

050635

Over-Occupancy in Single Family Neighborhoods (B)

The City Commission referred the issue of over-occupancy in single-family neighborhoods to the Community Development Committee and Public Safety Committees on November 14, 2005, and the Committees are reporting back with recommendations.

Explanation: The Public Safety Committee and Community Development Committee met jointly on January 19, 2006, the Community Development Committee met on April 6, 2006, and the two committees met jointly on April 20, 2006, and discussed this referral. Staff updated the Committees on current programs for enforcement of rentals in single-family neighborhoods, a status report on the earlier recommendations from the Ad Hoc Committee on University Neighborhoods and the implementation done as a result of that work, a report on the current amounts of code enforcement and changes to enforcement in the last few years, and a list of possible changes to enforcement, compiled by a staff team. The staff team had met a number of times and included representatives from Code Enforcement, GPD, the City Attorney's office, and Solid Waste. The team also met at times with University of Florida and Santa Fe Community College representatives, and citizens.

On April 20, 2006, the Community Development Committee and Public Safety Committee went over the recommendations from the staff team, which include a number of program changes under the general headings of: 1) changes to automation of the point system; 2) changes to the point system rules; 3) increases to landlord permit fees, fines and staff resources; 4) changes to how information is provided; and 5) other miscellaneous recommendations for change. On April 20, 2006, the Committees jointly recommended moving forward with the proposed program changes, including an increase in the landlord permit fee, but asked staff to bring back information on the costs associated with automation aspects of implementing the changes, and how that could be reflected in a fee increase, at the June 1, 2006 Community Development Committee meeting. At the April 20, 2006 joint meeting the Committees also recommended that the following changes be brought forward with these recommendations: amend the proposed landlord point system so points stay on properties for three years, amend the ordinance to have the Board of Adjustment hear landlord permit revocation cases based on points, amend noise and other code enforcement warnings so warnings last 365 rather than 180 days, and require all owners' names on the landlord permits to be equally responsible and to maintain responsibility for the remainder of the permit term, as long as the owners remain on the property deed.

Staff brought the automation/technology support cost information to the June 1, 2006 meeting, and the Community Development Committee recommended that the proposed fee be increased to \$233.00. The Community Development Committee met once more on June 1, 2006 and discussed, among other issues, an additional assessment for technology for code enforcement activities. The Committee also supported increasing the fee to \$233. The Committee also supported increasing the fee to \$233 for those applying initially or for annual renewals if there are points on the property, and discounting the fee to \$183 for

those with no points on their property.

Fiscal Note: The recommendation of the Community Development Committee is to increase the landlord permit fee from the current \$84 to \$233 annually, with a \$50 discount on renewals for properties with no points. This increase is estimated to cover the costs of the additional code enforcement programs and resources proposed.

RECOMMENDATION

The Community Development Committee and Public Safety Committee recommended taking any necessary action to report this out to the full Commission, and the Community Development Committee recommended in a followup meeting to: 1) adopt the proposed increase civil citation penalties to \$250; and 2) increase the landlord permit an additional \$33 for a landlord to qualify for a \$50 rebate the second year, if a landlord does not have any points against them.

City Manager to the City Commission: Hear a presentation from staff regarding the recommended set of changes to the programs and regulations related to rental properties in single-family neighborhoods, and defer hearing a presentation on, and discussion of the specifics of a proposed fee increase to the upcoming City Commission budget meetings.

Legislative History

11/14/05	City Commission	Referred (7 - 0)	Community Development Committee
11/14/05	City Commission	Referred	Public Safety Committee
1/19/06	Public Safety Committee	Discussed	
4/6/06	Community Development Committee	Approved as Recommended	
4/20/06	Public Safety Committee	Discussed	
6/1/06	Community Development Committee	Approved as Recommended	
6/15/06	Public Safety Committee	Discussed	

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City of Gainesville Community Development Director Tom Saunders and Code Enforcement Manager Jim Garrett gave presentations.

MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded to: 1) Adopt all of the Community Development Committee's bulleted recommendations listed on the document entitled "Possible Changes to Enforcement of Rentals in Single-Family Neighborhoods", changing bullet (4) from 24 to 36 months; 2) delete bullet (7), first bullet under "Increase Fine Levels and Landlord Permit Fees and Staff Resources"; 3) initiate a petition for necessary code changes to the Plan Board; and 4) authorize the City Attorney to prepare ordinances for all code changes necessary within other chapters.

(VOTE: 7-0, MOTION CARRIED)

Chair Hanrahan recognized Dr. David Chalmers, Dr. Thomas Lau, Mary Anderson, Carol Daley, Dr. Gary Ihas, UF Lobby Coordinator Jason Lutin, Walter Willard, UF Student Body President John Wells, Dr. Jimmy Harnsberger, Dr. Mark Goldstein and UF Vice-President of Student Affairs Dave Kratzer who spoke to the matter.

City of Gainesville Police Chief Norm Botsford made comments.

ADDITIONAL MOTION (REFERRAL): Commissioner Lowe moved and Commissioner Bryant seconded to refer to the Community Development Committee: 1) The concept of student involvement (Division of Student Affairs and Student Government) in landlord, tenant and over-occupancy issues; and 2) hear a presentation from those who attended the "Best Practices in Building University Relations" conference this past month.

(VOTE: 7-0, MOTION CARRIED)

See following referral file # 060243.

RECOMMENDATION

The Community Development Committee and Public Safety Committee recommended taking any necessary action to report this out to the full Commission, and the Community Development Committee recommended in a followup meeting to: 1) adopt the proposed increase civil citation penalties to \$250; and 2) increase the landlord permit an additional \$33 for a landlord to qualify for a \$50 rebate the second year, if a landlord does not have any points against them.

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on, and discussion of the specifics of a proposed fee increase to the upcoming City Commission budget meetings.

A motion was made by Mayor-Commissioner Pro Tem Lowe, seconded by Commissioner Mastrodicasa, that this matter be Approved, as shown above - See Motion(s). The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Edward Braddy, Rick Bryant, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa and Scherwin Henry

Kurt M. Lannon, Clerk of the Commission

Current and Proposed Civil Citation Penalties

Section	Description	Class	Penalty	Class	Proposed Increase To
13-171	insects, storage, trash and yard maintenance	1	\$125.00	II	\$250.00
13-181	Hazardous conditions on residential property	1	\$125.00	II	\$250.00
15	Noise violations	1	\$125.00	II	\$250.00
27-73	Solid waste violations except (4), (8) and (9)	1	\$125.00	II	\$250.00
30-56(b)and(c)	Residential parking	1	\$125.00	II	\$250.00
27-76(b)(1)b	improper use of cart	1	\$50.00	1	\$250.00
5	Animal control	1	\$50.00	1	\$250.00
5-2(c)	Animal molesting or biting pedestrian or bicyclist	4	\$200.00	II	\$250.00
30-57{3}	Residential Leases - Overoccupancy	Not Applicable		II	\$250.00
17-2	flyers on utility poles or other fixtures	1	\$50.00	1	\$250.00
19-34	Violation of permit requirements for commercial peddlers, solicitors, or canvassers	1	\$50.00	1	\$250.00
19-96	Operation of mobile food cart in prohibited area	1	\$50.00	1	\$250.00
19-97	Violation of regulations on permitted mobile food cart	1	\$50.00	1	\$250.00
30-315etseq.	Violation of sign regulations	1	\$50.00	1	\$250.00
30-357	New business, expansion or change of use without zoning compliance permit	1	\$50.00	1	\$250.00
14.5-1	Not having landlord permit	2	\$125.00	II	\$250.00
16-19	Dangerous buildings/hazardous lands	1	\$125.00	II	\$250.00
26-137	Abandoned vehicles	1	\$125.00	II	\$250.00
30-86	Use, parking, storage and keeping of recreational vehicles	1	\$50.00	II	\$250.00
Article III of Chapter 13	Commercial building code	2	\$75.00	II	\$250.00
Chapter 10	All adopted fire prevention & protection codes, except NFPA 101 Chapters 5, 6, 7 and	2	\$75.00	II	\$250.00