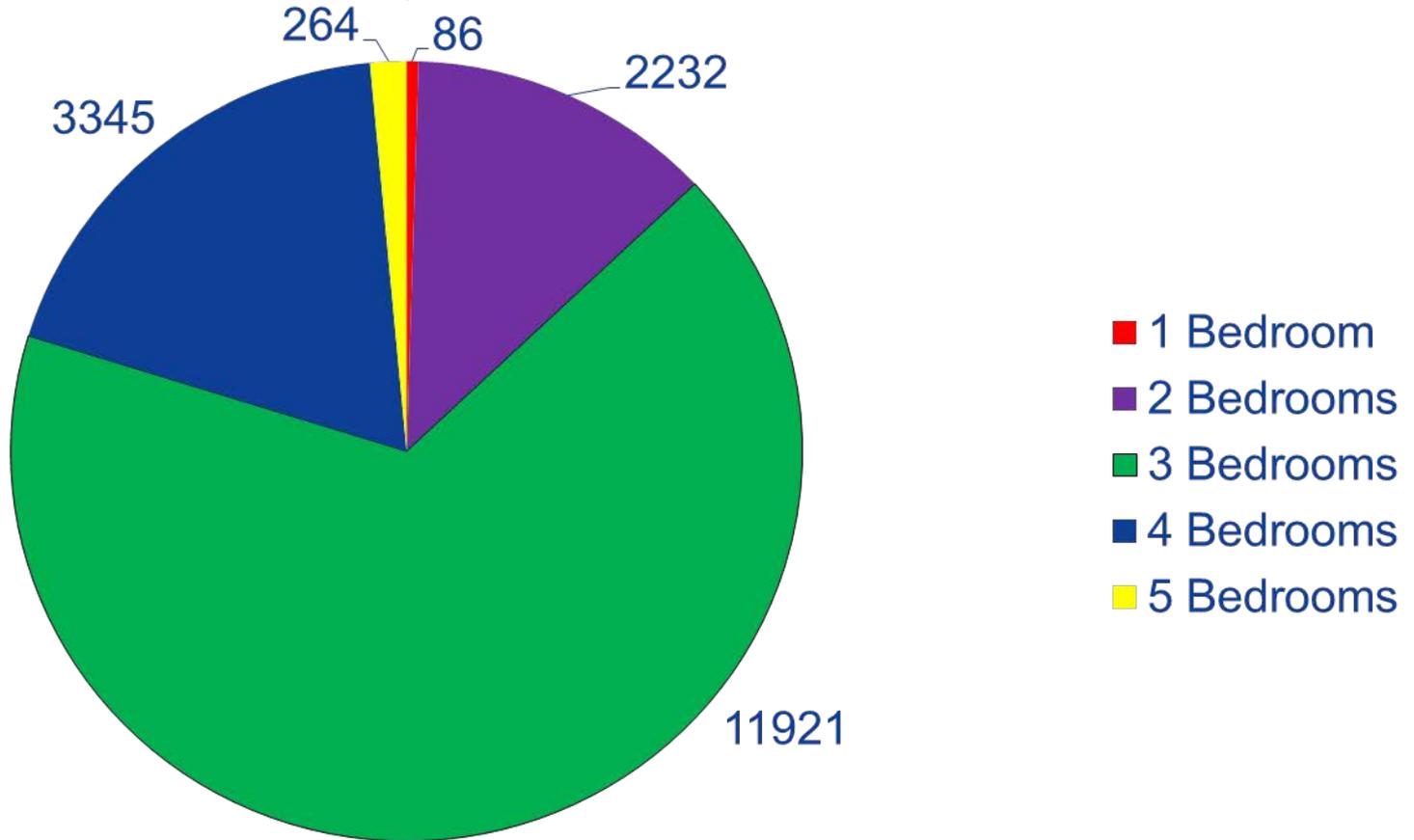
- Current method of selecting a limit of three
  - Potentially limits the use of a property based on living space
  - Considered a way to limit the impact rental properties have on single family neighborhoods
    - Current regulation cites exceeding the existing occupancy limit can be detrimental to the community and cause deterioration of surrounding property values

# Items to Consider

- Based on habitable space
  - How to determine habitable space?
    - Alachua County Property Appraiser includes square footage.
    - *Habitable room* shall mean a room or enclosed floor space, used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, kitchens, foyers or communicating corridors, closets, and storage spaces.
    - How to determine square footage available for sleeping?
  - Based on number of bedrooms
    - How to determine number of bedrooms?
      - Alachua County Property Appraiser
    - How are additions such as garage conversions and interior room conversions handled?
    - Will this encourage building additions or bedroom conversions

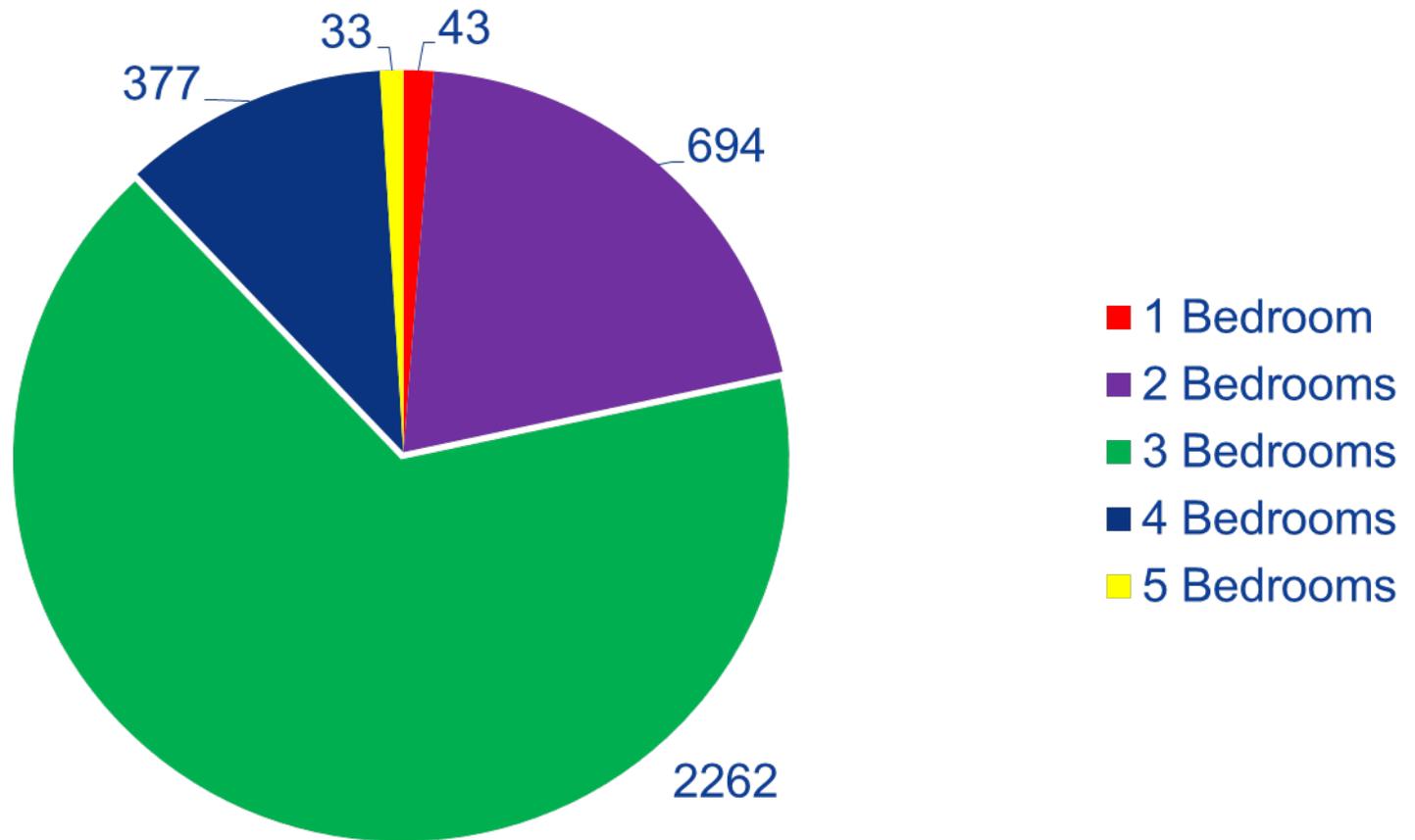
# Bedroom Data – Citywide

## Parcels by Number of Bedrooms



# Bedroom Data – LLP's

## Parcels by Number of Bedrooms



# Items to Consider

- Can the city regulate the method selected to determine occupancy.
  - Verification methods
  - Ability to gather evidence
- Impact to stakeholders
  - Potential for violations
    - On street and off street parking due number of vehicles
      - Limit to available parking in Univ. Context Area
    - Solid Waste – potential increase in volume of garbage
  - Additional use of property if limit increased

# Recommendations

- Recommend amended exemptions for owner occupied properties and relative occupied properties.
  - Requires approval by City Commission and amendment of Sec. 14-5.
- Continue discussion of permit revocation and alternative options.
- Create a sub-referral to the landlord permit referral and create a stand alone item to address amending the single-family home occupancy limit.
- Remove item from CDC referral list.