
CHAIR'S REPORT ON THE RENTAL HOUSING SUBCOMMITTEE OF THE GAINESVILLE CITY COMMISSION

**Commissioner David Arreola, Chair of the Rental Housing Subcommittee
Gainesville, FL
Submitted July 2019**

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CHAIR'S INTRODUCTION

Mayor and Commissioners,

On November 26, 2018 the Rental Housing Subcommittee (RHS) held its first meeting. At this meeting the Committee selected a Chair and Vice Chair. The RHS originally planned to sunset March 14, 2019. During the March 5 meeting the RHS unanimously moved to extend the sunset date to June 1, 2019 and we held our final meeting May 28, 2019.

This report is submitted to the Mayor and City Commission for three purposes: first, to present the findings and recommendations of the RHS to the City Commission and the general public. Second, to aggregate the presentations, research, letters, and memorandum submitted to the RHS by Gainesville staff, members of the RHS, and members of the public. Many of these items will be contained in the appendix and referenced in the report. Third, to maintain a precedent for ad hoc committee Chairs to prepare such reports with the invaluable assistance of Gainesville staff for the benefit of the City Commission and the general public.

One procedural note about the report: the RHS has authorized my report to summarize policy direction, but only what the RHS authorized by voice votes throughout the six month period. Therefore, stylistically, I sought to convey the intent of the RHS' voice votes and policy direction.

The invaluable work and assistance of Gainesville staff has made this report possible. I want to extend my gratitude to Assistant City Manager Fred Murray, City Attorney Nicolle Shalley, Code Enforcement Director Jeff Look, GRU Residential Efficiency Program Coordinator III Amy Carpus, and Deputy Clerk of the City Commission Marie Kessler. Their commitment to provide the RHS with administrative support, research, policy ideas, and guidance must be recognized. The RHS was also supported by regular members of the public in attendance. I want to extend my gratitude to the Alachua County Labor Coalition, Florida Legal Services, Gainesville-Alachua County Association of Realtors, North Central Florida Apartments Association, and over a dozen citizens who regularly attended RHS meetings. Finally, I want to thank the Mayor and City Commission for creating the RHS and for receiving this report in good faith.

Sincerely,



Commissioner David Arreola, Chair of the Rental Housing Subcommittee

II.

RENTERS RIGHTS

AND

RESPONSIBILITIES

SUMMARY

During the first meeting of the RHS it was decided that Renters Rights and Responsibilities would become one of the agenda items for the RHS to discuss. Initial discussions centered on a proposed 'Renters Bill of Rights.' After thorough discussions among committee members, staff, and the general public, it was decided that this topic would be broader in scope of consideration. It remains a stand-alone legislative topic because it has a distinct relationship with the Rental Housing Code, Energy Efficiency regulation, and other legislative topics. The recommendations are presented in further detail in Appendix A.

RECOMMENDATIONS

- A. Creation of an Arbitration/Mediation Program administered by the Office of Equal Opportunity
- B. Creation of a Tenant Bill of Rights to be placed in every rental property
- C. Collaborate with Landlord/Tenant organizations to create a Renters Rights and Responsibilities educational program.
- D. Draft a tenant occupancy attestation to be included in every lease
- E. Mirror Alachua County ordinance language to broaden protected class status
- F. Maintain direction given by Joint City/County Commission meeting to create a Landlord Mitigation Fund

G. Requested Budget Increments

A. CREATION OF AN ARBITRATION MEDIATION PROGRAM ADMINISTERED BY THE OFFICE OF EQUAL OPPORTUNITY

The City Attorney clearly defined the Statutes of the State of Florida as they pertain to legal remedies for Landlord/Tenant disputes (Appendix A). Many of these definitions preempt Gainesville from enacting legislation to alter the civil rights already codified in State Statute. However, the statute does not preclude local governments from creating optional and voluntary mediation programs to arbitrate landlord/tenant disputes if both parties willingly enter the proposed program. Staff identified a comparable program administered by the City of Tallahassee.

The Tallahassee program is woefully underutilized by residents. Some would suggest this is because both Landlord and Tenant must agree to participate. It is unclear whether the creation of this program will have a direct effect in addressing potential Landlord/Tenant disputes simply because of its voluntary nature. Additionally, a Gainesville employee specifically addressing a potential Landlord/Tenant disputes could not offer civil legal counsel nor provide recommendations. The program would require good faith participation by both parties.

Further research about the operation of this program should be requested by the City Commission.

B. CREATION OF A TENANT BILL OF RIGHTS TO BE PLACED IN EVERY RENTAL PROPERTY

The RHS held lengthy discussions about the legality and scope of a potential Tenant Bill of Rights to be placed in every rental property. The condition to include this Tenant Bill of Rights was added in order to guarantee the effectiveness of the proposed policy. Staff did not provide specific content recommendations for the Tenant Bill of Rights itself, but upon discussion the RHS, staff, and the general public decided it would be better to convene stakeholders to create the content.

It is unclear whether the creation of this program will have a direct effect in addressing potential Landlord/Tenant disputes simply because such results depend on the behavior of individual tenants and landlords. Nevertheless, it is recommended that staff collaborate with Landlord/Tenant organizations to: (a) write the specific language and content of the Tenant's Bill of rights, (b) decide upon exact location for it to be displayed in every rental property, (c) discuss enforcement mechanisms and other topics of accountability.

C. COLLABORATE WITH LANDLORD/TENANT ORGANIZATIONS TO CREATE A RENTERS RIGHTS AND RESPONSIBILITIES EDUCATIONAL PROGRAM.

The RHS discussed creating an educational program targeting landlords and tenants. Further detail about this program has not been written, but the RHS was clear in

providing the recommendation to authorize staff to identify and collaborate with interested landlord/tenant organizations to design program parameters, mission statements, and other minutia.

D. DRAFT A TENANT OCCUPANCY ATTESTMENTS TO BE INCLUDED IN EVERY LEASE

The RHS discussed requiring a Tenant Occupancy Attestment to be included in every lease pursuant to Gainesville's Codes of Ordinances regarding no more than three unrelated persons renting a dwelling unit within a single-family zoned area of Gainesville. It is unclear whether this attestation would exist as an enforcement tool to hold tenants accountable or an added protection for both landlords and tenants from violating this ordinance.

E. MIRROR ALACHUA COUNTY ORDINANCE LANGUAGE TO BROADEN PROTECTED CLASS STATUS

Alachua County's Housing Code of Ordinances contains broad definitions of protected class status which the RHS is recommending Gainesville emulates in our own Code of Ordinances. Specifically, codifying language to prohibit landlords and/or property management companies from discriminating against potential renters with prejudice against their lawful source of income, and issuing punitive measures against landlords who inquire about citizenship status. Both recommendations broaden existing protections from

discrimination about national origin in order to protect rental applicants from being inquired by landlords, and from being denied an application based on lawful income source discrimination (Appendix C)

F. MAINTAIN DIRECTION GIVEN BY JOINT CITY/COUNTY COMMISSION MEETING TO CREATE A LANDLORD MITIGATION FUND.

The RHS held many discussions about creating a Landlord Mitigation Fund before the Joint City/County Commission took up the item. After that meeting the RHS agreed with the Joint City/County Commission and supports creating a Landlord Mitigation Fund starting with funds from Gainesville, Alachua County, and forming fundraising partnerships to replenish the fund.

G. BUDGET INCREMENT REQUESTS

1 FTE - \$51,911.50

Landlord Mitigation Fund Seed Money - \$15,000

TOTAL - \$66,911.50

III.

RENTAL HOUSING

CODE

SUMMARY

The original agenda of discussion items contained the following: Health and Safety, Energy Efficiency, Renters Rights and Responsibilities, Landlord Licensing, Mediation, Short-Term Vacation Rentals, and Education (Appendix, Sec. 2, Exh. xii). The RHS and staff members combined these agenda items per staff memo into one discussion on changes to the Rental Housing Code that would be necessary to implement all of our recommendations (Appendix A).

As such, an agenda item simply titled Rental Housing Code contains policy discussions spanning across many disciplines of licensure, skill, and trade. It could be said all health and safety, licensing, and other non-enumerated rights provided for a broad enough public purpose to pursue local legislation. The RHS held lengthy and detailed conversations while staff provided professional presentations and options for the RHS to consider. The collection of those presentations are contained in Appendices C, D, and E. As an editorial, this chair believes Rental Housing Code legislation is the primary policy enforcement aspect of the RHS' recommendations, pending the decision of the City Commission.

RECOMMENDATIONS

A. Universal Landlord Licensees must submit self-inspection forms to obtain permit; remove requirements to hand out Chapter 83, part II and Article IV of the City code, instead

require energy efficiency rating hand out is given, require Tenant Bill of Rights and Responsibilities are handed out; require State brochure on Chapter 83 handed out

B. Staff may look at alternative times to issue permits during throughout the year

C. Create Revenue Neutral Landlord Permit

D. Effective Date of Life and Safety Standards Jan. 2020; Minimum Housing and Energy Efficiency Standard Jan. 2021; Code Inspections Jan. 2021 - every four years, all units, including Life, Safety, Energy Efficiency Standards

E. Staff return with facts to place into ordinance regarding inspection requirements

F. Staff estimate of affected housing stock between 1, 2, 3, and 4 units (State preempts local legislation on units above 4)

G. Staff estimate of program costs, and cyclical inspection costs.

H. Pursue legislation to regulate above 4 units

A. Universal Landlord Licensees must submit self-inspection forms to obtain permit; remove requirements to hand out Chapter 83, part II and Article IV of the City code, instead require energy efficiency rating hand out is given, require Tenant Bill of Rights and Responsibilities are handed out; require State brochure on Chapter 83 handed out.

Technical language was recommended by the RHS for clarity.

B. Staff will look at alternative times to issue permits during throughout the year.

As a matter of logistical certainty, it behooves our staff's policy to research alternative times of the year when permits may be issued to landlords. Effectively, one could register at convenience so long as all self-inspection forms and requirements are met.

C. Create Revenue Neutral Universal Landlord Permit

It was the will of the RHS to create a revenue neutral Universal Landlord Permit. The price of the Universal Landlord Permit will coincide with total cost of service for landlords. In principle, the permit is not meant to generate tax revenue. To this end, the following calculations have been provided by staff.

	Single Unit	Duplex	Triplex	Quadplex
Est. Units	13,267	726	191	274

Permit	\$147	\$220.50	\$294	\$367.50
Est. Rev.	\$1,950,249	\$160,083	\$56,154	\$100,695

Est. Total Units: 16,388

Est. Total Revenue: \$2,267,181

D. Effective Date of Life and Safety Standards Jan. 2020; Minimum Housing and Energy Efficiency Standard Jan. 2021; Code Inspections Jan. 2021 - every four years, all units, including Life, Safety, Energy Efficiency Standards.

Changes to the Rental Housing Code ordinance require effective dates and the RHS decided on these appropriate effective dates.

E. Staff return with language to place into ordinance citing factual criterion of standards.

Staff provided detailed analysis for suggested Life, Safety, and Minimum Energy Efficiency Standards contained in Appendices C and D, respectively.

F. Staff estimate of affected housing stock between 1, 2, 3, and 4 units (State preempts local legislation on units above 4).

Data for housing stock inspections should be kept so future policy decisions can be informed by clear data about how effective our policies have been to implement Life, Safety, and Energy Efficiency Standards.

G. Staff estimate of program costs, and cyclical inspection costs.

5 FTE – Staff Specialist Salary + Benefits: \$37,500 = \$187,500; \$15,625/mo

2 FTE – Code Enforcement Officer Salary + Benefits: \$60,500 = \$121,000; \$10,085/mo*

1 FTE – Clerk 1 Budget and Finance Salary + Benefits: \$34,777.50; \$2,900/mo

1 FTE – Cashier 1 Budget and Finance Salary + Benefits: 34,777.50; \$2,900/mo

1 FTE – IT Software Architect Salary + Benefits: \$93,589.50; \$7,800/mo

1 FTE – Action Officer Salary + Benefits: \$51,911.50; \$4,325/mo

One time starting cost – 2 Vehicles and 8 Computers: \$56,000

Office space – unknown

*/mo amounts are monthly initiating costs. For example, first month’s estimated cost is \$218,175.

-

Additional staff and operating budget (for enforcement inspections commencing January 1, 2021)

One time starting cost - \$110,000

5 FTE – Code Enforcement Officer: \$60,500 = \$302,500 (4,100 annual inspections performed in quadrennial cycles)

OR

4 FTE – Code Enforcement Officer: \$60,500 = \$242,000 (3,280 annual inspections every 5 years)

H. Pursue legislation to regulate above 4 units.

The RHS unanimously agrees Gainesville should have the local legislative right to regulate dwellings above 4 units to the Rental Housing Code. However, it is unlikely the current trend of Florida Legislatures will legislate such an act.

IV.

ENERGY

EFFICIENCY

SUMMARY

The Gainesville City Commission has taken up Energy Efficiency Legislation before and the RHS sought to build upon that work in some areas creating entirely new legislation that has never been considered before. As it relates to the law, Gainesville could legislate energy efficiency via the Rental Housing Code, but this item is separated in this report because there were substantive differences in the RHS' recommendations that only pertained to the subject matter.

RECOMMENDATIONS

The RHS recommends the following:

- A. Create Minimum Energy Efficiency Standards codified in the Rental Housing Code
- B. No recommendation relating to Energy Efficiency Ratings provided for (Rental Housing Code requirement to hand out rating withstanding)

A. CREATE MINIMUM ENERGY EFFICIENCY STANDARDS CODIFIED IN THE RENTAL HOUSING CODE

GRU staff provided detailed analysis of HERS (Home Energy Rating System) and HES (Home Energy Score) policy ratings programs included in Appendix 4.i. The codified minimum standards will be based on R-19 requirements. There was debate about R-30

requirements, but it was determined the R-19 requirements were sufficient to meet out public purpose of energy efficient homes.

B. NO RECOMMENDATION RELATING TO ENERGY EFFICIENCY RATINGS

The RHS did not provide recommendations as to whether it should be required that a dwelling's Energy Efficiency rating needs to be higher than the codified minimum standards based on R-19 requirements. For example, we left the following question unanswered for the Commission to consider: should a landlord be required to provide more than the proposed minimum energy efficiency standards?

It was mentioned by members of the RHS to consult further with the City Commission on this legislative issue.

V.

Other Topics

Of Consideration

SUMMARY

In the course of 6 months the RHS held broad policy discussions about standing policy along with potential for future policy changes. Naturally, other topics not relating to the main courses came up and deserved mentioning, briefly, in this report.

Short-Term Vacation Rentals were an original item of the RHS agenda list, but was not continued after staff combined other items. Mainly because the RHS was left with few policy options due to state regulatory preemption of almost all Short-Term Vacation Rental units. Even still, the issue was raised by residents that such regulatory preemptions have impacted their neighborhoods. Particularly, the Historic Bed and Breakfast neighborhoods.

Gainesville's codes of ordinances for these Bed and Breakfast districts should be reviewed and changed as State Law's preemption creates double standards against Gainesville's local legislation negatively affecting neighborhood livelihood.

RECOMMENDATIONS

The RHS did not issue any recommendations to other topics.

VI.

APPENDICES

A, B, C, D, E, & F

Appendix A

MEMORANDUM (Updated from April 9, 2019 version)

TO: Rental Housing Subcommittee Members **DATE:** May 7, 2019

FROM: Fred Murry, Assistant City Manager
Jeff Look, Interim Code Enforcement Manager
Amy Carpus, GRU - Residential Efficiency Program Coordinator III
Nicolle Shalley, City Attorney

SUBJECT: Rental Housing Code

This Memorandum brings together three topics the Rental Housing Subcommittee has been discussing – Landlord License Rental (No. 170873), Short-Term Vacation Rentals (No. 180399), and Energy Efficiency (No. 180591) into a single regulatory 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 City Code of Ordinances.

Staff prepared a Memorandum on this topic dated April 9, 2019. The Rental Housing Subcommittee discussed the Memorandum on April 16 and made a 10 part motion requesting additional information and revisions to the draft regulatory framework. This additional information and revisions have been incorporated into this Updated Memorandum.

The following provides a step-by-step guide to crafting a Rental Housing Code and reflects the Subcommittee’s discussions to-date:

What are the problems that currently exist (aka “findings of fact”)?

The City Commission will need to make findings of fact concerning the problems that exist that are creating the need for City regulation. This means locating and citing to some level of proof/documentation/common knowledge that rental units in the City do not currently meet the minimum housing code, are not energy efficient and do not contain life safety equipment. Staff will assist with crafting these findings based on Commission discussion.

What is the public purpose for the City to regulate?

The City Commission will need to articulate a public purpose (general health, safety and welfare) that supports the City regulation – 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 of the City Land Development Code as “a room or rooms in a dwelling, other than a dormitory, comprising the essential elements of a single housekeeping unit. Each area with one address for billing, one electric meter, and/or one full kitchen shall be considered a separate dwelling unit”) located in a condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family structure that is rented for periods of at least 30 days or 1 calendar month and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 month.

Note: The above definition has been crafted to avoid violating the State preemption of the regulation of “public lodging establishments” in Section 509.032(7), Florida Statutes, which reads as follows:

“(7) Preemption authority.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.”

Section 509.013(4)(a), Florida Statutes, defines “public lodging establishment” as:

“1. ‘Transient public lodging establishment’ means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

2. ‘Nontransient public lodging establishment’ means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.”

Section 509.242, Florida Statutes, lists the following classifications for “public lodging establishments” that are regulated by the State:

“(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(a) Hotel.—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by

a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(b) Motel.—A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

(c) Vacation rental.—A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

(d) Nontransient apartment.—A nontransient apartment is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.

(e) Transient apartment.—A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

(f) Bed and breakfast inn.—A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

(g) Timeshare project.—A timeshare project is a timeshare property, as defined in chapter 721, that is located in this state and that is also a transient public lodging establishment.”

Section 509.013(4)(b), Florida Statutes, excludes some types of non-transient units from the definition of “public lodging establishment”:

“Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;” and

“[a]ny unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent”

Based on current state law, which appears to have remained unchanged after the 2019 State Legislative Session, the City is preempted from regulating and inspecting transient (meaning held out as regularly rented for less than 30 days) rentals and apartment buildings.

What are the regulations?

The City Commission will need to specify the regulatory requirements. The text shown in ~~strike through~~ and underline below reflects the revisions to the staff draft that were made by the Rental Housing Subcommittee on April 16.

- A. Commencing October 2019, each owner of a regulated unit that is actively rented shall obtain an annual permit for each regulated unit as follows:
- a. Apply and obtain permit within first month of tenant occupying the unit, and renew the permit each year thereafter. The applicant for a landlord permit shall comply with the following requirements.
1. Submit to the City a receipt signed by the tenant(s) of each regulated unit, in which the tenant(s) confirm that the applicant provided them with a complete copy of the following documents and that the tenant(s) read the documents in their entirety: ~~Chapter 83, Part II, Florida Statutes titled "Residential Tenancies"; this Article IV. "Rental Housing Code" of the City Code; a copy of the completed Self Inspection Checklist (described in C below) for the regulated unit, the current version of the "Florida's landlord/tenant law" brochure prepared by the Florida Department of Agriculture and Consumer Services and the current version of the "Landlord and Tenant Bill of Rights" prepared by the City.~~
 2. Certify that, in the event the city provides notice of repeated violations of the following City Codes occurring at the regulated unit: Noise (chapter 15); Animal control (chapter 5 and Alachua County Code); Solid waste (article III of chapter 27); Over occupancy (Section 30-4.10) Yard parking (subsection 30-56(c)(4)); Insects, storage, trash and yard maintenance (Section 13-171); or hazardous conditions (Section 13-181); the applicant will pursue all lawful remedies available under Section 83.56, Florida Statutes, regarding termination of the rental agreement due to the tenant's failure to comply with Chapter 83, Florida Statutes, the provisions of the lease or this Code.
 3. Certify that he/she is the fee simple owner of the regulated unit or is the agent of the fee simple owner of the regulated unit.
 4. Provide the name, address, and telephone number of a contact person who resides within Alachua County to receive communications from the city concerning the permit.
 5. Maintain a list of the names of the occupant(s) in each regulated unit, and provide such list to the city in a reasonable amount of time upon request.
 6. Allow inspection of the regulated unit for violations of this article, as well as violations of the housing code (article II of chapter 13 of the Code of Ordinances) at any reasonable time; however, this provision shall not be interpreted as authorizing the city to conduct an inspection

of an occupied rental unit without obtaining either the consent of an occupant or a warrant.

7. Self-certify compliance (described in C below) with the living standards.

- b. Permits are valid from August 1 of each year (or date of issuance) to July 31 of following year;

Note: The Subcommittee asked staff to look at alternative times throughout the year at which permits could be issued. Staff recommends maintaining the existing permit cycle and issue all permits according to that cycle. Current permit holders are familiar with that cycle and staff at this point is uncertain how to equally split them into different cycles. Direction-based (which was discussed) such as NE, SE, SW and NW is not an equal split, alphabetical by first initial of owner's last name is possible, but a more informed decision could be made once the regulations are further developed by the City Commission and staff can analyze the expected pool of regulated units.

- c. The permit fee is per property (defined as parcel of land with a property appraiser parcel ID number) based on number of number of regulated units under common ownership on that property – as an example based on the current landlord permit fees it would be \$147 for single unit, \$220.50 for two units, \$294 for three units and \$367.50 for four units. If the permit is applied for during the last half of the permit year (between February 1 – July 31), one-half of the permit fee is due.

Note: Section 166.221, Florida Statutes, limits the amount of fees that may be charged as follows: "A municipality may levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter."

B. Each regulated unit must meet living standards as follows:

- a. ~~By August 2019~~ January 1, 2020, each regulated unit must meet **life safety standards**: (see page 3 of self-inspection checklist attached as Exhibit A)
- b. ~~By August 2020~~ January 1, 2021, each regulated unit must meet **minimum housing code standards**: (see pages 1 and 2 of self-inspection checklist attached as Exhibit A)
- c. ~~By August 2021~~ January 1, 2021, each regulated unit must meet **energy efficiency standards**: (see page 3 of self-inspection checklist attached as Exhibit A)

C. Annual certification of self-inspection of each regulated unit is required as follows:

~~Commencing August 1, 2019~~, Each owner of a regulated unit (at time of permit application and renewal) shall self-certify compliance with the living standards then in effect. From August 2019 to ~~July 2022~~ December 31, 2020, the City Code Enforcement Department will conduct random inspections to educate and promote voluntary compliance with the living standards.

D. Inspection by City Code Enforcement:

Commencing ~~August 1, 2022~~ January 1, 2021, the City Code Enforcement Department will inspect 25% of all regulated units for compliance with these regulations. This inspection cycle will repeat every four (4) years.

E. Enforcement and Penalties

- a. Failure to apply for permit. If the city manager or designee has reasonable cause to believe that a regulated unit is occupied without a permit in violation of this article, the owner(s) of the property shall be given notice that the owner(s) shall, within 30 days of the date notice was given, either: a) provide evidence that a permit is not required, or b) submit a permit application. Failure to either provide evidence that a permit is not required, or submit a permit application within 30 days of the date notice was given shall subject the owner(s) to a notice of violation of this article and code enforcement proceedings. Fines imposed by the code enforcement proceedings shall stop accruing, and be calculated as due and payable to the city, upon the date of occurrence of any of the following events:

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

- b. Failure to meet a living standard, after warning and time to comply shall subject the owner(s) to a notice of violation of this article and code enforcement proceedings, including:
- i. Fines
 - ii. Cannot obtain/renew permit until the regulated unit is in compliance.

Note regarding mold: The Subcommittee requested information on regulating mold. The proposed regulatory framework does not address mold directly. It does, however, address the cause of mold growth – which is moisture. The living standards include plumbing leaks and seals around window and doors, all of which can introduce moisture into a dwelling, which in turn can cause mold growth. These are appropriately responsibilities of the property owner. The Federal Environmental Protection Agency publishes a booklet on “Mold, Moisture and Your Home” (a copy is attached as Exhibit B). One of the challenges in Florida is high humidity levels. You will see the EPA booklet provides information about the presence of mold spores in all dwellings and solutions to reduce/eliminate moisture and humidity so as to stop the growth of mold. Many of these solutions are appropriately responsibilities of the occupant of the dwelling.

Currently, if an occupant produces conclusive evidence that toxic mold is present in a dwelling, City Code Enforcement may be able to cite the unit for the existence of a hazardous condition.

Unfortunately, mold testing is costly and results are often inconclusive. Typical testing costs are \$300.00 for the first test and \$75.00 each additional test with a recommendation of one test for every 600 square feet of floor space (i.e., testing a 1000 square foot dwelling would cost \$375.00.)

What is the budget estimate, both revenues and expenditures, for the Rental Housing Code?

When more details of a regulatory framework are determined, Staff will refine the below budget estimate and adjust the proposed permit fees to achieve revenue neutrality.

Revenue

Staff estimates the total number of regulated units may be 16,388. Based on current landlord permit fees, the total annual permit revenue is estimated to be \$2,267,181.00 broken down by unit type as follows: single unit - 13,267 @ \$147.00 = \$1,950,249.00, duplex - 726 @ \$220.50 = \$160,083.00, triplex - 191 @ \$294.00 = \$56,154.00, quadruplex - 274 @ \$367.50 = \$100,695.00. If the new regulations do not become effective until after January 31, 2020, a half-year of revenue is estimated to be \$1,133,590.50.

Expenditures

Staff and operating budget (for permitting and random inspections during the education/compliance period - until December 31, 2020): The total budget expenditure for the staff (inclusive of salary and benefits) associated with the current Landlord Permit process is \$214,188.00, broken down as follows: LLP Coordinator \$81,463.20, Field Collector \$60,465.60 and Code Enforcement Officer \$72,259.20. The estimated total budget expenditure for additional staff and operating budget needed to support the proposed regulatory framework is \$588,856, broken down as follows: 5 FTE - Staff specialist \$37,500.00 = \$187,500.00; 2 FTE - Code Enforcement Officer \$60,500.00 = \$121,000.00; 1 FTE - Clerk 1 Budget and Finance 34,777.50; 1 FTE - Cashier 1 Budget and Finance \$34,777.50; 1 FTE - IT software architect \$93,589.50; 1 FTE - Action officer (likely to be In Equal Opportunity) \$51,911.50; and Code Enforcement operating budget increase of 33% \$65,300.00.

One time cost of \$56,000 for 2 vehicles and 8 Computers

Office Space is difficult to estimate. The private sector going annual rate per square foot averages \$15.00. The estimated need for 8 FTE would be 800 square feet for an annual cost of \$12,000.00. The challenge comes in finding a suitable building, most are a minimum of 2000 square feet and the cost would be an average of \$30,000.00 annually. There are some city owned buildings with sufficient space; however, they would require some remodeling and furniture at an unknown cost.

Additional staff and operating budget (for enforcement inspections commencing January 1, 2021): 5 FTE - Code Enforcement Officer \$60,500.00 = \$302,500.00 (based on inspection process of 4,100 inspections annually, repeated every 4 years) or, alternatively, 4 FTE - Code Enforcement Officer \$60,500.00 = \$242,000.00 (based on inspection process of 3,280 inspections annually, repeated every 5 years)

One time cost would include 5 vehicles and 5 Computers \$110,000.00

EXHIBIT A to Updated Memorandum dated May 7, 2019

DRAFT – City of Gainesville - Self Inspection Checklist

Owners or their designees should recognize that this list is used for compliance with the City Rental Housing Code. In addition to the Rental Housing Code, owners are responsible for ensuring their rental units are in compliance with other applicable provisions of the City of Gainesville Code.

	Compliance or Non-Compliance	N/A	Comments
MINIMUM HOUSING CODE			
Exterior			
Foundation in sound condition			
Exterior walls are free from damage			
Roof is in good repair			
House numbers are visible from the street			
Exterior lighting is in working order			
Exterior stairs, porches, and balconies are in good repair			
Exterior doors are weather tight and able to be locked.			
Windows are in good working order and free from damage.			
Screens in place where central air is not provided			
Landscaping			
Lawns are maintained			
Yards are free of Junk, Trash and Debris			
Trash containers are stored out of view except for pick-up day			
Building Miscellaneous			
Pools shall comply with all state, county and city code to include proper fencing			
Parking shall be restricted to approved parking plan with-in certain districts			
Interior/ All rooms			
Walls are free of holes and cracks			
Light switches work as designed and have cover plates			
Electrical outlets are functional and have cover plates			
Windows open as designed and lock closed			
Floor covers are free of trip hazards and are able to be kept clean			

	Compliance or Non-Compliance	N/A	Comments
Kitchen			
Stove/Range works properly with a minimum of three burners			
Stove hood system in place and functioning			
Kitchen sink has hot and cold water			
No plumbing leaks			
Counter top sound and able to be kept clean			
Refrigerator is a minimum of 5 cubic feet and working properly			
Bedroom(s)			
Switch controlling a light upon entering			
Minimum 50 square feet			
Window of at least 8% of square feet			
Window openable to at least an area of 20"X24"			
Bathroom(s)			
Floors and walls intact and water-resistant			
A window or ventilation system required			
All plumbing operational with hot and cold water and no leaks			
Switch controlling a light upon entering			
Vanity is sound condition			
Other/ Miscellaneous			
All electrical systems are in sound condition with no exposed wiring			
Electrical panel label clearly and of at least 100 AMPs			
Smoke detectors are required on each floor of a dwelling as well as outside each sleeping room			
Smoke detectors for the hearing impaired shall provide a signal approved for persons with such disabilities			
Property is free from insect infestation			
Heating system must be able to heat the entire home to 65°F			

	Compliance or Non-Compliance	N/A	Comments
Life Safety Items			
Carbon Monoxide alarms present in all dwellings using natural gas, propane, or fuel oil			
Fire extinguishers provided in kitchen			
Energy Efficiency			
Attic insulation minimum of R-19, except where there is insufficient space or the presence of attic flooring will not allow			
Attic access weather stripped and insulated to a minimum of R-19			
All accessible duct joints sealed and all ducts insulated			
Insect screens on all windows that can open			
Fireplace chimneys have working dampers, doors, or closures			
Plumbing system is free of leaks			
All showerheads with a 3.0 gal/min flow rate or less			
All faucets aerators with a 2.5 gal/min flow rate or less			
Water heater(s) have a properly functioning Temperature/Pressure Relief Valve (TPRV)			
Water heater pipes insulated for the first 3' from the unit (excepting gas units)			
All water lines not in enclosed space must be insulated			
Properly maintained refrigerator with door seal/gasket intact and clean coils			
HVAC filter(s) are new or clean at time of move-in			
HVAC system(s) have had maintenance performed by a currently licensed HVAC or Mechanical contractor within the year prior to move-in.			
Programmable thermostat connected to main HVAC system			



**A BRIEF GUIDE TO
MOLD,
MOISTURE,
AND
YOUR HOME**

EPA 402-K-02-003
(Reprinted 09/2012)

**This Guide provides
information and guidance
for homeowners and
renters on how to clean
up residential mold
problems and how to
prevent mold growth.**

*U.S. Environmental Protection Agency
Office of Air and Radiation
Indoor Environments Division
1200 Pennsylvania Avenue, N. W.
Mailcode: 6509J
Washington, DC 20460
www.epa.gov/iaq*

A BRIEF GUIDE TO MOLD, MOISTURE, AND YOUR HOME

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MOLD BASICS

- The key to mold control is moisture control.
- If mold is a problem in your home, you should clean up the mold promptly *and* fix the water problem.
- It is important to dry water-damaged areas and items within 24-48 hours to prevent mold growth.

Why is mold growing in my home? Molds are part of the



Mold growing outdoors on firewood. Molds come in many colors; both white and black molds are shown here.

natural environment. Outdoors, molds play a part in nature by breaking down dead organic matter such as fallen leaves and dead trees, but indoors, mold growth should be avoided. Molds reproduce by means of tiny spores; the spores are invisible to the naked eye and float through outdoor and indoor air. Mold may begin growing indoors when mold spores land on surfaces that are wet. There are many types of mold, and none of them will grow without water or moisture.

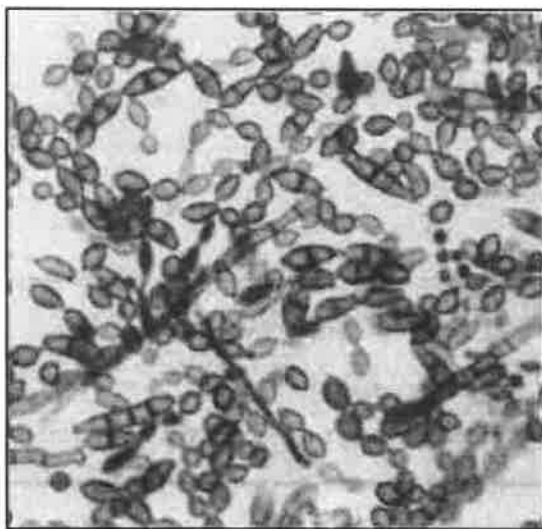
Can mold cause health problems? Molds are usually not a problem indoors, unless mold spores land on a wet or damp spot and begin growing. Molds have the potential to cause health problems. Molds produce allergens (substances that can cause allergic reactions), irritants, and in some cases, potentially toxic substances (mycotoxins).

Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay fever-type symptoms, such as sneezing, runny nose, red eyes, and skin rash (dermatitis). Allergic reactions to mold are common. They can be immediate or delayed. Molds can also cause asthma attacks in people with asthma who are allergic to mold. In addition, mold exposure can irritate the eyes, skin, nose, throat, and lungs of both mold-

allergic and non-allergic people. Symptoms other than the allergic and irritant types are not commonly reported as a result of inhaling mold.

Research on mold and health effects is ongoing. This brochure provides a brief overview; it does not describe all potential health effects related to mold exposure. For more detailed information consult a health professional. You may also wish to consult your state or local health department.

How do I get rid of mold? It is impossible to get rid of all mold and mold spores indoors; some mold spores will be found floating through the air and in house dust. The mold spores will not grow if moisture is not present. Indoor mold growth can and should be prevented or controlled by controlling moisture indoors. If there is mold growth in your home, you must clean up the mold **and** fix the water problem. If you clean up the mold, but don't fix the water problem, then, most likely, the mold problem will come back.



Magnified mold spores.

Molds can gradually destroy the things they grow on. You can prevent damage to your home and furnishings, save money, and avoid potential health problems by controlling moisture and eliminating mold growth.



Leaky window – mold is beginning to rot the wooden frame and windowsill.

If you already have a mold problem –
ACT QUICKLY. Mold damages what it grows on. The longer it grows, the more damage it can cause.

Who should do the cleanup? Who should do the cleanup depends on a number of factors. One consideration is the size of the mold problem. If the moldy area is less than about 10 square feet (less than roughly a 3 ft. by 3 ft. patch), in most cases, you can handle the job yourself, following the guidelines below. However:

- If there has been a lot of water damage, and/or mold growth covers more than 10 square feet, consult the U.S. Environmental Protection Agency (EPA) guide: *Mold Remediation in Schools and Commercial Buildings*. Although focused on schools and commercial

buildings, this document is applicable to other building types. It is available on the Internet at: www.epa.gov/mold.

- If you choose to hire a contractor (or other professional service provider) to do the cleanup, make sure the contractor has experience cleaning up mold. Check references and ask the contractor to follow the recommendations in EPA's *Mold Remediation in Schools and Commercial Buildings*, the guidelines of the American Conference of Governmental Industrial Hygienists (ACGIH), or other guidelines from professional or government organizations.
- If you suspect that the heating/ventilation/air conditioning (HVAC) system may be contaminated with mold (it is part of an identified moisture problem, for instance, or there is mold near the intake to the system), consult EPA's guide *Should You Have the Air Ducts in Your Home Cleaned?* before taking further action. Do not run the HVAC system if you know or suspect that it is contaminated with mold - it could spread mold throughout the building. Visit www.epa.gov/iaq/pubs to download a copy of the EPA guide.
- If the water and/or mold damage was caused by sewage or other contaminated water, then call in a professional who has experience cleaning and fixing buildings damaged by contaminated water.
- If you have health concerns, consult a health professional before starting cleanup.

MOLD **CLEANUP** GUIDELINES

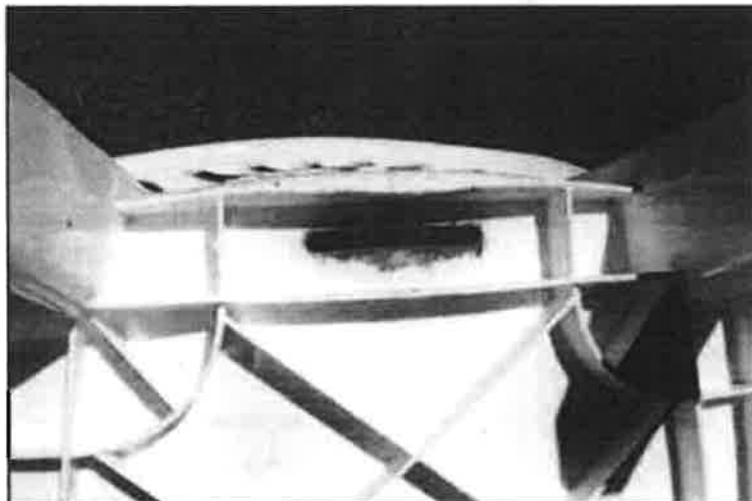
BATHROOM TIP Places that are often or always damp can be hard to maintain completely free of mold. If there's some mold in the shower or elsewhere in the bathroom that seems to reappear, increasing the ventilation (running a fan or opening a window) and cleaning more frequently will usually prevent mold from recurring, or at least keep the mold to a minimum.



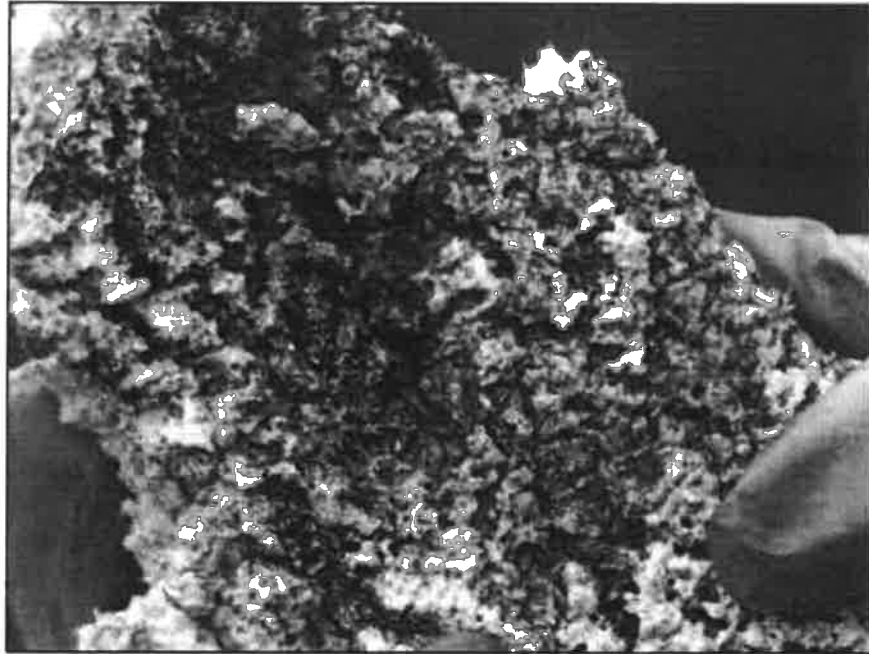
Tips and techniques The tips and techniques presented in this section will help you clean up your mold problem. Professional cleaners or remediators may use methods not covered in this publication. Please note that mold may cause staining and cosmetic damage. It may not be possible to clean an item so that its original appearance is restored.

- Fix plumbing leaks and other water problems as soon as possible. Dry all items completely.
- Scrub mold off hard surfaces with detergent and water, and dry completely.

Mold growing on the underside of a plastic lawnchair in an area where rainwater drips through and deposits organic material.



***Mold growing
on a piece of
ceiling tile.***



- Absorbent or porous materials, such as ceiling tiles and carpet, may have to be thrown away if they become moldy. Mold can grow on or fill in the empty spaces and crevices of porous materials, so the mold may be difficult or impossible to remove completely.
- Avoid exposing yourself or others to mold (see discussions: **What to Wear When Cleaning Moldy Areas and Hidden Mold.**)
- Do not paint or caulk moldy surfaces. Clean up the mold and dry the surfaces before painting. Paint applied over moldy surfaces is likely to peel.
- If you are unsure about how to clean an item, or if the item is expensive or of sentimental value, you may wish to consult a specialist. Specialists in furniture repair, restoration, painting, art restoration and conservation, carpet and rug cleaning, water damage, and fire or water restoration are commonly listed in phone books. Be sure to ask for and check references. Look for specialists who are affiliated with professional organizations.

WHAT TO WEAR WHEN

CLEANING

MOLDY AREAS



Mold growing on a suitcase stored in a humid basement.

**It is important
to take
precautions to
LIMIT
YOUR
EXPOSURE
to mold and
mold spores.**

- **Avoid breathing in mold or mold spores.** In order to limit your exposure to airborne mold, you may want to wear an N-95 respirator, available at many hardware stores and from companies that advertise on the Internet. (They cost about \$12 to \$25.) Some N-95 respirators resemble a paper dust mask with a nozzle on the front, others are made primarily of plastic or rubber and have removable cartridges that trap most of the mold spores from entering. In order to be effective, the respirator or mask must fit properly, so carefully follow the instructions supplied with the respirator. Please note that the Occupational Safety and Health Administration (OSHA) requires that respirators fit properly (fit testing) when used in an occupational setting; consult OSHA for more information (800-321-OSHA or osha.gov/).

- **Wear gloves.** Long gloves that extend to the middle of the forearm are recommended. When working with water and a mild detergent, ordinary household rubber gloves may be used. If you are using a disinfectant, a biocide such as chlorine bleach, or a strong cleaning solution, you should select gloves made from natural rubber, neoprene, nitrile, polyurethane, or PVC (see **Cleanup and Biocides**). Avoid touching mold or moldy items with your bare hands.

- **Wear goggles.** Goggles that do not have ventilation holes are recommended. Avoid getting mold or mold spores in your eyes.



Cleaning while wearing N-95 respirator, gloves, and goggles.

How do I know when the remediation or cleanup is finished? You must have completely fixed the water or moisture problem before the cleanup or remediation can be considered finished.

- You should have completed mold removal. Visible mold and moldy odors should not be present. Please note that mold may cause staining and cosmetic damage.
- You should have revisited the site(s) shortly after cleanup and it should show no signs of water damage or mold growth.
- People should have been able to occupy or re-occupy the area without health complaints or physical symptoms.
- Ultimately, this is a judgment call; there is no easy answer.

MOISTURE AND MOLD **PREVENTION** AND CONTROL TIPS

MOISTURE

Control is the Key to Mold Control



*Mold growing
on the surface
of a unit
ventilator.*

- When water leaks or spills occur indoors - **ACT QUICKLY.** If wet or damp materials or areas are dried 24-48 hours after a leak or spill happens, in most cases mold will not grow.

- Clean and repair roof gutters regularly.
- Make sure the ground slopes away from the building foundation, so that water does not enter or collect around the foundation.
- Keep air conditioning drip pans clean and the drain lines unobstructed and flowing properly.



Condensation on the inside of a window-pane.

- **Keep indoor humidity low.** If possible, keep indoor humidity below 60 percent (ideally between 30 and 50 percent) relative humidity. Relative humidity can be measured with a moisture or humidity meter, a small, inexpensive (\$10-\$50) instrument available at many hardware stores.

- **If you see condensation or moisture collecting on windows, walls or pipes - ACT QUICKLY to dry the wet surface and reduce the moisture/water source.** Condensation can be a sign of high humidity.

Actions that will help to reduce humidity:

- ◆ **Vent appliances that produce moisture, such as clothes dryers, stoves, and kerosene heaters to the outside where possible. (Combustion appliances such as stoves and kerosene heaters produce water vapor and will increase the humidity unless vented to the outside.)**
- ◆ **Use air conditioners and/or de-humidifiers when needed.**
- ◆ **Run the bathroom fan or open the window when showering. Use exhaust fans or open windows whenever cooking, running the dishwasher or dishwashing, etc.**

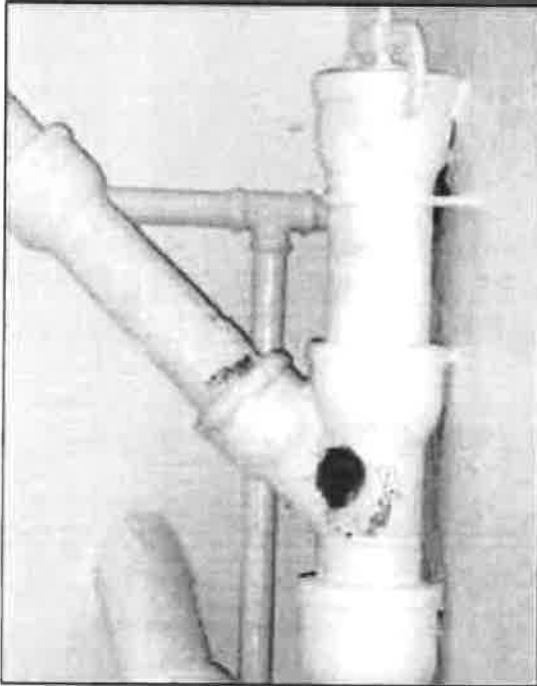
Actions that will help prevent condensation:

- ◆ Reduce the humidity (see preceding page).
- ◆ Increase ventilation or air movement by opening doors and/or windows, when practical. Use fans as needed.
- ◆ Cover cold surfaces, such as cold water pipes, with insulation.
- ◆ Increase air temperature.

Mold growing on a wooden headboard in a room with high humidity.



Renters: Report all plumbing leaks and moisture problems immediately to your building owner, manager, or superintendent. In cases where persistent water problems are not addressed, you may want to contact local, state, or federal health or housing authorities.



Rust is an indicator that condensation occurs on this drainpipe. The pipe should be insulated to prevent condensation.

Testing or sampling for mold Is sampling for mold needed? In most cases, if visible mold growth is present, sampling is unnecessary. Since no EPA or other federal limits have been set for mold or mold spores, sampling cannot be used to check a building's compliance with federal mold standards. Surface sampling may be useful to determine if an area has been

adequately cleaned or remediated. Sampling for mold should be conducted by professionals who have specific experience in designing mold sampling protocols, sampling methods, and interpreting results. Sample analysis should follow analytical methods recommended by the American Industrial Hygiene Association (AIHA), the American Conference of Governmental Industrial Hygienists (ACGIH), or other professional organizations.

HIDDEN MOLD



Mold growing on the back side of wallpaper.

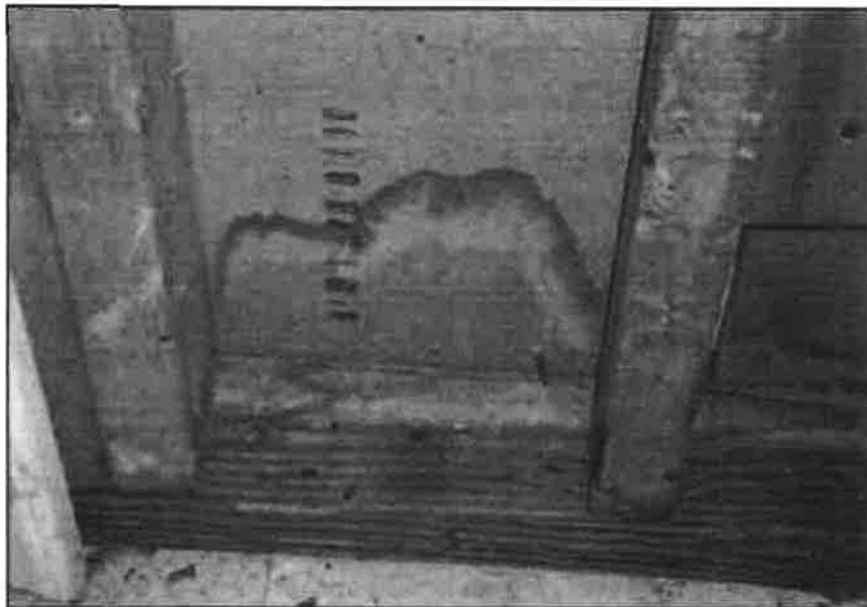
Suspicion of hidden mold You may suspect hidden mold if a building smells moldy, but you cannot see the source, or if you know there has been water damage and residents are reporting health problems. Mold may be hidden in places such as the back side of dry wall, wallpaper, or paneling, the top side of ceiling tiles, the underside of carpets and pads, etc. Other possible locations of hidden mold include areas inside walls around pipes (with leaking or condensing pipes), the surface of walls behind furniture (where condensation forms), inside ductwork, and in roof materials above ceiling tiles (due to roof leaks or insufficient insulation).

Investigating hidden mold problems Investigating hidden mold problems may be difficult and will require caution when the investigation involves disturbing potential sites of mold growth. For example, removal of wallpaper can lead to a massive release of spores if there is mold growing on the underside of the paper. If you believe that you may have a hidden mold problem, consider hiring an experienced professional.

Cleanup and Biocides Biocides are substances that can destroy living organisms. The use of a chemical or biocide that kills organisms such as mold (chlorine bleach, for example) is not recommended as a routine practice during mold cleanup. There may be instances, however, when professional judgment may indicate its use (for example, when immune-compromised individuals are present). In most cases, it is not possible or desirable to sterilize an area; a background level of mold spores will remain - these spores will not grow if the moisture problem has been resolved. If you choose to use disinfectants or biocides, always ventilate the area and exhaust the air to the outdoors. Never mix chlorine bleach solution with other cleaning solutions or detergents that contain ammonia because toxic fumes could be produced.

Please note: Dead mold may still cause allergic reactions in some people, so it is not enough to simply kill the mold, it must also be removed.

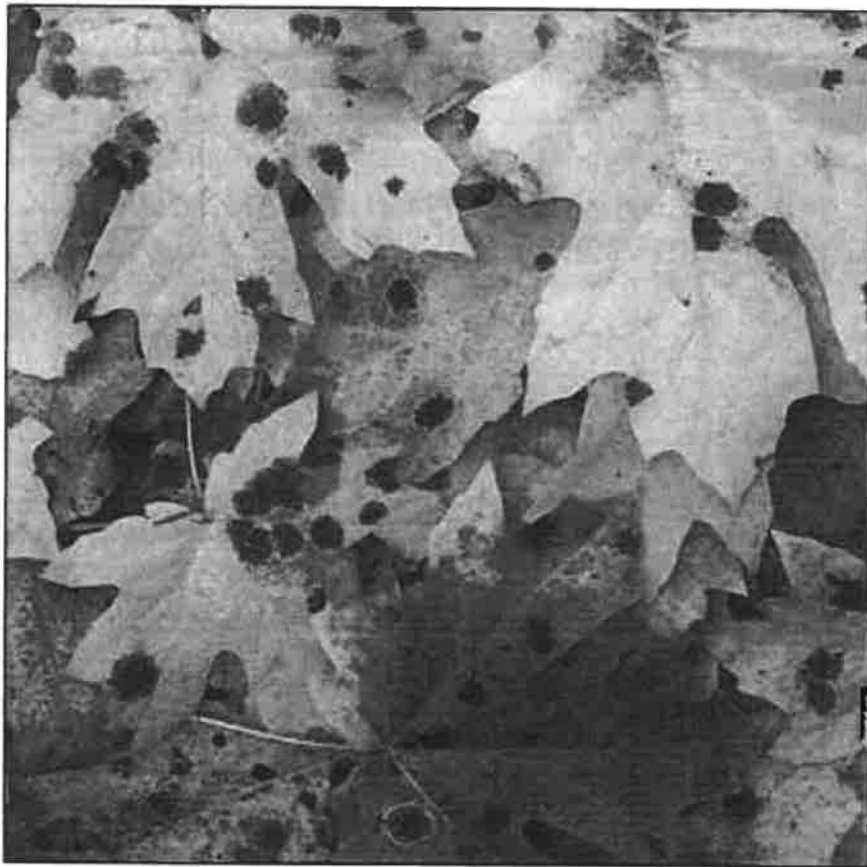
Water stain on a basement wall — locate and fix the source of the water promptly.



ADDITIONAL **RESOURCES**

For more information on mold related issues including mold cleanup and moisture control/condensation/humidity issues, visit:

www.epa.gov/mold



Mold growing on fallen leaves.

This document is available on the Environmental Protection Agency, Indoor Environments Division website at: www.epa.gov/mold

NOTES

Acknowledgements

EPA would like to thank Paul Ellringer, PE, CIH, for providing the photo on page 14.

Please note that this document presents recommendations. EPA does not regulate mold or mold spores in indoor air.





Appendix B

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

November 26, 2018

1:00 PM

Roberta Lisle Kline Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER- 1:04 PM**ROLL CALL**

Present 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

ADOPTION OF THE AGENDA**DISCUSSION OF BUSINESS ITEMS****180545. Select Chair and Vice Chair of Rental Housing Subcommittee (NB)**

Motion by Member Hayes-Santos to be Chair. Motion died for a lack of second.

Motion by Member Warren, seconded by Member Hayes-Santos to be Chair and Member Warren Vice-Chair. Motion failed.

Motion by Member Hayes-Santos, seconded by Member Simmons: 1) Appoint Member Arreola as Chair; and 2) Appoint Member Warren as Vice-Chair. Motion passed unanimously.

RECOMMENDATION *The Subcommittee select Chair and Vice Chair.*

Approved, as shown above

180563. Discussion of Subcommittee: Structure and Topics (NB)

Listed below are suggestions/comments from the Members.

Member Arreola: 1) Keep topics/issues broad.

Member Hayes-Santos: 1) Different subsets to let the public know about the conversations for each meeting.

Member Warren: 1) Community workshops series pertaining to energy efficiency, code enforcement and landlord tenants.

Member Simmons: 1) Emphasis on educating renters and establishing partnerships.

There were six main issues: 1) Health and Safety; 2) Energy Efficiency; 3) Renter's Rights and Responsibilities (mediation); 4) Landlord Licensing; 5) Short-Term Vacation Rentals; and 6) Education.

Reina Saco, Jason Fults, Amy Carpus, Ron Combs and Brian O'Brien spoke to the matter.

RECOMMENDATION *Discuss and take action deemed necessary.*

Discussed

180546.**Meeting Dates (NB)**

Motion: Schedule the following meetings: 1) December 4, 2018 - discuss Health and Safety; and Landlord Permits. (The following staff should attend the meeting: GFR, Housing, Code Enforcement; Building Inspections and GRU) and 2) December 18, 2018 - discuss Energy Efficiency; 3) January 2, 2019 - discuss Short-Term Vacation Rentals; 4) January 15, 2019 - discuss Renters Rights and Responsibilities (schedule an evening meeting starting at 6:00 PM, at the GRU Multi-Purpose Room).

February 5, 2019: 1) Open Discussion.

February 19, 2019: 1) Open Discussion.

Reina Saco and Jason Fults spoke to the matter.

Note: Staff will send out agendas to community resources.

RECOMMENDATION

The Subcommittee discuss and approve the following meeting dates listed below. The meetings will be scheduled on the first and third Tuesday's of every month until the Subcommittee sunsets.

December 4: Rental Housing Subcommittee - 3:00pm - 5:00pm - GRU Multipurpose Room

December 18: Rental Housing Subcommittee - 3:00pm - 5:00pm - Room 16

January 2: Rental Housing Subcommittee - 3:00pm - 5:00pm - Room 16

January 15: Rental Housing Subcommittee - 3:00pm 5:00pm - Room 16

A motion was made by Hayes-Santos, seconded by Warren, that this Matter be Approved as shown above (See Motion). The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

MEMBER COMMENT

Member Simmons: 1) GRU to provide information regarding the LEEP Plus Program for the December 18th meeting. (Include in the back-up); and 2) GRU to provide funds that are provided to the Project Share Agency (do the funds go to homeowners or renters). Amy Carpus spoke to the matter.

Member Hayes-Santos: 1) Overview of previous legislative action (GRU to provide what didnt pass in mid-2000); and 2) Make contact with the Apartment Associations.

Member Warren: 1) Rental Agreements/Leases; 2) History of a pattern of evictions; and 3) Gainesville Alachua County Realtors Association.

PUBLIC COMMENT

Brian O'Brien
Jason Fults
Reina Saco

NEXT MEETING DATE

ADJOURNMENT - 2:23 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

December 4, 2018

3:00 PM

GRU Multi-Purpose Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:00 PM

ROLL CALL

Present 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent 1 - Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Vice-Chair Warren, seconded by Simmons, that this Matter be Adopted. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent: 1 - Chair Arreola

APPROVAL OF MINUTES

180584. **Approval of Minutes (B)**

Amendments under Member Comment: 1) LEEP Plus Program; and 2) Project Share Agency.

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of November 26, 2018.*

A motion was made by Member Hayes-Santos, seconded by Member Simmons, that this Matter be sent to staff for amendments. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent: 1 - Chair Arreola

DISCUSSION ITEMS

180581. **Health and Safety (NB)**

Interim Code Enforcement Manager, Jeffrey Look stated that 75 percent of what Code Enforcement rarely does has to do with inspecting the inside of any property. The permission to go inside the home, typically will be given by the lessee. If the lessee does not wish for Code Enforcement to enter the home, then there's nothing the City can do. Mr. Look stated that the majority of the homes in the City are in good/fair condition.

Member Simmons wanted to know if Mr. Look was referring to the structure and condition of the outside of the home or the inside of the home.

Mr. Look stated that the outside of the home is done in a proactive manner. Code Enforcement doesn't get calls about complaints on the inside of homes.

Member Hayes-Santos stated that he is concerned with fire risk/safety. He stated that recently there have been fire incidents of single-family rental homes and rental apartments. He also mentioned that due to a recent apartment fire incident, there's 27 or 37 homeless individuals, and one person died from a fire. Right now, the City does not have availability to inspect an interior unit, unless there's a complaint.

Mr. Look stated that generally, the City needs to go before a judge to get a warrant to enter a property and that would be for extreme cases. Mr. Look stated that he only has done two inspections in the 16 years he has worked for Code Enforcement.

Member Hayes-Santos stated that speaking with Fire Marshalls, they can only go to the common areas of the property and not inside. He wants to ensure that simple things, such as smoke alarms, be installed inside the homes.

Mr. Look stated that we don't have an ordinance in place for carbon monoxide testers. It is difficult to convince the occupant of the importance of having a smoke detector. The owner of the property is only required to have it installed on move-in day. After that, it is the tenant's responsibility to maintain. The City considers this to be a life safety issue.

Member Hayes-Santos stated that we need to look at landlord licenses and periodic inspections. Have yearly inspections where the landlord themselves will do a self-check to make sure all detectors (smoke and carbon monoxide), are working properly. These inspections will solve a lot of issues. By not doing this, it puts the tenant's lives at risk, and the owner's property at risk as well.

Member Vice-Chair Warren stated that there should be a self-check list for the landlord. A self-check list will allow a win-win relationship between all parties. The City does not have in place a way to enforce smoke or carbon monoxide detectors. Member Vice-Chair Warren added that at the last meeting it was discussed how one can know the condition of the inside of a home. Also, the Department of Children and Family Services are receiving calls of neglect and abuse. Sometimes those situations are also eligible for monitoring and corrective action (such as hoarding or not having a clean environment).

Mr. Look stated that Code Enforcement tries to treat each case individually. Of the 10,000 calls received annually, less than 500 goes to the stage of being heard by the magistrate. There's a great successful rate (95 percent in dealing with such cases with each landlord and with each violation).

Assistant City Manager, Fred Murry stated that education is important (such as changing the batteries for the fire detector, and having simple things such as a step ladder). Some folks may not have the resources to purchase a step ladder, and so they may leave the fire detectors battery die. Some landlords are good and will tell their tenants to just call them to take care of it. When Code Enforcement goes into a building, and if they determine that there's a life safety issue, they will call the Department of Doing. In this case, a Building Official or Fire Inspector will go to the property.

Mr. Look stated that Code Enforcement works closely with both the Fire Department and Police Department. If they determine there's an issue, Code Enforcement has to go out to the property to make their own inspection. But if the property owner does not let Code Enforcement in their property, there's nothing that can be done. If there's

something on the outside of the home, then Code Enforcement can deal with it, but generally life safety issues are typically on the inside of the property. If there's enough evidence to get a warrant, then Code Enforcement can go into the property.

Member Vice-Chair Warren stated that we need to look and see what other cities are doing. We should encourage landlords to be responsible and have conversations with their tenants and to inspect the home inside more than just once a year. If you're Section 8, then landlords need to inspect more often. We hear conversations that property managers are to protect the rights of the landlords, the one who owns the property, but the code of ethics says it is equal responsibility for the landlord and tenant.

Member Hayes-Santos stated that the City of Daytona Beach has landlord license and inspections. They go inside properties every two years to see if it meets standards. A lot of cities around the country have the same thing in place, such as Minneapolis (an ordinance has been passed for health and safety and to retain property value).

Member Simmons stated that we should keep data on repeat offenders. These offenders are the ones that are doing the most harm to the renters and getting away with it. The City needs to come up with a framework and/or strategy to take action on this. She would like to have the Red Cross (relating to smoke detectors) and the Housing Authority (relating to health and safety) at the table.

Member Hayes-Santos commented that educating the people is good, but it should be the landlords responsibility to deal with changing the battery to the detectors.

Kameelah Spence, Darlene Pifalo, Amy Carpus, Robert Carroll, Reina Saco, Jessey Corney, Jeremiah Tattersall, James Thompson, Robert Mounts, Terry Martin-Bach, Janice Garry, Kayla Sosnow, Gween Thompson and Brian O'Brian spoke to the matter.

A letter was read into the record.

RECOMMENDATION Discuss

Discussed

170873.

Landlord License Rental (B)

Motion: At the February 5, 2019 meeting direct staff to: 1) Come back to us with what other cities do; 2) Look at universal landlord licenses; 3) Look at landlord inspections (what is good and bad); 4) Look at what the City can legally do in terms of landlord licenses and fees, inspections, and health and safety standards; 5) report back with data regarding repeat offenders (addresses, names and heat maps).

Member Vice-Chair Warren stated that there's a feeling that nothing is being done with the license fees. Incentives should be given to landlords that keep their rental homes consistent and in good shape.

Mr. Look stated that the landlord permit is given to single-family neighborhood zones and some multi-family zones. There's a mechanism in place. The fee for a single-family license is \$147. The City has 6,000 rental licenses.

Member Simmons asked where the majority of permits are located in the City.

Mr. Look stated that it is widely distributed.

Member Hayes-Santos stated that we should ensure that standards are met. The City needs to find ways to enforce the standards we basically have. Member Hayes-Santos suggested low-cost loans for landlords to fix their homes and provide affordable housing.

Member Vice-Chair Warren stated that we need to maintain people in their homes and there should be a tenant/landlord relationship. There must be an emphasis on how people can stay in their homes and to improve the lives of people.

Member Simmons asked staff to go back to look at ways to utilize license fees in order to hire inspectors to inspect every three years. She stated that a database is needed for repeated offenders. Member Simmons stated that the education component needs to be looked at, and use examples from other cities.

Mr. Murry stated that he will bring the following information to the February 5, 2019 meeting: 1) Fee Structure; 2) Data on repeat offenders (what is in the system); 3) GIS map where the issues are located; 4) Research other communities similar to the City of Gainesville as a university town and see what they are doing and what the consequences have been; 5) Research on cities that may be leaders on this; and 6) Inspection list from other cities.

Member Vice-Chair Warren stated that we should include rental licenses and inspections to duplexes, and HOA with larger condominiums.

Member Hayes-Santos mentioned that at the February meeting, the Subcommittee should look at the legal aspect of inspections.

City Attorney Nicolle Shalley stated that the Legal Department reviews any official action to make sure it complies with County, State, and Federal laws. Whatever the subcommittee brings to the legal department they will look at it for review and counsel.

RECOMMENDATION The General Policy Committee discuss.

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent: 1 - Chair Arreola

180593. **Rental Housing Subcommittee Referral List (B)**

RECOMMENDATION Discuss

No Action Taken

MEMBER COMMENT

CITIZEN COMMENT

NEXT MEETING DATE - December 18, 2018

ADJOURNMENT - 5:15 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

December 18, 2018

3:00 PM

Roberta Lisle Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:07 PM

ROLL CALL

Present 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent 1 - Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Adopted. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent: 1 - Chair Arreola

APPROVAL OF MINUTES

180609. **Rental Housing Subcommittee Minutes (B)**

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of November 26 and December 4, 2018.*

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent: 1 - Chair Arreola

DISCUSSION ITEMS

180610. **Discuss the Time and Location of January 15, 2019 Meeting (NB)**

Motion: Clerk's staff will locate a venue so that the January 15, 2019 meeting can be held in the evening.

RECOMMENDATION *Discuss*

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Simmons, and Vice-Chair Warren

Absent: 1 - Chair Arreola

180591. **Energy Efficiency (B)**

Amy Carpus made a presentation.

RECOMMENDATION *Hear a presentation from staff.*

Heard

180593.

Rental Housing Subcommittee Referral List (B)

RECOMMENDATION

Discuss

No Action Taken

MEMBER COMMENT

Motion: GRU staff to report back at the February 19, 2019 meeting regarding the following items: 1) Look at basics of what a program would look like for minimum energy and water efficiency standards for rental units with focus on most cost-effective efficiencies; 2) Look at what energy and water efficiency inspection programs would look like; 3) Energy efficiency ratings program; 4) Looking at affordable energy and water efficiency rental loan program (see what best practices are in other places); 5) Rebates and grants (look at what best practices are in other places) for landlords; 6) Strong and innovative education component; 7) Bring back information on what exactly the HERS (Home Energy Rating System) requirements are; and 8) Minimum efficiency standards for new construction.

A motion was made by Member Hayes-Santos, seconded by Commissioner Simmons to Approve the Above Motion:

Aye: 3 - Hayes-Santos, Simmons and Vice-Chair Warren

Absent: 1 - Chair Arreola

PUBLIC COMMENT

*Kali Blount
Jeff Shapiro
James Thompson
Sheila Payne
Travis Atria
Sandy Parker
Kayla Sosnow
Janice Garry
Matthew Milas
Susan McQuillan
Jason Fults
Gwendolyn Thompson
Mark Wilkie
Robert Carroll
Jesse Cosme
Nancy Deren
Reina Saco
Jon DeCarmine
Pat Abbitt*

NEXT MEETING DATE - January 2, 2019

ADJOURNMENT - 5:30 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

January 2, 2019

3:00 PM

Room 16

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:04 PM

ROLL CALL

Present 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent 1 - Simmons

ADOPTION OF THE AGENDA

A motion was made by Vice-Chair Warren, seconded by Hayes-Santos, that this Matter be Adopted. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

APPROVAL OF MINUTES

180627. **Rental Housing Subcommittee Minutes (B)**

RECOMMENDATION *The Rental Housing subcommittee approve the minutes of December 18, 2018.*

A motion was made by Vice-Chair Warren, seconded by Hayes-Santos, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

DISCUSSION OF PENDING REFERRALS

180628. **Short-Term Vacation Rentals (NB)**

Jeff Look made a presentation.

RECOMMENDATION *Discuss*

Discussed

180593. **Rental Housing Subcommittee Referral List (B)**

Motion: Discuss the short-term vacation rental item at the March 5, 2019 meeting for further discussion.

RECOMMENDATION *Discuss*

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following

vote:**Aye:** 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola**Absent:** 1 - Simmons**MEMBER COMMENT**

Vice-Chair Warren: 1) Work with legislators and other communities to establish regulations; 2) Better engagement and communication between neighbors; 3) Would like to see Code Enforcement Officers seven days a week; and 4) Establish a registration system so that neighbors know who the landlord is and have the ability to call if there are issues with noise and/or parking. Possibility of cutting down on the calls to Code Enforcement.

Member Hayes-Santos: 1) There should be regulations in place that call for state inspections to be done periodically. The home should be up to safety standards, whether long-term or short-term rentals; 2) There needs to be advertising when offering a rental unit in a single-family zoned area, regarding state defined occupancy limits; and 3) Would like to see Code Enforcement Officers on call twenty-four hours a day, seven days a week.

PUBLIC COMMENT

*Matthew Hurst
Kali Blount
Matthew Milas
Jess Larson
Eli Collins
Sandra Hancock
Hank Watson
Jessica
Dave Wilson
Kayla Sosnow*

NEXT MEETING DATE - January 15, 2019 - 5:30 PM**ADJOURNMENT - 4:26 PM**

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

January 15, 2019

5:30 PM

GRU Multi-Purpose Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 5:32 PM

ROLL CALL

Present 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Adopted. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

APPROVAL OF MINUTES

180652. **Rental Housing Subcommittee Minutes (B)**

Motion: Approve the draft minutes as revised.

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of January 2, 2019.*

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

DISCUSSION OF PENDING REFERRALS

180653. **Renters' Rights and Responsibilities (NB)**

Motion: Staff to come back with: 1) Options on mediation/arbitration programs; 2) County wage theft model; 3) Renters bill of rights and responsibilities, 4) Rental and landlord training programs; 5) Occupancy limit disclosure; 6) Draft ordinance on landlord rights; and 6) Landlord mitigation fund options.

Listed below are comments/suggestions by the Subcommittee:

Commissioner Hayes-Santos - 1) Transparency between landlord and renters; 2) Landlord tenant disputes: development mediation program; 3) Lease: rights/responsibilities before signing a lease (i.e. like a disclosure).

Vice-Chair Warren: 1) Knowledge/understanding of rental agreements; 2) Landlord mitigation; and 3) Involved in housing.

Chair Arreola: 1) Priorities, policies, outcomes; 2) Responsibilities - where does it belong; 3) Energy efficiency standards - important; 4) Anti-discrimination; and 5) Mediation/mitigation - want detailed options.

Commission Simmons: 1) Protection from discrimination; and 2) University low-cost landlord licensing.

Commissioner Hayes-Santos: Landlord license fee - allocate towards renters' projects. Staff to work on ordinance.

Vice-Chair Warren: 1) License fund - has oversight. Keep people stable; getting both sides of story - needed education is critical, need advocates.

Commissioner Simmons: 1) No need for sample lease; 2) Certain population of community not present; 3) Heat map with Code Enforcement, 4) License fees; and 5) County wage theft ordinance as a model.

Fred Murry spoke to the matter..

Monica Cooper, Terry Martinbach, Matthew Minus, Eli Barrett, Arnall Downs, Jeremiah Tattersall, Tamara Robbins, Alex Chains, Jason Fults, Miguel Valdez, James Thompson, Darlene Pifalo, Sheila Payne, Magda Devinski, Sandy Parker, Paul Ortiz, Janice Gary, Robert Mounts, Mary Anderson, Reina Sacco, Robert Carroll, Matthew Hurst, Susan McQuillan, Sharon Bauer, Kayla Sosnow and Jo Beaty spoke to the matter.

RECOMMENDATION *Discuss*

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

180593.

Rental Housing Subcommittee Referral List (B)

RECOMMENDATION *Discuss*

Discussed

MEMBER COMMENT

PUBLIC COMMENT

NEXT MEETING DATE - February 5, 2019

ADJOURNMENT - 8:10 PM

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

February 5, 2019

3:00 PM

Room 16 Roberta Lisle Kline Conference Room

Rental Housing Subcommittee

Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)

CALL TO ORDER - 3:05 pm

ROLL CALL

Present 2 - Hayes-Santos, and Vice-Chair Warren

Absent 2 - Simmons, and Chair Arreola

ADOPTION OF THE AGENDA

Did not have a quorum.

APPROVAL OF MINUTES

180682. Rental Housing Subcommittee Minutes (B)

Item will be brought back at the February 19th meeting for approval.

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of January 15, and February 5, 2019.*

Continued

170873. Landlord License Rental (B)

Assistant City Manager Fred Murry gave an overview.

Code Enforcement Supervisor Jeff Look gave a presentation.

Commissioner Hayes-Santos spoke to matter.

Assistant City Attorney Sean McDermott spoke to matter.

Kali Blount, Terry Martinback, Darlene Pifalo, Matthew Milas, Tonya Chappel, Heather Swanson, Susan McQuillan, Reina Saco, Jason Fults, Sheila Payne, Sandy Parker, Nancy Daren, Clay Coleman, Kayla Sosnow and Jessie Cosmel spoke to the matter.

RECOMMENDATION *The General Policy Committee discuss.*

No Action Taken

180593. Rental Housing Subcommittee Referral List (B)

RECOMMENDATION *Discuss*

No Action Taken

DISCUSSION OF PENDING REFERRALS

MEMBER COMMENT

Commissioner Hayes-Santos suggested to reschedule File #170873 for the February 19th meeting and move other scheduled items back one meeting.

PUBLIC COMMENT

NEXT MEETING DATE - February 19, 2019, Room 16

ADJOURNMENT

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

February 19, 2019

3:00 PM

Room 16 Roberta Lisle Kline Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:03 PM

ROLL CALL

Present 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Vice-Chair Warren, seconded by Hayes-Santos, that this Matter be Adopted. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

APPROVAL OF MINUTES

180682. **Rental Housing Subcommittee Minutes (B)**

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of January 15, and February 5, 2019.*

A motion was made by Vice-Chair Warren, seconded by Hayes-Santos, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

DISCUSSION OF PENDING REFERRALS

170873. **Landlord Rental License (B)**

Motion: Direct staff to return back at a subsequent meeting with in-depth options on the following: 1) A universal landlord license program for all units in the City (yearly-health and safety-health inspections); 2) Come back with options for required periodic inspections (4 years - 3 years) with private contractors or for a City Inspector to go out (3rd party) checking to make sure it is safe (provides a more in-depth inspection); 4) Options for penalties and how to get compliant; 5) What exemptions should be smart to have; 6) Have proposed options for phase in for inspections and permits; and 7) Begin reaching out to build educational partnerships with community stakeholders.

Jeff Look, Code Enforcement Manager, summarized a presentation from 2/5/19 providing examples of landlord rental licenses and permits from similar municipalities.

Fred Murry spoke to the matter.

Pat Abbot, Janice Gary, Brian Petty, Kali Blount, Jessi Kozmay, Terry Martinback, Heather Swanson, Matthew Manos, Susan McQuillin, Matthew Hearst, Rena Saco, Sheila Payne, Donald Shepherd, Janeel Marez, Suzanne Petty, Jason Fultz and Robert Carroll spoke to the matter.

RECOMMENDATION

The Rental Housing Sub-committee discuss.

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

MEMBER COMMENT

Vice-Chair Warren: 1) look at individuals that have month-to-month leases; 2) rent is going up - need to have a community conversation.

Member Simmons: Campaign for good tenant and good landlord.

Member Hayes-Santos: 1) inspections; and 2) licensing.

PUBLIC COMMENT

NEXT MEETING DATE - March 5, 2019

ADJOURNMENT - 4:44 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

March 5, 2019

3:00 PM

Room 16 Roberta Lisle Kline Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:01 PM

ROLL CALL

Present 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Adopted. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

NEW BUSINESS

APPROVAL OF MINUTES

180787.

Rental Housing Subcommittee Minutes (B)

Motion: 1) Fix the motion from the February 19, 2019 meeting on when to bring back the landlord rental license item; and 2) Correct the spelling for Robert Carroll.

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of February 19, 2019.*

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be continued to the next meeting with corrections made. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

180591.

Energy Efficiency (B)

Commissioner Simmons arrived at 3:05 PM.

Motion: 1) Direct Code Enforcement to start creating a program for Commission consideration (and for GRU to work with Code Enforcement); 2) Look at Boulder, CO as a model, but not to make a decision on hers/hes); 3) Water conservation be a part of it; 4) Exemptions for new construction and historic structures; 5) Bring back what a phase-in program might look like, focusing on ones before 1996; 6) Energy efficiency reports be brought before the lease is signed; 7) Look at rental rehabilitation loan programs similar to Tallahassee; 8) Include education; 9) Example from Ann Arbor, MI universal licensing; and 10) City staff will report back by April 16, 2019 with an update on subcommittee's requests/direction.

Chief Customer Officer Bill Shepherd introduced the item.

Residential Efficiency Program Coordinator, Amy Carpus gave a presentation on types of energy efficiency rating programs. Presentation reviewed housing efficiency standards, rating program options and educational opportunities related to energy efficiency.

Listed below are comments/suggestions from Members:

Member Hayes-Santos: 1) Boulder, Colorado has a good model to look at; 2) If you are going to rent in the City of Gainesville, it needs to meet the minimum energy efficiency standards; 3) Have exemptions for new construction (maybe 10 years before they have an energy efficiency audit); 4) Tallahassee Loan Program (1-4 units); 5) Water conservation; and 6) 5-year check.

Vice-Chair Warren: 1) Tools for tenants (work on conversations with those owners); and 2) Would like to see examples of incentives that have been shown to work in addition to a mandatory approach.

Member Simmons: 1) Does Gainesville have a similar program to Tallahassee's rental rehabilitation program. Fred Murry spoke to the matter and stated yes, we have had rental rehab programs, but has certain requirements. We can look at that – HUD used to provide rental rehab funding; 2) Phasing in some of the projects; 3) Rating scale; 4) Education component; 5) Requested information on past utility rental programs offered by the City; 6) Rebate programs; and 7) Need to separate Section 8 from public housing.

Chair Arreola: 1) Requested references from staff on specific Florida statutes related to energy efficiency; 2) Requested links to utility rental rehabilitation programs. Staff will send links to all programs referenced in the presentation; 3) Regulations for Section 8 regarding health and safety, not energy efficiency. Amy Carpus spoke to the matter and stated there are no specific efficiency standards for Section 8 housing; 4) Can the city enforce standards for federal Section 8 housing, Nicolle Shalley spoke to the matter and stated that they need to know more about purpose of regulation before answering; 5) Wants to ensure that today's direction does not preclude further action; not prepared to decide on all options today; 6) Will give time for staff to keep working on these issues, identify areas of overlap, streamline workflow. No specific date requested for staff to come back.

Donald Shepherd, Kayla Saznia, Heather Swanson, Matthew Umanos, Jeremiah Tattersall, Robert Carroll, Sheila Payne, Reina Sacco, Deborah Martinback, Darlene Pifalo, Terry Martinback, Matthew Hearst, Nancy Daren and Sandy Parker spoke to the matter.

RECOMMENDATION *Hear a presentation from staff.*

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

DISCUSSION OF PENDING REFERRALS

180593.

Rental Housing Subcommittee Referral List (B)

1) 4/2/19 - Short-term vacation rentals

2) 4/16/19 - 1) Renters' Rights Responsibilities; and 2) City staff will report back with an update on subcommittee's requests/direction.

RECOMMENDATION Discuss

Discussed

180788. **Sunset Date (NB)**

Motion: Extend the Subcommittee to June 1, 2019.

Nancy Daren spoke to the matter.

RECOMMENDATION *Extend the sunset date beyond March 14, 2019 and refer to the City Commission.*

A motion was made by Simmons, seconded by Hayes-Santos, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

MEMBER COMMENT

PUBLIC COMMENT

NEXT MEETING DATE - April 2, 2019

ADJOURNMENT - 5:31 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

April 2, 2019

3:00 PM

Room 16 Roberta Lisle Kline Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:02 PM**ROLL CALL**

Present 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Adopted. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

APPROVAL OF MINUTES**180842. Rental Housing Subcommittee Minutes (B)**

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of February 19 and March 5, 2019.*

A motion was made by Hayes-Santos, seconded by Simmons, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

DISCUSSION OF PENDING REFERRALS**180653. Renters' Rights and Responsibilities (B)**

Motion direct staff to proceed with: 1) sending cities reviewed for arbitration medication program; 2) reach out to landlords and tenant organizations to gather what a tenant bill of rights and responsibilities would look like; and to be given out when a lease is signed; 3) work with landlord/tenant organizations to craft an education program; 4) draft a tenant occupancy attestation to be included in a lease; 5) have staff draft a recommendation for an income source and immigration status to be added to City code; provide what Alachua, Broward, other counties have done with ordinances; 6) staff find an entity to administer the landlord/mediation fund; and 7) bring back budget and outline of how an action officer would help landlord/renters navigate process.

Opening remarks given by City Attorney, Nicolle Shalley, asking members how they would prefer to proceed with reviewing the memo provided by staff. Chair Arreola spoke in favor of proceeding with open discussion rather than staff presentation on each topic.

(1) Arbitration or mediation programs for landlord/tenant disputes

Member Hayes-Santos asked a question regarding arbitration or mediation programs for landlord/tenant disputes. Commented in favor of a mediation program, request to support this type of program further.

Member Simmons asked questions regarding the mediation program, why staff recommended no action. City Attorney Nicolle Shalley responded.

Vice-Chair Warren commented that she had not yet reviewed the memo from staff regarding the Rental Housing topic recommendations.

Chair Arreola spoke to the matter of mediation programs from other cities. Asked a question regarding the cost of these programs. City Attorney Nicolle Shalley responded.

Vice-Chair Warren asked a question about funding a mediation program through landlord fees. City Attorney Nicolle Shalley responded.

Member Hayes-Santos commented about support for a mediation program for landlord/tenant issues.

Member Simmons asked about the possibility of a mediation pilot program.

City Attorney Nicolle Shalley spoke about the creation of a mediation program. No further research necessary from staff, Commission would next provide policy direction to staff to develop a program.

Member Hayes-Santos asked staff for a list of the cities with mediation programs staff had reviewed for the memo. Made a comment about resolving roommate issues. City Attorney Nicolle Shalley responded.

Vice-Chair Warren asked a follow-up question about a list of cities she had provided. Assistant City Manager Fred Murry responded that staff will also address the topic during the budget process.

Member Simmons and Chair Arreola commented. Chair Arreola asked staff about the City developing a program to help residents navigate existing available resources. City Attorney Nicolle Shalley responded that management would provide direction. Assistant City Manager Fred Murry responded about the possibility of creating an action officer to guide citizens through the process of addressing issues through existing systems rather than a mediation program.

Vice-Chair Warren asked a question about existing community resources for courts and legal services. City Attorney Nicolle Shalley and Assistant City Manager Fred Murray responded.

Member Hayes-Santos spoke in support of an action officer to support public in navigating resources.

(2) Tenant bill of rights and responsibilities and (3) Landlord/tenant education program:

Member Hayes-Santos spoke in support of a tenant bill of rights.

Member Simmons spoke in favor of an action officer and partnering with other organizations on education efforts for renters. Member Hayes-Santos responded in agreement, noted importance of partnering with tenants and landlords on education efforts and informing renters of available resources at lease signing.

Vice-Chair Warren commented about educating renters when signing lease

agreements.

Member Simmons commented about providing an educational link for landlords in a licensing program.

Chair Arreola commented about an education program, spoke in favor of the City informing renters (rather than advising) on state law/renters' rights. Supports providing information at the time of signing a lease.

Vice-Chair Warren spoke to the matter.

Member Simmons asked a question about intention with tenant bill of rights. Member Hayes-Santos responded about the need to help tenants understand leases and landlord requirements, making the information mandatory.

Member Simmons asked if they could get a condensed list of top issues of tenant issues and a resource guide. Chair Arreola responded.

Chair Arreola asked how staff would proceed if the Commission directed them to seek community feedback on the topic. Assistant City Manager Fred Murry responded.

Vice-Chair Warren asked about an information/checklist provided to tenants in lease agreement paperwork. A member of the public responded.

(4) Mandatory disclosure of City Code occupancy limits

Member Hayes-Santos spoke in favor of requiring the disclosure.

(5) Amending the City's Fair Housing Code provisions to include prohibiting discrimination in rental of housing based on income source and immigration status.

Member Simmons requested that the Equal Opportunity office speak to the matter. Equal Opportunity Director Teneeshia Marshall spoke to the matter of inquiring about renters' immigration status. Already a protected status under federal law, so no need to add to the code. Recommends further discussion on what constitutes "lawful source of income" as a protected class, seeking public comment because it will impact landlords and tenants. Assistant City Manager Fred Murry commented that Alachua County might be considering such an ordinance.

Rena Sacco spoke to the matter.

Assistant City Manager Fred Murry noted that this topic will be discussed in a meeting with the police next week.

Member Hayes-Santos requested more information on what the County is doing with income source and ordinances from Broward and Miami-Dade, what has been done in other municipalities with regard to these protected areas.

Chair Arreola spoke to the matter in support of offering protection for residents in addition to federal standards.

(6) Landlord mitigation fund options

Vice Chair Warren commented about the success of mitigation funds in other

locations and supporting residents to know about available services. Would need to define policies, which party would oversee and distribute the funds. Wants to know if the subcommittee supports partnering with the County and other local agencies to create a \$100,000 trust (~\$40,000 identified currently). Chair Arreola agreed that they would have to establish who would manage the fund, parameters for accessing the funds.

Member Hayes-Santos spoke in support of the fund, asked a clarifying question about who would lead the program. Vice-Chair Warren responded.

Assistant City Manager Fred Murry commented that staff will be including a request for \$15,000 for the fund in the budget process, but requires further discussion about who will administer the program. Would need an interlocal agreement and rules/regulation for the fund.

Vice-Chair Warren would like staff to include a budget line item and follow-up on partnering with the Continuum of Care on administering the program.

Member Simmons spoke in favor of the mitigation fund, asks to revisit the fund after implementation to review whether funds are being utilized.

Chair Arreola asked to clarify that part #5 add language on County's prohibited practices, threats to disclose status; look at County's language and examples from other cities and states to include.

Member Simmons clarified that action officers be included in the motion.

City Attorney Nicolle Shalley asked to clarify the subcommittee's sunset date. At some point, will need to take actions to the City Commission for further action. Recommended that the City Manager's Office reach out to community partners to compile content on landlord/tenant informational materials; should not be put together by City staff. Regarding part #3 – existing landlord permit regulations require that landlords provide renter information. City can include this in the motion at the next meeting to require tenants to sign a receipt acknowledging that they have received the information.

Member Hayes-Santos asked a question about the City providing information on state law. City Attorney Nicolle Shalley responded, asked for further direction about what the subcommittee wants regarding landlord/tenant educational materials.

Chair Arreola and Member Hayes-Santos spoke to the matter.

Vice-Chair Warren asked a question about what the action officer's function would be? Member Simmons and Chair Arreola responded.

Member Hayes-Santos commented about citizens contacting the City with rental issues. Supports staff returning with models from other cities. Equal Opportunity Director Teneeshia Marshall responded about a Landlord/Tenant Coordinator from Tacoma, WA.

Alice Primack, Matthew Hearst, Susan McQuillin, Rena Sacco, Matthew Mendez, and Mark Wilky spoke to the matter.

RECOMMENDATION

Staff recommendation: 1) Review the memorandum and its exhibits; 2) discuss topic 5 and determine whether the

Subcommittee desires to recommend to the City Commission that an ordinance be drafted to add "lawful source of income" as a protected class within the City's Fair Housing Code; and 3) discuss topic 6 and determine whether the Subcommittee desires to recommend that the City Commission create a landlord risk mitigation fund and if so, the Commission would need to allocate annual funding to reimburse landlords, identify City staff/resources to administer the program and establish a policy for how such a program would be administered, including a statement of the public purpose for expenditure of City funds.

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

180593.

Rental Housing Subcommittee Referral List (B)

At the April 16, 2019 meeting, the following items will be on the agenda: Energy Efficiency, Short-Term Vacation Rentals and Landlord License Rental.

Chair Arreola confirmed that the subcommittee will sunset with the last meeting, the second meeting in June, 2019.

RECOMMENDATION *Discuss*

MEMBER COMMENT

Member Hayes-Santos clarified that a Landlord-Tenant officer would work to represent both parties.

PUBLIC COMMENT

NEXT MEETING DATE - April 16, 2019

ADJOURNMENT - 5:12 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

April 16, 2019

3:00 PM

Room 16, Roberta Lisle Kline Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 3:10 PM**ROLL CALL**

Present 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent 1 - Simmons

ADOPTION OF THE AGENDA

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Adopted. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

APPROVAL OF MINUTES180957. **Approval of Minutes (B)**

RECOMMENDATION *The Rental Housing Subcommittee approve the minutes of April 2, 2019.*

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

DISCUSSION OF PENDING REFERRALS180958. **Rental Housing Code (B)**

Motion: 1) To get a permit you have to submit self-inspection form to obtain a permit; and also in that same section, remove requirements to hand out Chapter 83, Part II and Article IV of the City code, instead require energy efficiency rating hand out is given; require city tenant bill or rights and responsibilities be handed out; and require State brochure on Chapter 83 be handed out; 2) Rollout - when permits are issued, staff look at alternative times throughout the year; 3) Permit fees: direction for revenue neutral landlord permit; 4) When standards go into effect: Life and Safety Standards be met January, 2020; Minimum Housing Standard and Energy Efficiency Standard be met January, 2021; 5) City Code inspections would go into effect January, 2021 - every four years - goal to inspect all units within 4-year timeframe for energy efficiency and health and safety standards; 6) Staff come back with citations of facts required; 7) Staff come back with an estimate on how many rentals fit within 1, 2,3 and 4 units; 8) Staff come back with financial estimates on the program, and also have cost estimates for inspections every 4 and 5 years; 9) Staff continue to review preemptions for above 4 units, and try to find creative ways to get around those; 10) Bring back more

information on mold inspections, how current process works; and 11) Clerk schedule an additional meeting in May.

Vice-Chair Warren clarified amending the motion to make it manageable for staff.

Opening remarks given by City Attorney, Nicolle Shalley, introducing the presentation on an outline proposed by staff to guide the development of a Rental Housing Code based on the Subcommittee's discussions to date.

A presentation on a proposed Rental Housing Code was given by Fred Murry, Assistant City Manager; Jeff Look, Interim Code Enforcement Manager; Amy Carpus, Residential Efficiency Program Coordinator and Nicolle Shalley, City Attorney. The ordinance would create a new regulatory framework addressing three separate topics discussed by the Rental Housing Subcommittee: 1) Landlord License Rental (No. 170873); 2) Short-Term Vacation Rentals (No. 180399); and 3) Energy Efficiency (No. 180591).

Mayor-Commissioner Pro Tem Hayes-Santos asked questions about FL State Statute related to preemption - if it would impact the proposed ordinance. City Attorney Nicolle Shalley responded.

Presentation reviewed the regulatory requirements as outlined in the staff memo.

Mayor-Commissioner Pro Tem Hayes-Santos commented about streamlining the current application process. Thanked staff for the memo, asked about ways to address preemption issues. Asked questions about the timing of obtaining permits; maintaining lists of occupant names; landlord permit fee prices; and effective dates of regulations. Staff responded.

Mayor-Commissioner Pro Tem Hayes-Santos spoke in support of giving an energy efficiency rating. Staff responded. Vice-Chair Warren responded. Chair Arreola spoke to the matter. Requested for staff to return with a list of how many 1-4 rental units are in the city.

Vice-Chair Warren spoke about providing education on the responsibility of individuals renting and buying homes. Asked a question about the timing of inspections, possibility of a rolling schedule for licenses and permits. Thanked staff for work on the ordinance. Asked about how to inform people about renter's rights, possibility of working with owners/realtors to develop a standard and posting in every dwelling.

Jeff Look responded.

Chair Arreola thanked staff for the framework. Commission will have to make decisions on budget, who will complete the work. Will require generous timeframe for completing and receiving inspections.

Mayor-Commissioner Pro Tem Hayes-Santos commented about energy efficiency. Would like to give direction today to clarify points so that staff could develop financial projections, be able to make recommendations. Chair Arreola concurred, need estimates of round numbers to bring to the full Commission. Fred Murry asked Budget and Finance to bring recommendations to budget increment subject to Commission's approval. Recommends January implementation date, allowing for window of education before 2021 budget discussions.

Kim Popejoy, Jane Grey, Mary Barr, Robert Carroll, Jesse Cosme, Jacob Loch,

Gordon Clemons, Matthew Hearst, Nancy Daren, Sandy Hartner, Alfredo Ortiz, Christina Joy, Jeremiah Tattersall, Reina Saco, Anthony Mulliness, Matthew Manis, Tommy Chapel, Nkwanda Jah, James Thompson, Sheila Payne, Pat Abbott, Kendra Vincen and Cindy Montel spoke to the matter.

Vice-Chair Warren proposed amendment to break down into phases. Wants to emphasize getting units safe and energy efficient. Concerns about process of implementation, wants to be more specific and clear in directing staff to keep process from stretching on too far.

Chair Arreola spoke to the matter. Clarified that this subcommittee was created to address rental housing; City Commission is addressing affordable housing.

Mayor-Commissioner Pro Tem Hayes-Santos wants to understand preemption law. Nicolle Shalley responded, clarified ability of staff to carry out the direction included in the motion. Staff can return with estimate of units to be regulated.

Vice-Chair Warren wants to look at item on energy efficiency separately. This will be added as an item on the next agenda.

Mayor-Commissioner Pro Tem Hayes-Santos offered to separate energy efficiency rating system item, come back with another format.

Chair Arreola commented that some items require more debate.

Fred Murry confirmed they will include TBD for estimated costs of regulatory program in budget discussions.

RECOMMENDATION Review memorandum and hear a presentation from staff.

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 3 - Hayes-Santos, Vice-Chair Warren, and Chair Arreola

Absent: 1 - Simmons

180593.

Rental Housing Subcommittee Referral List (B)

Next meeting: 1) Discuss options for energy efficiency framework to include in regulatory housing code; and 2) Keep Rental Housing Code as and agenda item.

Mayor-Commissioner Pro Tem Hayes-Santos and Chair Arreola spoke to the matter of direction to staff regarding energy efficiency framework. City staff clarified on energy efficiency – whether a regulation of minimum required standards versus required rating system (with a score) for a landlord license.

Vice-Chair Warren spoke to the matter of whether the policy addresses the intention regarding renter safety issues and energy efficiency. Mayor-Commissioner Pro Tem Hayes-Santos responded.

RECOMMENDATION Discuss

Discussed

MEMBER COMMENT

PUBLIC COMMENT

NEXT MEETING DATE - May 28, 2019

Schedule an additional date before May 28 (quickly to announce to the public).

ADJOURNMENT - 5:26 PM

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

May 15, 2019

2:00 PM

Room 16, Roberta Lisle Conference Room

Rental Housing Subcommittee

*Commissioner David Arreola (Chair)
Commissioner Helen Warren (Vice-Chair)
Commissioner Gigi Simmons (Member)
Commissioner Adrian Hayes-Santos (Member)*

CALL TO ORDER - 2:01 PM**ROLL CALL**

Present 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

ADOPTION OF THE AGENDA

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Adopted. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

APPROVAL OF MINUTES**DISCUSSION OF PENDING REFERRALS**

180653.

Renters' Rights and Responsibilities (B)

Motion to the City Commission: Motion No 1 - Creation of the Arbitration/Mediation Program administered by the EEO's Director's Action Officer (with an amendment to direct the Clerk to bring back a letter to the Commission (so it's clear); Motion No 2 - Tenant bill of rights and responsibilities (with an emphasis that the placard should be in a closet or water meter, but not on the front door); Motion No. 3 - Work with landlord/tenant organizations to craft an education program; Motion No. 4 - Draft a tenant occupancy attestation to be included in the lease; Motion No. 5 - City draft our own ordinance language that mirrors Alachua County; Motion No. 6 - Landlord mitigation fund - maintain the direction given by the Joint City Commission/County Commission meeting; and Motion No. 7 - Request that a budget increment be considered for this fiscal year for the rental housing issue (with an amendment that it not to be called an Action Officer, but the position to be named later on).

Teneeshia Marshall spoke to Motion No. 5.

Member Hayes-Santos asked if there was a difference in the ordinances between Alachua, Broward and other counties. Ms. Marshall stated that they are very similar. Member Hayes-Santos recommended to draft an ordinance for income source and immigration status to be added to City Code and to be sent to the City Commission.

Vice-Chair Warren asked if Alachua County is creating an ordinance so we don't duplicate. Suggested that the ordinance mirrors the County.

Nicolle Shalley spoke to the matter.

Fred Murry spoke to the matter.

Member Hayes-Santos spoke in support of Motion No. 1 - Arbitration/Mediation Programs. Member Warren asked who would be the mediator. Nicolle Shalley stated that the City Equal Opportunity Director discussed an Action Officer position to be

housed in the EO Department that would assist with, among other duties, disseminating landlord/tenant information (e.g., the non-regulatory aspects of any City program that is created).

Member Simmons asked about Motion No. 2 - Placard idea. Nicolle Shalley stated that from her understanding from Code Enforcement, it was that the owner's representatives that were opposed to a mandatory placard be placed on the back of the front door, but did support an informational refrigerator magnet.

The Subcommittee agreed to accept Motion No. 4 - Draft a tenant occupancy attestation to be included in a lease. An occupancy affidavit to be signed by the tenant will be developed if the Commission moves forward with a Rental Housing Code Ordinance, as it was included as a requirement under the draft regulatory framework.

Mr. Murry pointed out that Motion No. 6 needs to be discussed at a future budget meeting.

Motion No. 7 - Spoke to whether the Action Officer was a full-time position. Fred Murry spoke to the matter. Member Warren asked who would establish the duties and policies. Fred Murry responded. Chair Arreola stated that the policy objectives should not be so hyper-specific.

Nicolle Shalley recommended that the Clerk formalize what the Subcommittee wants to recommend to the City Commission.

Matthew Umanos, Kali Blount, Robert Carroll, Melanie Barr, James Thompson, Mary Alford, Bobby Muner, Darlene Pifalo, Natalie Maxwell, Patt Abbott and Jason Fufts spoke to the matter.

RECOMMENDATION Discuss this item.

A motion was made by Hayes-Santos, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

180958.

Rental Housing Code (B)

Member Hayes-Santos asked about regulations. He suggested that we move forward on 1-4. On 5 or more - continue looking to see if we could require a license to ensure that tenants in those places have the information as necessary. Nicolle Shalley and Member Simmons spoke to the matter.

Vice-Chair Warren spoke about how to deal with apartment complexes. Natalie Maxwell spoke to the matter.

Member Hayes-Santos stated that he would like to lower the fees.

Vice-Chair Warren spoke about removing the item about energy efficiency standards. Nicolle Shalley spoke to the matter.

The Subcommittee wants to maintain the direction that was given and leave as is.

Member Hayes-Santos requested that the Clerk formalize what the Subcommittee

wants to recommend to the City Commission.

RECOMMENDATION Review the Updated Memorandum and discuss this item.

Discussed

181041.

Energy Efficiency Ratings (B)

Motion: 1) Staff to come back with options for a landlord loan program for repairing homes to meet the minimum housing code standards/energy efficiency standards and that it would be a low-cost loan program for landlords, and if they accept the terms of the loan, they would have to make their places affordable in some fashion for a period of time; and 2) Staff to look at the His/Hers program, get estimates from the third party inspectors to see what it would cost to certify one of the City's inspectors and how much time it would take for our staff to participate as an inspector (come back with an amended budget).

Fred Murry spoke about the health and safety issues.

Member Hayes-Santos spoke about the rating system for each unit (provide more transparency to renters).

Member Simmons would like to see a program in place for people to go to and get some type of assistance. She would like to focus on the His/Hers rating scores and ask staff to get estimates from the third party that can do the inspections that are required and see what it would cost to be a certified inspector to do that. Mary Alford spoke to the matter.

Martin Back, Susan McClellan, Matthew Umanos, Darlene Pifalo, Jason Fults, Melanie Barr, Sandy Parker, James Thompson, Mary Alford, Latrice Drayton, Robert Carroll and Dorothy Olsen spoke to the matter.

RECOMMENDATION Discuss this item.

A motion was made by Simmons, seconded by Vice-Chair Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

180593.

Rental Housing Subcommittee Referral List (B)

Motion: 1) Create a new agenda item which is the official recommendation report of the Rental Housing Subcommittee and combine all of the items (Renter's Rights and Responsibilities, Rental Housing Code and Energy Efficiency Ratings and Short-Term Rental); 2) Have the next Rental Housing Subcommittee meeting on May 28, 2019 in the Auditorium.

RECOMMENDATION Discuss

A motion was made by Vice-Chair Warren, seconded by Hayes-Santos, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 4 - Hayes-Santos, Simmons, Vice-Chair Warren, and Chair Arreola

PUBLIC COMMENT

Kali Blount

MEMBER COMMENT

NEXT MEETING DATE

ADJOURNMENT - 5:14 PM



Appendix C



DATE: April 12, 2019
TO: Rental Housing Subcommittee Members
FROM: Tenecshia L. Marshall, Equal Opportunity Director
SUBJECT: Requested follow-up on landlord/tenant topics

During the April 2, 2019 meeting of the Rental Housing Subcommittee, you requested that staff report back on the following topics:

1. Alachua County's immigration status prohibited practices;
2. Source of income protections from Broward County;
3. Source of income protections from Miami-Dade County;
4. Source of income information from other counties.

When considering the above, this Office offers the following:

1. Alachua County's immigration status prohibited practices.

Alachua County defined "citizenship status" in their draft ordinance as "a perception that the person has a particular citizenship status, or that the person is associated with a person who has, or is perceived to have a particular citizenship status.

Alachua County's draft ordinance would prohibit any landlord or agent to 1) require or request that any tenant, prospective tenant, occupant, prospective occupant, or guest of residential rental property disclose or make any statement, representation or certification concerning his or her citizenship status. 2) Disclose to any person or entity information regarding or relating to citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the residential rental property for the purpose of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling. A copy is attached as **Exhibit A**.

Currently, the Federal Fair Housing Act, nor the City's Fair Housing Code currently include immigration status as a protected class; however, both include national origin as a protected class. Procedures to screen tenants on the basis of citizenship or immigration status may violate the prohibitions on national origin housing discrimination. As such, HUD and the City EO Department will investigate complaints alleging that a landlord inquired into a person's immigration status or citizenship to see whether national origin discrimination may have occurred. If immigration status or citizenship status is added as a

protected class, staff will have to ensure that a complaint is taken based on national origin AND immigration/citizenship status. Because immigration status is not a designated protected class, in order to preserve the complainants rights under federal laws, the City's staff would also be required to investigate the complaint based on national origin.

Again, landlords are allowed to request documentation and conduct inquiries to determine whether a potential renter meets the criteria for rental, so long as the same procedure is applied to all potential renters. Landlords can ask for identity documents and institute income and credit verification to ensure ability to pay rent. However, they cannot be treated differently because of their national origin. Please see attached Immigration Status and Housing Discrimination Frequently Asked Questions from the U.S. Department of Housing and Urban Development as **Exhibit B**.

It is also illegal to coerce, intimidate, threaten, or interfere with a person's exercise or enjoyment of rights granted or protected by the Fair Housing Act. This includes threats to U.S. Immigration and Customs Enforcements (ICE) if they report housing discrimination. Currently, ICE has a policy for individuals pursuing legitimate civil rights complaints, which includes Fair Housing complaints with HUD. Please see attached June 17, 2011 memo from John Morton, ICE Director on "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs," as **Exhibit C**.

2. Source of income protections from Broward County.

On December 6, 2017, Broward County added lawful source of income as an additional protection to their Housing Code. Lawful source of income is defined as "the origin or cause of a legal gain or recurrent benefit, often measured in money or currency, including, but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, unemployment, pension and retirement benefits, an annuity, a gift, an inheritance, the sale or pledge of or interest in property, or any form of federal, state, or local public or housing assistance or subsidy, including Housing Choice Voucher Program or 'Section 8' vouchers, whether such income is received directly or indirectly by the renter or purchaser and even if such income includes additional federal, state, or local requirements."

Attempts to reach out to Broward County were unsuccessful.

https://library.municode.com/FL/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16_1-2HURI_ARTIIDIPR

3. Source of income protections from Miami-Dade County.

Miami-Dade County has also added lawful source of income as a protected class under their fair housing ordinances. Source of income is defined as "the lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, including, but not limited to, Section 8 Housing Choice Vouchers, Supplemental Security Income, Social Security, pensions and other retirement benefits."

Currently, the ordinance is enforced by the Miami-Dade County Commission on Human Rights. Potential violations can be reported via their discrimination complaint process online. The ordinance is

enforced through the complaint process and is investigated by the Commission staff and Human Resources, which is one in the same.

In the event that the Director and/or Commission finds cause to believe that discrimination has taken place, they will make such necessary recommendations to put the aggrieved party in the same position as he/she would have been, absent the discrimination. These recommendations may include, but not be limited to, training and/or civil fines. The Miami-Dade County Commission on Human Rights' recommendations will become final after 15 days, unless either party appeals to the Commission or pursues the matter in a court of appropriate jurisdiction.

Miami-Dade County has taken several complaints based on source of income. Current information reflects they've had six (6) closed citing violations of the ordinance and three (3) have been settled through their mediation process.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH11ADI_ART11HO

4. Source of income information from other counties.

Currently, the City of Seattle, WA covers source of income as a protected class under their Fair Housing code, which was adopted on September 19, 2016. The City currently has a very thorough Frequently Asked Questions link on their website that addresses some of the most common questions that have been received regarding their new protection.

<https://www.seattle.gov/civilrights/civil-rights/fair-housing/source-of-income-protections/faq-alternative-source-of-income-subsidies-and-preferred-employer-programs>

Currently, their new ordinance is enforced by the Seattle Office of Civil Rights. Complaints can be filed in person, over the phone or through their online web form. Complaints are investigated by the Seattle OCR staff.

In the event a violation is found, it is typically resolved through early resolution. The remedies could result in a fine and also requires the posting of a fair housing poster, the attendance of training and possible revisions of policies. If early resolution is not reached, the case would go to the City Attorney's Office or be filed with the Hearing Examiner. Through this process, a landlord could potentially be fined higher fines. There could also be other civil penalties imposed as well as the reimbursement of attorney's fees.

The City of Seattle is currently receiving between 10-20 source of income complaints a year.

<http://www.seattle.gov/civilrights/civil-rights>

EXHIBIT A

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**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 111, HUMAN RIGHTS; PROVIDING FOR ADDITIONAL PROTECTIONS FROM DISCRIMINATION IN HOUSING AND REAL ESTATE TRANSACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA:**

SECTION 1. Article I, Sections 111.01 through 111.08 of Chapter 111, HUMAN RIGHTS, are hereby amended as follows:

CHAPTER 111. HUMAN RIGHTS

ARTICLE I. GENERAL PROVISIONS

Sec. 111.01 Legislative Findings.

It is hereby declared by the Alachua County Board of County Commissioners that:

(a) It is a matter of concern to the Board to protect and safeguard the right and opportunity of all individuals to be free from discrimination, including discrimination based on race, color, national origin, religion, sex, marital status, ~~familial status~~, age, disability, sexual orientation, gender identity or expression; and

(b) The Board's purpose in enacting this ordinance is to promote the personal dignity, public safety, health and general welfare of all individuals who live in, visit and work in Alachua County; and

(c) Discriminatory practices are contrary to the public policy of Alachua County and are a menace to the personal dignity, public safety, health and general welfare of our citizens and, as such, the Board shall direct its efforts toward eliminating discriminatory practices within Alachua County in the areas of employment, housing and public accommodations.

1 **Sec. 111.02 Title of chapter.**

2 Chapter 111, Articles I-IV shall be known and cited as the "Human Rights Ordinance" of
3 Alachua County.
4

5 **Sec. 111.03 Intent of chapter.**

6 It is the intent of this chapter to:

7 (a) secure for all individuals within Alachua County freedom from discrimination
8 because of race, color, national origin, religion, sex, marital status, age, disability,
9 sexual orientation, gender identity or expression in connection with employment,
10 housing or public accommodations; and

11 (~~a~~) (b) prohibit discrimination in housing and real estate transactions based on familial
12 status, veterans or service member status, lawful source of income, citizenship status,
13 or being the victim of dating violence, domestic violence or stalking.
14

15 **Sec. 111.04 Territorial jurisdiction.**

16 This chapter shall be applicable to incidents of alleged discriminatory practices within the
17 geographic boundaries of Alachua County. If any municipality in Alachua County has in force
18 or adopts its own human rights ordinance, such municipal ordinance shall prevail over the
19 Human Rights Ordinance of Alachua County to the extent of any conflict between the two
20 ordinances.
21

22 **Sec. 111.05 Definitions.**

23 The following words, terms, and phrases, when used in this chapter, shall have the
24 meanings ascribed to them in this section, except where the context clearly indicates a different
25 meaning:

26 Age means ~~P~~person(s) who are 18 years of age or older.
27

28 Aggrieved person means ~~A~~any person who claims to have been injured by a
29 discriminatory practice or believes that he or she will be injured by a discriminatory practice that
30 is about to occur.
31

32 Because of sex or on the basis of sex includes but is not limited to, because of or on the
33 basis of pregnancy, childbirth or related medical conditions.
34

35 Board means the Alachua County Human Rights Board created by this chapter.
36

37 Citizenship status includes a perception that the person has a particular citizenship status,
38 or that the person is associated with a person who has, or is perceived to have, a particular
39 citizenship status.
40

41 Complainant means ~~A~~a person who files a complaint with the county pursuant to this
42 chapter.
43
44

1 Covered multifamily dwelling means:
2

- 3 (1) A building which consists of four or more units and has an elevator; or
4
5 (2) Ground floor units of a building which consists of four or more units and does not
6 have an elevator.
7

8 Disability means, as the term pertains to an individual:
9

- 10 (1) A physical or mental impairment that substantially limits one or more of the major
11 life activities of such individual;

12 (a) Major life activities mean basic activities that the average person in the
13 general population can perform with little or no difficulty including
14 but not limited to, caring for oneself, performing manual tasks,
15 walking, sitting, standing, lifting, seeing, hearing, speaking, breathing,
16 learning, thinking, concentrating, working and interacting with other
17 people. Major life activities also includes major bodily functions
18 including, but not limited to, functions of the immune system, normal
19 cell growth, digestive, bowel, bladder, neurological, brain, respiratory,
20 circulatory, endocrine, and reproductive functions.

21 (b) Substantially limits means how an impairment affects the ability to
22 perform a major life activity and is to be construed broadly in favor of
23 expansive coverage, to the maximum extent permitted by the terms of
24 federal or state anti-discrimination laws and regulations.

- 25 ~~(2)~~ A record of such impairment; or
26

- 27 (3) Being regarded as having such an impairment.
28

29 For purposes of the sections of this chapter as they relate to employment, such term does
30 not include any individual who is an alcohol or drug abuser whose current use of alcohol or
31 drugs prevents such individual from performing the duties of the job in question or whose
32 employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to
33 the property or safety of others.
34

35 Discriminatory practice means an act that is unlawful under this chapter.
36

37 Domestic partner means a person in a legal or personal relationship between two
38 individuals (not related by blood) who live together and share a common domestic life but are
39 neither joined by marriage nor a civil union, pursuant to a state or municipal Domestic Partner
40 Registry.
41

- 42 (1) Domestic partnership as recognized under this ordinance shall not be construed to
43 rise to the level of marriage as defined under state or federal law.

1
2 *Employee* means any individual employed by or seeking employment from an employer.
3

4 *Employer* means any person employing five (5) or more employees for each working day
5 in each of four (4) or more consecutive calendar weeks in the current or preceding calendar year,
6 and any agent of such person. Such term shall include Alachua County Board of County
7 Commissioners, but shall not include:
8

9 (1) The United States or a corporation wholly owned by the government of the
10 United States; the State of Florida, any municipal government within Alachua County, or other
11 governmental entity within Alachua County;
12

13 (2) An Indian tribe; or
14

15 (3) A bona fide private membership club (other than a labor organization) which is
16 exempt from taxation under section 501(c) of title 26, United States Code.
17

18 *Employment agency* means any person regularly undertaking, with or without
19 compensation, to procure employees for an employer, or to procure for employees opportunities
20 to work for an employer, and includes an agent of such a person.
21

22 *Familial status* means a status that is established when an individual who has not attained
23 the age of 18 years is domiciled with:
24

25 (1) A parent or other person having legal custody of such individual; or
26

27 (2) A designee of a parent or other person having legal custody, with the written
28 permission of such parent or other person.
29

30 *Family* ~~includes~~ a single individual.
31

32 *Genetic information* ~~includes~~ information about an individual's genetic tests and the
33 genetic tests of an individual's family members, as well as information about the manifestation
34 of a disease or disorder in an individual's family members (i.e. family medical history).
35

36 *Gender identity or expression* shall mean an individual's physical appearance,
37 presentation or representation of being a male or a female, regardless of that individual's
38 assigned sex at birth.
39

40 *Housing accommodation* ~~means~~ any building, structure, or portion thereof, mobile
41 home, or trailer, or other facility which is occupied as, or designed or intended for occupancy as,
42 a residence by one or more families, and any vacant land which is offered for sale or lease for the
43 construction or location thereon of any such building, structure, or portion thereof, mobile home
44 or trailer, or other facility.
45
46

1 Housing and real estate transaction means The sale, purchase, exchange, rental, or
2 lease of real property, and any agreement or contract pertaining thereto, or housing
3 accommodation. Any building, structure, or portion thereof, mobile home, or trailer, or other
4 facility which is occupied as, or designed or intended for occupancy as, a residence by one or
5 more families, and any vacant land which is offered for sale or lease for the construction or
6 location thereon of any such building, structure, or portion thereof, mobile home or trailer, or
7 other facility.

8
9 Immigration or citizenship status includes a perception that the person has a particular
10 immigration status or citizenship status, or that the person is associated with a person who has, or
11 is perceived to have, a particular immigration status or citizenship status.

12 **Labor organization means:**

- 13
14
15 (1) An organization of any kind representing employees in dealing with employers
16 concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of
17 employment;
- 18
19 (2) A conference, general committee, joint or system board, or joint council which is
20 subordinate to a national or international labor organization; or
- 21
22 (3) An agent of a labor organization.

23
24 Lending institution means Any bank, insurance company, savings and loan association,
25 mortgage company, or any other person or organization regularly engaged in the business of
26 lending money or guaranteeing loans, or sources of credit information, including, but not limited
27 to, credit bureaus.

28
29
30 Lawful source of income shall means the lawful, verifiable income paid directly to a
31 tenant or paid to a representative of a tenant, including but not limited to, income derived from
32 social security, supplemental security income, child support, alimony, veteran's benefits,
33 disability benefits, pension and retirement benefits, or any form of federal, state, or local public,
34 food, or housing assistance or subsidy, including assistance from the Supplemental Nutrition
35 Assistance Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers,
36 whether such income is received directly or indirectly by the renter or purchaser and includes
37 supplemental income. Lawful source of income does not require a landlord to participate in U.S.
38 Department of Housing and Urban Development housing choice voucher program.

39
40 Major life activities mean basic activities that the average person in the general
41 population can perform with little or no difficulty including, but not limited to, caring for
42 oneself, performing manual tasks, walking, sitting, standing, lifting, seeing, hearing, speaking,
43 breathing, learning, thinking, concentrating, working and interacting with other people. Major
44 life activities also includes major bodily functions including, but not limited to, functions of the
45 immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory,
46 circulatory, endocrine, and reproductive functions.

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Manager means the manager of the Alachua County Equal Opportunity Office.

Marital Status means an individual's status of being married, separated, or unmarried, including being single, divorced, widowed or a domestic partner.

National Origin means to be from a particular country or part of the world by ancestry, naturally, by marriage, or by adoption.

Owner means Any person, including, but not limited to, a lessee, sub-lessee, assignee, manager, or agent, and also including Alachua County government, having the right of ownership or possession, or the authority to sell or lease any housing accommodation.

Person includes an individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, or unincorporated organization, any other legal or commercial entity, the state, or any other governmental entity or agency.

Place of public accommodation means an establishment which serves or holds itself out to serve the public, including where a member of the public would go to seek the goods, services and facilities which are held out as being open to the public.

Private membership club means A private organization which is exempt from taxation under section 501 (c) of title 26, United States Code; has meaningful conditions on limited membership and eligibility requirements; is controlled or owned by club members and restricts facilities and services to members and their guests.

Protected status or characteristic means Race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression.

Protected status or characteristic in housing and real estate transactions means Race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression, familial status, veteran or service member status, lawful source of income, immigration/citizenship status, or being the victim of dating violence, domestic violence, or stalking.

Real estate broker or salesperson means A person, whether licensed or not, who lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

Real estate transaction The sale, purchase, exchange, rental, or lease of real property, and any contract pertaining thereto.

1 *Readily achievable* means easily accomplishable and able to be carried out without much
2 difficulty or expense.
3

4 *Rent* means lease, sublease, assignment, and/or rental, including any contract to do any
5 of the foregoing, or otherwise granting for a consideration the right to occupy premises that are
6 not owned by the occupant.
7

8 *Respondent* means any person against whom a complaint is filed pursuant to this
9 chapter.
10

11 *Sale* means any contract to sell, exchange, or to convey, transfer, or assign legal or
12 equitable title to, or a beneficial interest in, real property.
13

14 *Service member status* means is a status as defined by federal law and includes the state
15 of serving on active duty in the armed forces of the United States, including the Reserves and
16 National Guard.
17

18 *Sexual orientation* means an individual's actual or perceived heterosexuality,
19 homosexuality or bisexuality.
20

21 ~~*Substantially limits* means how an impairment affects the ability to perform a major life~~
22 ~~*activity and is to be construed broadly in favor of expansive coverage, to the maximum extent*~~
23 ~~*permitted by the terms of federal or state anti-discrimination laws and regulations.*~~
24

25 *Transgender* means an individual whose gender identity or expression differs from his or
26 her assigned sex at birth.
27

28 *Transitioning* means the process of permanently changing one's gender.
29

30 *Veteran status* means the state of having served in any branch of the armed forces of the
31 United States, including the Reserves and National Guard, and having been discharged or
32 released under conditions other than dishonorable as defined under federal law.
33

34 *Victim of dating violence* means a person who has been subjected to acts or threats of
35 violence, not including acts of self-defense, during the course of a significant relationship of a
36 romantic or intimate nature, committed by another person under the following circumstances:

- 37 (1) The nature of the relationship was characterized by the expectation of affection or
38 sexual involvement between the individuals; and
39 (2) The frequency and type of interaction between the individuals was on a continuous
40 basis during the course of the relationship

41 This does not include violence between individuals involved in a casual acquaintanceship
42 or individuals who have engaged only in ordinary fraternization in a business or social
43 context.
44

1 Victim of domestic violence means a family or household member who has been
2 subjected to acts or threats of violence, not including acts of self-defense, by another family or
3 household member.

4 For purposes of this ordinance, "family or household member" includes:

5 (1) A current or former spouse of the victim;

6 (2) A person with whom the victim shares a child in common;

7 (3) A person who is cohabitating with or has cohabitated with the victim; or

8 (4) A person who is or has continually or at regular intervals lived in the same household
9 as the victim.

10
11 Victim of stalking means a victim of acts that constitute or are deemed under state law to
12 be willful, malicious, and repeated following, harassing or cyberstalking of another person, or
13 the making of a credible threat with the intent to place that victim in reasonable fear of death or
14 bodily injury of the person, or the person's spouse, child, parent, sibling or dependent. The term
15 "cyberstalking" means engaging in a course of conduct to communicate or cause to be
16 communicated, words, images or language by or through the use of electronic mail or electronic
17 communication, directed at a specific person, causing substantial emotional distress to that
18 person and serving no legitimate purpose.

19
20 **Sec. 111.06 Generally.**

21 It is a violation of this chapter for a person who owns or operates a place of employment,
22 housing or public accommodation, either personally or through the actions of an employee or
23 independent contractor, to:

24
25 (a) discriminate against a person in employment, housing or public accommodations
26 because of that individual's protected status or characteristic; or

27
28 (b) display or publish any written communication which is to the effect that a person
29 is unwelcome, objectionable or unacceptable because of that individual's protected status or
30 characteristic.

31
32
33 **Sec. 111.07 Incorporation of federal and state regulations.**

34 With respect to the provisions of this chapter which relate to the prohibition of
35 discrimination in employment, housing or public accommodations, the applicable provisions of
36 federal and state anti-discrimination laws and regulations promulgated pursuant thereto are
37 hereby incorporated by reference as if set out in full herein.

38
39 **Sec. 111.08 Retaliation, coercion, interference, obstruction, or prevention of compliance**
40 **with this chapter.**

41 It is an unlawful discriminatory practice for a person to conspire to:

42
43 (a) Retaliate or discriminate against a person because he or she has opposed a
44 discriminatory practice, or because he or she has made a charge, filed a complaint, testified,
45 assisted, or participated in an investigation, proceeding, or hearing under this chapter.

1
2 (b) Aid, abet, incite, or coerce a person to engage in an unlawful discriminatory
3 practice.

4
5 (c) Willfully interfere with the performance of a duty or the exercise of a power by
6 the board or manager, or one of their staff members or representatives.
7

8 (d) Willfully obstruct or prevent a person from complying with the provisions of this
9 chapter or an order issued hereunder.
10

11 SECTION 2. Article III of Chapter 111, HUMAN RIGHTS, is hereby amended as

12 follows:
13

14
15 ARTICLE III. FAIR HOUSING
16

17 Sec. 111.40 Discrimination in housing.
18

19 Except as provided in section 111.41, the following shall be unlawful and discriminatory
20 housing practices, by an owner, real estate broker, as defined in this chapter, or any other person
21 engaging in a real estate transaction, on the basis of a protected status or characteristic in
22 housing.
23

24 (a) Sale or rental; advertising of sale or rental.
25

26 (1) *Refusal.* To refuse to engage in a real estate transaction or otherwise make
27 unavailable or deny housing to any person;
28

29 (2) *Terms; free association.* To discriminate against a person in the terms,
30 conditions, or privileges of a real estate transaction, or in the furnishing of facilities or services in
31 connection therewith, or because of such person's exercise of his right to free association;
32

33 (3) *Offer.* To refuse to receive or to fail to transmit a bona fide offer to engage
34 in a real estate transaction from any person;
35

36 (4) *Negotiation.* To refuse to negotiate for a real estate transaction with a
37 person;
38

39 (5) *Availability; inspection.* To represent to a person that housing is not
40 available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a
41 property listing to such person's attention, or to refuse to permit him or her to inspect the
42 housing;
43

(6) *Leading.* To steer any person away from or to any housing:

1
2 (7) *Notice; record.* To make, print, publish, circulate, post, or mail, or cause
3 to be made, printed, published, or circulated, any notice, statement, advertisement, or sign, or to
4 use a form of application or photograph for a real estate transaction or, except in connection with
5 a written affirmative action plan, to make a record or oral or written inquiry in connection with a
6 prospective real estate transaction, which indicates directly or indirectly an intent to make a
7 limitation, specification, or discrimination with respect thereto;
8

9 (8) *Listing.* To offer, solicit, accept, use, or retain a listing of housing with the
10 understanding that a person may be discriminated against in a real estate transaction or in the
11 furnishing of facilities or services in connection therewith;
12

13 (9) *Proximity of certain housing.* To induce or attempt to induce any person to
14 transfer an interest in any housing by representations regarding the existing or potential
15 proximity of housing owned, used, or occupied by any person protected by the terms of this
16 article;
17

18 (10) *Misrepresentation of listing.* To make any misrepresentation concerning
19 the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any
20 housing for the purpose of inducing or attempting to induce any such listing or any of the above
21 transactions;
22

23 (11) *Retaliation.* To retaliate or discriminate in any manner against any person
24 because of their opposition to a practice declared unlawful by this article, or because he or she
25 has filed a complaint, testified, assisted, or participated in any manner in any investigation,
26 proceeding, or conference under this article;
27

28 (12) *Opposition.* To aid, abet, incite, compel, or coerce any person to engage in
29 any of the practices prohibited by the provisions of this article, or to obstruct or prevent any
30 person from complying with the provisions of this article, or any conciliation agreement entered
31 into hereunder;
32

33 (13) *Causing violation.* By causing any person to compel any practice
34 prohibited by the provisions of this article;
35

36 (14) *Denying accommodation.* Otherwise to deny to, or withhold, any housing
37 accommodations from a person;
38

39 (15) *Inciting unrest.* To promote, incite, influence, or attempt to promote,
40 induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any
41 other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell,
42 remove from, lease, assign, transfer, or otherwise dispose of any housing by referring, as a part
43 of a process or pattern of inciting neighborhood unrest, community tension based on a protected
44 status or characteristic of actual or anticipated neighbors, tenants, or other prospective buyers of
45 any housing;
46

1
2 (16) *False information to obtain listing.* To cause to be made any untrue or
3 intentionally misleading statement or advertisement or, in any other manner, attempt, as a part of
4 a process or pattern of inciting neighborhood unrest, community tension in any street, block,
5 neighborhood, or any other area, to obtain a listing of any housing for sale, rental, assignment,
6 transfer, or other disposition, where such statement or other representation is false or materially
7 misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the
8 statement, or to make any other material misrepresentation in order to obtain such listing, sale,
9 removal from, lease, assignment, transfer, or other disposition of said housing; or

10 (17) *Signs.* To place a sign or display any other device, either purporting to
11 offer to sell, lease, assign, transfer, or make other disposition or tending to lead to the belief that
12 a bona fide offer is being made to sell, lease, assign, transfer, or otherwise dispose of any
13 housing that is not in fact available or offered for sale, lease, assignment, transfer, or other
14 disposition.

15
16 (18) ~~*Immigration or Citizenship Status.*~~ A landlord or any agent of a landlord,
17 shall not do ~~any~~ either of the following:

18
19 a. ~~Require or request that any tenant, prospective tenant, occupant,~~
20 ~~prospective occupant, or guest of the residential rental property disclose or make any statement,~~
21 ~~representation, or certification concerning his or her immigration or citizenship status.~~

22
23 b. ~~Disclose to any person or entity information regarding or relating~~
24 ~~to the immigration or citizenship status of any tenant, prospective tenant, occupant, or~~
25 ~~prospective occupant of the residential rental property for the purpose of, harassing or~~
26 ~~intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a~~
27 ~~tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate~~
28 ~~a dwelling, or recovering possession of the dwelling.~~

29
30 c. ~~This section does not prohibit a landlord or any agent of a landlord~~
31 ~~from doing any~~ either of the following:

32
33 i. ~~Complying with any legal obligation under state or federal~~
34 ~~law, including, but not limited to, any legal obligation(s)~~
35 ~~under any state or federal government program(s) that provide~~
36 ~~for rent limitations or rental assistance to a qualified tenant, or~~
37 ~~a subpoena, warrant, or other order issued by a court.~~

38
39 i. ~~Requesting information or documentation necessary to~~
40 ~~determine or verify the financial or background qualifications~~
41 ~~of a prospective tenant, or to determine or verify the identity~~
42 ~~of a prospective tenant or prospective occupant.~~

43
44 ii. _____

1 (b) *Financing and residential real estate transactions.*

2
3 (1) It shall be unlawful and a discriminatory housing practice for any lending
4 institution, as defined in this chapter, to deny a loan or other financial assistance to a person
5 applying therefor for the purpose of purchasing, constructing, improving, repairing, or
6 maintaining housing, or to discriminate against such person in the fixing of the amount, interest
7 rate, duration or other terms or conditions of such loan or other financial assistance, because of a
8 protected status or characteristic of such person or of any person associated with such person in
9 connection with such loan or other financial assistance, or for purposes of such loan or other
10 assistance, or of the present or prospective owners, lessees, tenants, or occupants of the housing
11 in relation to which such loan or other financial assistance is to be made or given; provided that
12 nothing contained in this subsection shall impair the scope or effectiveness of the exceptions
13 contained in section 111.41

14
15 (2) It is unlawful for any person or entity whose business includes engaging in
16 residential real estate transactions to discriminate against any person in making available such a
17 transaction, or in the terms or conditions of such a transaction, because of a protected status or
18 characteristic. The term "residential real estate transaction" means any of the following:

- 19
20 assistance:
- 21 a. The making or purchasing of loans or providing other financial
 - 22
 - 23 i. For purchasing, constructing, improving, repairing, or maintaining
 - 24 a dwelling; or
 - 25
 - 26 ii. Secured by residential real estate.
 - 27
 - 28 b. The selling, brokering, or appraising of residential real property.
 - 29

30 (c) *Brokerage services.* It shall be unlawful and a discriminatory housing practice to
31 deny any person access to or membership or participation in any multiple-listing service, real
32 estate brokers' organization, or other service organization, or facility related to the business of
33 selling or renting housing, or to discriminate against such person in the terms or conditions of
34 such access, membership, or participation because of a protected status or characteristic.

35
36 (d) *Familial status.* The protection afforded under subsections (a), (b), and (c) of this
37 section against discrimination on the basis of familial status applies to any person who is
38 pregnant or is in the process of securing legal custody of any individual who has not attained the
39 age of 18 years.

40
41 (e) *Discrimination against persons with disabilities in sale or rental.* It is unlawful to
42 discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any
43 buyer or renter because of a disability of:

- 44
45 (1) That buyer or renter;

1 (2) A person residing in or intending to reside in that dwelling after it is sold,
2 rented, or made available; or
3

4 (3) Any person associated with the buyer or renter.
5

6 (f) *Same—Discrimination in terms or conditions.* It is unlawful to discriminate
7 against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the
8 provision of services or facilities in connection with such dwelling, because of a disability of:
9

10 (1) That buyer or renter;
11

12 (2) A person residing in or intending to reside in that dwelling after it is sold,
13 rented, or made available; or
14

15 (3) Any person associated with the buyer or renter.
16

17 (g) *Same—Person acting as agent.* The prohibitions on discrimination because of a
18 disability, as provided for in subsections (e) and (f), are applicable although another person who
19 may be acting as agent or representative for the disabled person in the real estate transaction.
20

21 (h) *Same—Accessibility standards.* For purposes of subsections (e) and (f),
22 discrimination includes:
23

24 (1) A refusal to permit, at the expense of the person with a disability,
25 reasonable modifications of existing premises occupied or to be occupied by such person if such
26 modifications may be necessary to afford such person full enjoyment of the premises;
27

28 (2) A refusal to make reasonable accommodations in rules, policies, practices,
29 or services, when such accommodations may be necessary to afford such person equal
30 opportunity to use and enjoy a dwelling; or
31

32 (3) In connection with the design and construction of covered multifamily
33 dwellings for first occupancy on or after March 13, 1991, a failure to design and construct those
34 dwellings in such a manner that:
35

36 a. The public use and common use portions of such dwellings are
37 readily accessible to and usable by persons with disabilities.
38

39 b. All doors designed to allow passage into and within all premises
40 within such dwellings are sufficiently wide to allow passage by a person in a wheelchair.
41

42 c. All premises within such dwellings contain the following features
43 of adaptive design:
44

45 i. ~~1.~~ An accessible route into and through the dwelling.
46

- ii. ~~3.~~—Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
- iii. ~~3.~~—Reinforcements in bathroom walls to allow later installation of grab bars.
- iv. 4.—Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Florida Accessible Building Code, providing accessibility and usability for persons with physical disabilities, suffices to satisfy the requirements of subsection (h)(3)c. State agencies with building construction regulation responsibility or local governments, as appropriate, shall review the plans and specifications for the construction of covered multifamily dwellings to determine consistency with the requirements of this subsection.

(5) For the purposes of subsection (h)(1) above, in the case of a rental, a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for persons with disabilities any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money, not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications, as well as reasonable assurances that the work will be done in accordance with applicable building codes and that any required building permits will be obtained.

Sec. 111.41 Exceptions.

(a) *Religious societies.* Nothing contained in section 111.40 shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on the basis of a protected status or characteristic.

(b) *Single-family houses.* Nothing in section 111.40, other than subsection (a)(7) thereof, shall apply to:

(1) Any single-family house sold or rented by its owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most

1 recent resident of such house prior to such sale, the exemption granted by this subsection shall
2 apply only with respect to one such sale within any 24-month period; provided further that such
3 bona fide private individual owner does not own any interest in, nor is there owned or reserved
4 on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a
5 portion of the proceeds from the sale or rental of more than three such single-family houses at
6 any one time; provided further that the owner sells or rents such housing:
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- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agent of any such broker, agent, salesperson, or person; and
 - b. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection 111.40(a)(7); however, nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

20 (2) Rooms or units in housing containing living quarters occupied or intended
21 to be occupied by no more than four families living independently of each other if the owner
22 actually maintains and occupies one of such living quarters as such owner's residence, provided
23 that the owner sells or rents such rooms or units:
24

25 a. Without the use in any manner of the sales or rental facilities or the
26 sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or
27 services of any person in the business of selling or renting housing, or of any employee or
28 agency of any such broker, agent, salesperson, or person; and
29

30 b. Without the publication, posting, or mailing, after notice, of any
31 advertisement or written notice in violation of subsection 111.40(a)(7).
32

33 (3) Nothing in this section shall prohibit the use of attorneys, escrow agents,
34 abstractors, title companies, and other such professional assistance as necessary to perfect or
35 transfer the title. For the purpose of this section, a person shall be deemed to be in the business of
36 selling or renting housing if:
37

38 a. Within the preceding 12 months, a person participated as principal
39 in three or more transactions involving the sale or rental of any housing or any interest therein; or
40

41 b. Within the preceding 12 months, a person participated as agent,
42 other than in the sale of his or her own personal residence, in providing sales or rental facilities
43 or sales or rental services in two or more transactions involving the sale or rental of any housing
44 or any interest therein; or
45
46

1
2 c. A person is the owner of any housing designed or intended for
3 occupancy by, or occupied by, five or more families.

4 (c) *Physical accessibility.* Nothing in section 111.40 requires any person renting or
5 selling a dwelling constructed for first occupancy before March 13, 1991, to modify, alter, or
6 adjust the dwelling in order to provide physical accessibility, except as otherwise required by
7 law.

8
9 (d) *Housing for older persons—Definition.* Any provision of this article regarding
10 familial status or age does not apply with respect to housing for older persons. As used in this
11 subsection, the term "housing for older persons" means housing:

12 (1) Provided under any local, state, or federal program that the Secretary of
13 the United States Department of Housing and Urban Development determines is specifically
14 designed and operated to assist elderly persons, as defined in the local, state, or federal program;

15 (2) Intended for, and solely occupied by, persons 62 years of age or older; or

16 (3) Intended and operated for occupancy by at least one person 55 years of
17 age or older per unit. In determining whether housing qualifies as housing for older persons
18 under this subparagraph, the manager shall consider at least the following factors:

19 a. The existence of significant facilities and services specifically
20 designed to meet the physical or social needs of older persons; or, if providing such facilities and
21 services is not practicable, such housing is necessary to provide important housing opportunities
22 for older persons;

23 b. At least 80 percent of the units are occupied by at least one person
24 55 years of age or older per unit; and

25 c. The publication of and adherence to policies and procedures which
26 demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or
27 older.

28 (e) *Same—Additional criteria.* Housing shall not fail to be considered housing for
29 older persons if:

30 (1) A person who resides in such housing on or after September 13, 1988,
31 does not meet the age requirements of this subsection, provided that any new occupant meets
32 such age requirements; or

33 (2) One or more units are unoccupied, provided that any unoccupied units are
34 reserved for occupancy by persons who meet the age requirements of this subsection.

1 (f) *Miscellaneous exceptions.* Nothing in section 111.40

2 (1) Prohibits a person engaged in the business of furnishing appraisals of real
3 property from taking into consideration factors other than a protected status or characteristic.

4 (2) Limits the applicability of any reasonable local restriction regarding the
5 maximum number of occupants permitted to occupy a dwelling.

6 (3) Requires that a dwelling be made available to an individual whose tenancy
7 would constitute a direct threat to the health or safety of other individuals or whose tenancy
8 would result in substantial physical damage to the property of others.

9 (4) Prohibits conduct against a person because such person has been convicted
10 by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled
11 substance as defined under F.S. ch. 893.

12
13 **SECTION 3. Severability.** It is the declared intent of the Board of County
14 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this
15 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity
16 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the
17 remaining provisions of this ordinance.

18 **SECTION 4. Repealing Clause.** All ordinances or portions thereof in conflict herewith
19 are, to the extent of such conflict, hereby repealed on January 1, 2014 (~~see~~ Sec. 111.15).

20 **SECTION 5. Inclusion in the Code.** It is the intention of the Board of County
21 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
22 ordinance shall become and be made part of the Alachua County Code of Ordinances of Alachua
23 County, Florida; that the Code may be renumbered or relettered to accomplish this intention.

24 **SECTION 6. Effective Date.** A certified copy of this ordinance shall be filed with the
25 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
26 after enactment by the Board of County Commissioners, and shall take effect upon filing with
27 the Department of State.

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DULY ADOPTED in regular session, this _____ day of _____, A.D., 2019.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST

By: _____
Charles S. Chestnut, IV, Chair

J.K. "Jess" Irby, Esq.

APPROVED AS TO FORM

(SEAL)

Alachua County Attorney

APPROVED AS TO CORRECTNESS

Equal Opportunity Office

EXHIBIT B



ASSISTANT SECRETARY FOR
FAIR HOUSING AND EQUAL OPPORTUNITY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

Immigration Status and Housing Discrimination Frequently Asked Questions

1. Does immigration status affect whether a person is covered by the Fair Housing Act?

No. Every person in the United States is protected by the Fair Housing Act. A person's immigration status does not affect his or her federal fair housing rights or responsibilities. The Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability. Such discrimination is illegal regardless of the victim's immigration status.

Examples:

- If a landlord refuses to rent to someone because of a person's religion, that is illegal discrimination regardless of immigration status.
- If a landlord charges a different price or asks for additional identification documents because of a person's national origin, that is illegal discrimination regardless of immigration status.
- If a lender offers different terms on a mortgage to a prospective homebuyer because of the homebuyer's race, that is illegal discrimination regardless of immigration status.

2. Does the Office of Fair Housing and Equal Opportunity (FHEO) inquire into the immigration status of people who file fair housing complaints?

No, FHEO does not ask about immigration status when people file complaints.

3. Does the Fair Housing Act apply in my town, city, or state even if there is a local law that does not provide the same protections?

Yes. Local laws may provide fewer or additional fair housing protections, but the federal Fair Housing Act continues to prohibit discrimination and is enforceable whether or not a local ordinance or state law exists.

4. What is National Origin discrimination?

National origin discrimination is different treatment in housing because of a person's ancestry, ethnicity, birthplace, culture, or language, and it is illegal. This means people cannot be denied housing opportunities because they or their family are from another country, because they have a name or accent associated with a national origin group, because they participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Examples of potential national origin discrimination include:

- refusing to rent to persons whose primary language is other than English;
- offering different rent rates based on ethnicity;
- steering prospective buyers or renters to or away from certain neighborhoods because of their ancestry; and
- failing to provide the same level of service or housing amenities because a tenant was born in another country.

5. What can I do if a landlord or neighbor is threatening to report me, a family member or friends to ICE if we report housing discrimination to HUD?

It is illegal to coerce, intimidate, threaten, or interfere with a person's exercise or enjoyment of rights granted or protected by the Fair Housing Act. This includes threats to report a person to U.S. Immigration and Customs Enforcement (ICE) if they report housing discrimination to HUD. HUD does not inquire about immigration status when investigating claims of housing discrimination.

If you have filed or are considering filing a complaint with HUD but are concerned that you or someone in your household will be reported to ICE, please consult ICE's policy on individuals pursuing legitimate civil rights complaints. If you do come into contact with ICE after you have filed a HUD complaint, you should let ICE know that you are pursuing a Fair Housing complaint with HUD.

For more information, see the Memorandum issued on June 17, 2011, by ICE Director John Morton "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs." Available at: <http://www.ice.gov/doclib/secure-communities/pdf/domestic-violence.pdf>. For the most up to date version of this policy, please check <http://www.ice.gov>."

6. Can landlords ask for immigration documents?

Landlords are allowed to request documentation and conduct inquiries to determine whether a potential renter meets the criteria for rental, so long as this same procedure is applied to all potential renters. Landlords can ask for identity documents and institute credit checks to ensure ability to pay rent. However, a person's ability to pay rent or fitness as a tenant is not necessarily connected to his or her immigration status.

Procedures to screen potential and existing tenants for citizenship and immigration status may violate the Fair Housing Act's prohibitions on national origin housing discrimination. HUD will investigate complaints alleging that a landlord inquired into a person's immigration status or citizenship to see whether national origin discrimination may have occurred.

Landlords should remember that their policies must be consistent. If they ask for information from one person or group, they must ask for the same information from all applicants and tenants. Potential renters and home buyers cannot be treated differently because of their race, color, national origin, religion, sex, disability or familial status.

7. How can I report incidents of housing discrimination?

There are several ways you can file a complaint.

You can call:

1-800-669-9777 (English and Spanish Voice)

1-800-927-9275 (TTY)

You can file a complaint using our online form. (It is recommended that all pop-up blockers be turned off in order to access this form. Otherwise press the "Ctrl" button as you click on the link.)

You can print out a form, complete it, and mail it to:

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
Room 5204
451 7th St. SW
Washington, DC 20410-2000

You can write us a letter with:

- Your name and address
- The name and address of the person your complaint is about
- The address of the house or apartment you were trying to rent or buy
- The date when this incident occurred
- A short description of what happened
- Then mail it to the Fair Housing HUB closest to you

8. Is HUD assistance available in languages other than English and Spanish?

Yes. HUD has documents and informational brochures translated into eighteen languages (Amharic, Arabic, Armenian, Cambodian, Chinese, Creole, Farsi, French, Hmong, Khmer, Korean, Polish, Portuguese, Russian, Spanish, Tagalog, Vietnamese, and English). HUD also uses phone interpreter services that allow us to assist people in over 175 languages. For more information on HUD's Limited English Proficiency implementation plan and to download documents in multiple languages, visit HUD's LEP Resource Page.

EXHIBIT C

Policy Number: 10076.1
FEA Number: 306-112-002b

Office of the Director


U.S. Department of Homeland Security
300 12th Street, SW
Washington, D.C. 20536

JUN 17 2011



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: All Field Office Directors
All Special Agents in Charge
All Chief Counsel

FROM: John Morton
Director 

SUBJECT: Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs

Purpose:

This memorandum sets forth agency policy regarding the exercise of prosecutorial discretion in removal cases involving the victims and witnesses of crime, including domestic violence, and individuals involved in non-frivolous efforts related to the protection of their civil rights and liberties. In these cases, ICE officers, special agents, and attorneys should exercise all appropriate prosecutorial discretion to minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice. This memorandum builds on prior guidance on the handling of cases involving T and U visas and the exercise of prosecutorial discretion.¹

Discussion:

Absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime. In practice, the vast majority of state and local law enforcement agencies do not generally arrest victims or witnesses of crime as part of an investigation. However, ICE regularly hears concerns that in some instances a state or local law enforcement officer may arrest and book multiple people at the scene of alleged domestic violence. In these cases, an arrested victim or witness of domestic violence may be booked and fingerprinted and, through the operation of the Secure

¹ For a thorough explanation of prosecutorial discretion, see the following: Memorandum from Peter S. Vincent, Principal Legal Advisor, Guidance Regarding U Nonimmigrant Status (U visa) Applicants in Removal Proceedings or with Final Orders of Deportation or Removal (Sept. 25, 2009); Memorandum from William J. Howard, Principal Legal Advisor, VAWA 2005 Amendments to Immigration and Nationality Act and 8 U.S.C. § 1367 (Feb. 1, 2007); Memorandum from Julie L. Myers, Assistant Secretary of ICE, Prosecutorial and Custody Discretion (Nov. 7, 2007); Memorandum from William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (Oct. 24, 2005); Memorandum from Doris Meissner, Commissioner, Immigration and Naturalization Service, Exercising Prosecutorial Discretion (Nov. 17, 2000).

Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs
Page 2

Communities program or another ICE enforcement program, may come to the attention of ICE. Absent special circumstances, it is similarly against ICE policy to remove individuals in the midst of a legitimate effort to protect their civil rights or civil liberties.

To avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents, and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime, witnesses to crime, and individuals pursuing legitimate civil rights complaints. Particular attention should be paid to:

- victims of domestic violence, human trafficking, or other serious crimes;
- witnesses involved in pending criminal investigations or prosecutions;
- plaintiffs in non-frivolous lawsuits regarding civil rights or liberties violations; and
- individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.

In deciding whether or not to exercise discretion, ICE officers, agents, and attorneys should consider all serious adverse factors. Those factors include national security concerns or evidence the alien has a serious criminal history, is involved in a serious crime, or poses a threat to public safety. Other adverse factors include evidence the alien is a human rights violator or has engaged in significant immigration fraud. In the absence of these or other serious adverse factors, exercising favorable discretion, such as release from detention and deferral or a stay of removal generally, will be appropriate. Discretion may also take different forms and extend to decisions to place or withdraw a detainer, to issue a Notice to Appear, to detain or release an alien, to grant a stay or deferral of removal, to seek termination of proceedings, or to join a motion to administratively close a case.

In addition to exercising prosecutorial discretion on a case-by-case basis in these scenarios, ICE officers, agents, and attorneys are reminded of the existing provisions of the Trafficking Victims Protection Act (TVPA),² its subsequent reauthorization,³ and the Violence Against Women Act (VAWA).⁴ These provide several protections for the victims of crime and include specific provisions for victims of domestic violence, victims of certain other crimes,⁵ and victims of human trafficking.

Victims of domestic violence who are the child, parent, or current/former spouse of a U.S. citizen or permanent resident may be able to self-petition for permanent residency.⁶ A U nonimmigrant visa provides legal status for the victims of substantial mental or physical abuse as

² Pub. L. No. 106-386, §§101-113, 114 Stat. 1464, 1466 (codified as amended in scattered sections of the U.S.C.).

³ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 1464, 1491 (codified as amended in scattered sections of the U.S.C.).

⁴ Pub. L. No. 106-386, §§1001-1603, 114 Stat. 1464, 1491 (codified as amended in scattered sections of the U.S.C.).

⁵ For a list of the qualifying crimes, see INA §101(a)(15)(U)(ii).

⁶ See INA §101(a)(51).

Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs
Page 3

a result of domestic violence, sexual assault, trafficking, and other certain crimes.⁷ A T nonimmigrant visa provides legal status to victims of severe forms of trafficking who assist law enforcement in the investigation and/or prosecution of human trafficking cases.⁸ ICE has important existing guidance regarding the exercise of discretion in these cases that remains in effect. Please review it and apply as appropriate.⁹

Please also be advised that a flag now exists in the Central Index System (CIS) to identify those victims of domestic violence, trafficking, or other crimes who already have filed for, or have been granted, victim-based immigration relief. These cases are reflected with a Class of Admission Code "384." When officers or agents see this flag, they are encouraged to contact the local ICE Office of Chief Counsel, especially in light of the confidentiality provisions set forth at 8 U.S.C. § 1367.

No Private Right of Action

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

⁷ See INA §101(a)(15)(U).

⁸ See INA §101(a)(15)(T).

⁹ See Memorandum from John P. Torres, Director, Office of Detention and Removal Operations and Marcy M. Forman, Director, Office of Investigations, Interim Guidance Relating to Officers Procedure Following Enactment of VAWA 2005 (Jan. 22, 2007).

Appendix D

Citizen Center and a new

Fred Murry, Assistant City Manager

Jeff Look, Interim Code Enforcement Manager

Amy Carpus, GRU - Residential Efficiency Program Coordinator III

Nicolle Shalley, City Attorney

RENTAL HOUSING CODE

APRIL 16, 2019

R t a d e

This Memorandum brings together three topics that Rental Housing Subcommittee (RHS) has been discussing: Landlord License Rental # 170873, Short-term Vacant Rentals # 180399, and Energy Efficiency # 180591 in a single regulatory 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 “Ren Housing Code” in Chapter 13 of the code.

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

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

City Commission will need to articulate the public purpose such as “elimina standard rental dwelling units and ensuring that rental dwelling units wi Gainesville meet minimum housing code, life safety and energy efficiency st that enforcement mechanisms are in place to hold landlords accountable fc

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

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 regulatory lodging establishments,” but for now it appears that the City is preempted from 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 “transient” that does not fall within the State statutory preemption.

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

Staff is continuing to work on exemptions, such as historic homes that may need to meet some of these regulatory requirements.

Citizen Center a nesvi

Fred Murry, Assistant City Manager

Jeff Look, Interim Code Enforcement Manager

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RENTAL HOUSING CODE

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•

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.

?

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.”

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

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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.



Minimum Energy and Water Efficiency Standards for Rental Units

Presented by
Amy Carpus
Energy & Business Services



Items Requested

- Energy Efficiency Ratings Programs
- Minimum Efficiency Standards for New Construction
- Minimum Suggested Energy & Water Efficiency Standards for Rental Units
- Utility Rental Loan Programs
- Program Options
- Rebates and Grants for Landlords
- Education



Types of Energy Efficiency Rating Programs

- Performance
- Prescriptive
- Custom to the organization
 - Residential Energy Conservation Ordinance
 - Point of Sale / Major Renovation
- Voluntary and/or Phased in over time



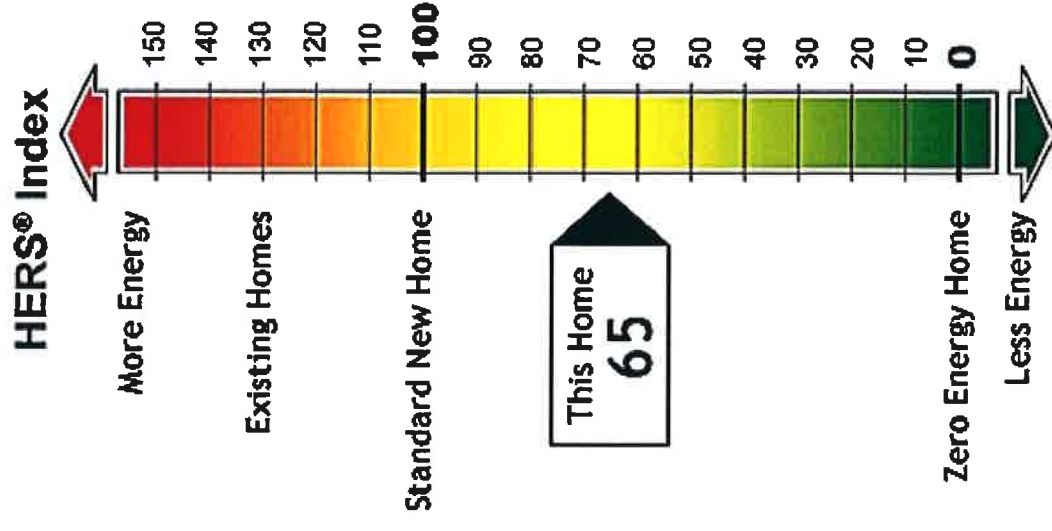
Home Energy Rating System (HERS)

- Nationally recognized system for inspecting and calculating a home's energy performance.
- The HERS Index Score, is a measurement that tells you how energy efficient a home is compared to a new code built home of similar size and shape.
- Performed by a Certified Rater
- Residential Energy Services Network, or RESNET – created in 1995 by reps of the national mortgage industry, National Association of State Energy Officials, and Energy Rates Homes of America

<https://www.resnet.us/hers-index>

<https://www.resnet.us/energy-rating>

<http://www.fsec.ucf.edu/en/consumer/buildings/homes/ratings/how.htm>



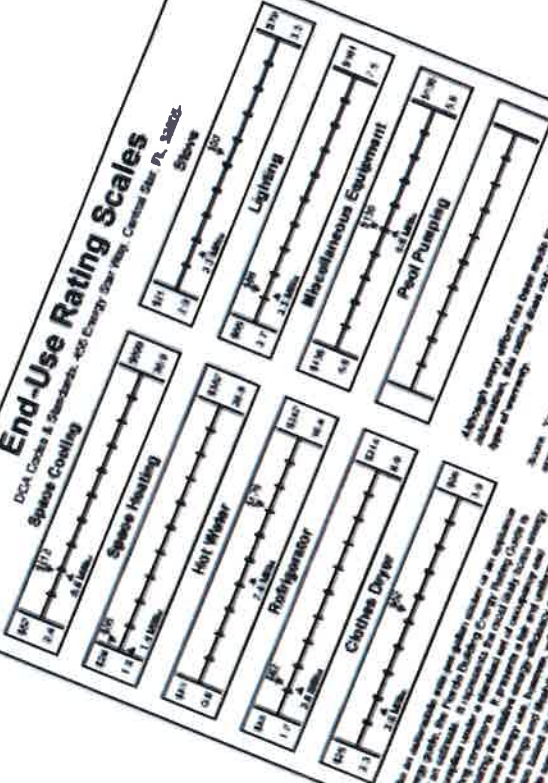
HERS Process

- Class 3 Rating: a projected energy rating, reserved for new buildings and clearly labeled as "projected rating based on plans"
- Class 2 Rating: a confirmed energy rating using site energy audit data as the source for the input data on which the rating is based (new or existing)
 - All exterior walls (both above and below grade)
 - Floors over unconditioned spaces (like garages or cellars)
 - Ceilings and roofs
 - Attics, foundations and crawlspaces
 - Windows and doors, vents and ductwork
 - HVAC system, water heating system, and thermostat.
- Class 1 Rating: a confirmed energy rating using site energy audit and performance test data as the sources for the input data on which the rating is based (new or existing buildings)
 - Blower door test to find the air leakage of the home
 - Duct testing to find the leakage in the heating and cooling distribution system



End-Use Rating Scales

DCA Codes & Standards, 400 Energy Star Hwy, Cocoa Star, FL 32909



Use an asterisk to show that you are using an energy efficient product. For example, a 5-star energy efficient refrigerator would be marked with a 5* on the scale. A 5* on the scale indicates that the product is the most energy efficient available in the market. The asterisk is placed on the scale to indicate that the product is the most energy efficient available in the market. The asterisk is placed on the scale to indicate that the product is the most energy efficient available in the market. The asterisk is placed on the scale to indicate that the product is the most energy efficient available in the market.

The rating scale provides a graphic representation of the energy efficiency of the product. The asterisk is placed on the scale to indicate that the product is the most energy efficient available in the market. The asterisk is placed on the scale to indicate that the product is the most energy efficient available in the market. The asterisk is placed on the scale to indicate that the product is the most energy efficient available in the market.

Exchange program - FL11A-008

Although every effort has been made to provide accurate information, the publisher and author assume no responsibility for errors or omissions. The publisher and author assume no responsibility for errors or omissions. The publisher and author assume no responsibility for errors or omissions.

3.00 - 1 Star - 40
4.00 - 2 Star - 40
5.00 - 3 Star - 40
6.00 - 4 Star - 40
7.00 - 5 Star - 40

Energy Star is a widely recognized symbol that signifies energy efficiency. Energy Star products are those that meet the criteria set by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy. Energy Star products are those that meet the criteria set by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy.



HERS Ratings

Pros

- Detailed report regarding the house
- Recommendations for improvement
- HERS Index Score
- Green Financing
- % Air Leakage
- % Duct Leakage

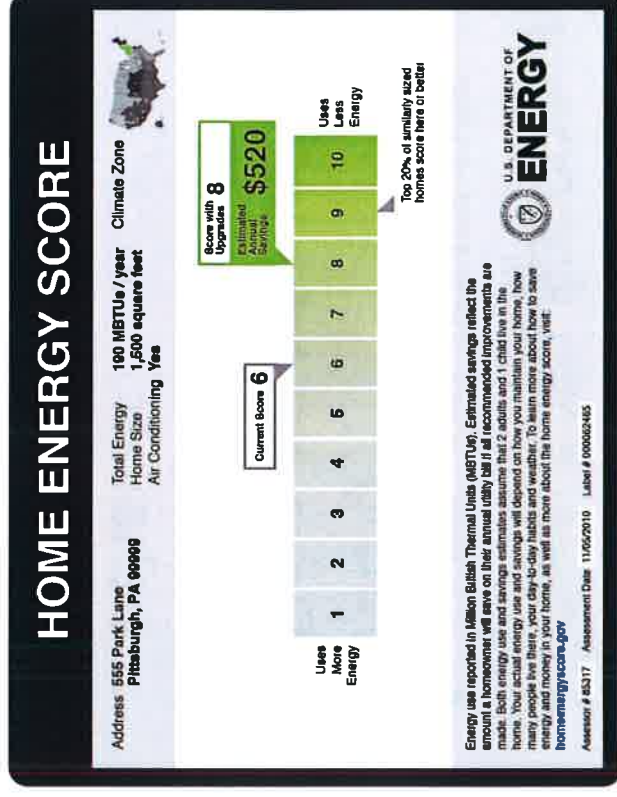
Cons

- Cost: \$250-\$3000/home
- Time: 2-4 hours per rating
- Does not take into account occupant behavior
- Historically for new construction
- Few Raters in the area



Home Energy Score (HES)

- A standard assessment of energy-related assets
- Provides information about a home's overall energy efficiency based on its size, building envelope, HVAC systems, and hot water system
- Simple one-to-ten scale
- Can include a more extensive whole-house energy audit that considers occupant behavior, can include blower door testing
- DOE-trained HES Assessors
- Developed in 2011 by DOE and National Renewable Energy Laboratory



Home Energy Score

Pros

- Simple 1-10 range
- Low to no-cost
- Time: about an hour
- Designed for new or existing homes
- Can take into account occupant behavior
- Similar to Class 2 Rating

Cons

- No known assessors in Alachua County
- No required blower door testing
- No required duct testing



Minimum Efficiency Standards for New Home Construction

2017 Florida Building Code, Energy Conservation, Chapter 4 [RE]
Residential Energy Efficiency

- Attic Insulation of R30, floor and walls of R-13
- Air leakage rate not exceeding seven air changes per hour
- Duct leakage ≤ 4 cfm/100 s.f.
- HVAC SEER ≥ 14.0 , HSPF ≥ 8.2 , AFUE $\geq 80\%$
- Wood-burning fireplaces shall have tight-fitting flue dampers or doors, and outdoor combustion air
- Programmable Thermostat
 - initially programmed by the manufacturer with a heating temperature set point no higher than 70°F and a cooling temperature set point no lower than 78°F
 - Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load



Minimum Efficiency Standards for Existing Homes

- Historically in Gainesville
 - Individual energy efficiency standards (ex. R19 insulation, mastic on ducts, weatherization measures) seem difficult to pass and difficult to regulate
 - Social pressure seems to be the City's best bet for increasing property owner's initiative to improve the energy efficiency of their property
- Current State/City requirements
 - The Florida Building Code is a uniform code and is part of the County Uniform Development Land Code
 - Prior to 1996 EE was not a component of the FBC
- The code when the home was built or when the last renovation permit was issued is what the home is required to have



Minimum Efficiency Standards

Section 8 Housing

Chapter 10: Housing Quality Standards, Thermal Environment
Tenant Preference

“The PHA has no control over energy conservation measures, such as dwelling insulation or installation of storm windows and doors. The family must assess whether a dwelling without these items is acceptable; the family must take into account the cost of utilities billed to the family and personal feelings about adequate heat. Dwellings that are poorly insulated or lack storm windows are generally drafty and more difficult to heat and cool.”



Utility Rental Programs In Florida

- Tallahassee – Rental Rehabilitation Program
 - Rental units up to 4 per building
 - Loan for up to 80% of rehab cost up \$20K with 0-3% deferred interest
 - Units must be rented to those at or below 80% area median income
- Most utilities have programs that are for both owner and renter occupied homes
 - Low Income, Insulation, Appliances, HVAC replacement, Loans*

Programs Around the U.S.

- Austin, TX: Energy Conservation section of City Code
- Berkeley, CA: RECO, Informative handbook
 - Point of sale or major renovation
- Boulder, CO: Smart Regs Program
 - Performance or prescriptive
- Burlington, VT: Minimum EE Standards Ordinance
 - Performance and prescriptive
- Memphis, TN: Minimum EE In Rental Property Ordinance
 - Prescriptive
- San Francisco: RECO
 - Point of Sale and a Certificate of Compliance



Program Option: Prescriptive

- Consider a yearly reduction in the Landlord Permit/License if the unit/structure meets and provides proof of minimum recommendations for:
 - Weatherization (caulk/weather strip/seal cracks & openings)
 - Duct inspection/seal
 - SEER 14
 - R-19 insulation levels (space allowing)
- This could be a possible minimum for a HES
- Landlords are required to disclose EE score/rating prior to lease signing
- This would not need to be checked yearly, perhaps a 5-year certificate or allowance

Program Option: Residential Efficiency Conservation

- Amendment to the Minimum Housing code
- Complaint driven
- Initiated and enforced by Codes Enforcement
- Owner notification via mail
- Violations would allow 90-days to resolve
- Only enforceable within the City of Gainesville limits



Suggested EE Items

- Attic insulation levels at a minimum of R-19, except where there is insufficient space or the presence of attic flooring will not allow
- Attic access from conditioned to unconditioned spaces shall be weather stripped and insulated to a minimum of R-19
- All accessible duct joints sealed so the system is substantially free of leaks and all ducts must be insulated
- Insect screens on all windows that can open, all the operable windows close, all windows properly glazed, and any cracks sealed with long lasting tape
- Permanently affixed weather stripping and door sweeps on all exterior door & windows
- Fireplace chimneys with working dampers, doors, or closures
- All showerheads with a 3.0 gal/min flow rate or less
- All faucets aerators with a 2.75 gal/min flow rate or less
- Water heater(s) with a properly functioning Temperature/Pressure Relief Valve (TPRV), insulated pipes for the first 3 feet from the unit (excepting gas units), and all water lines not in enclosed space must be insulated
- Properly maintained refrigerator with door seal/gasket intact and clean coils
- HVAC filter(s) that are new or clean at time of survey
- HVAC system(s) have had maintenance performed by a currently licensed HVAC or mechanical contractor within the year prior to move-in.

Program Option: Single Family Point of Sale

- Point of Sale/Major Renovation: Percent of Sales Option
- Upgrades are done to the amount of a percent of the sales price of the home
 - \$170,000 home, would require 1-3% (\$1,700 – 5,100) worth of EE upgrades each time the home is sold
 - Based on age of home – newer homes would not require upgrades
 - Provide a list of possible upgrades
 - Can be built into the final cost of the home
- More flexible for the owner and less costly
- Much easier to track at the point of sale
 - Receipt(s) showing upgrades performed submitted at closing



Program Option: Multi-Family Point of Sale

- Point of Sale/Major Renovation: Percent of Sales Option
- Upgrades are done to the amount of a percent of the sales price of the complex
 - \$4,120,000 complex with 132 units, would require 3% (\$123,600 or \$936 per unit) of EE upgrades each time sold
 - Can be built into the closing cost of the complex
 - List of possible recommended upgrades provided
- Once again, this is more flexible for the owner and less costly
- Easier to track at the point of sale



Program Option: Loans

- Property Assessed Clean Energy (PACE)
 - Very expensive and low participation
- Low-Interest Loan Program
 - Tallahassee Program example
 - Amount & interest rate
- Utility-Funded On-Bill Loan Program
 - Tallahassee Program example
 - Amount & interest rate



Loans & Grants for Rentals

- Fannie Mae Homestyle Energy Loans
- Home equity line of credit (HELOC)
- Green banks/credit unions
- Property Assessed Clean Energy (PACE)

- Main Street Grants (HUD)
- Housing Preservation Grants (USDA)
- Multi-family Housing Revitalization Demonstration Program (USDA)
- Weatherization Grants (DoE)

<https://www.sapling.com/8577835/grants-rental-property>

<https://www.usa.gov/repairing-home>




Education: Options

Will depend on which program or version selected

- Prescriptive and/or Performance
- Point of Sale and/or Major Renovation
- Phase-in or voluntary participation
- Available:
 - ToolsforTenants.com & GainesvilleGreen.com
 - New Customer Packets – regular & during rush



Tools for Tenants

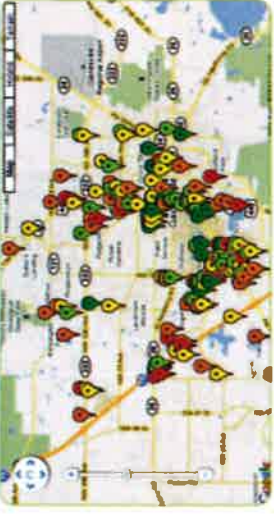


Home | About | Choose Apartments To Compare | Feedback

Compare apartments for efficiency!



What is Tools For Tenants?



Tools for Tenants is a website to help renters factor energy usage into their purchasing decisions. We display energy consumption statistics for many apartments in Gainesville, and provide comparisons and visualizations to help consumers choose an efficient place to live.

[Compare Apartments](#)

How to use this site

Choose Apartments to Compare from a map of Gainesville.

Easily share your results with friends, roommates, and the world!

See a sample comparison of apartments based on energy consumption.



Home | About | Choose Apartments To Compare | Feedback

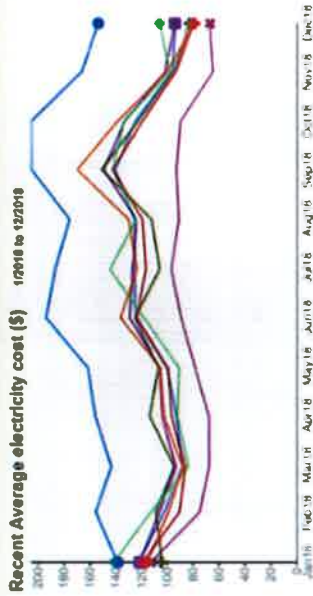
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Comparing 6 Apartments

Currently displaying some sample apartments chosen randomly. You can choose apartments to compare from a map of Gainesville.



All Gainesville Apartment Average
 Group Average
 The Enclave
 Huntington Lakes Apts
 The Crossings At Santa Fe Apts
 Addison Lane

Click the labels above to toggle the associated chart line

View a map of these apartments

How are these calculated?

Apartment	Floorplans gathered from apartment websites	Units	Electricity average monthly kWh	Cost average monthly estimate based on published electricity rates	Gas average monthly items	Carbon average monthly tons of CO2
The Enclave 3000 SW 35TH PL, Gainesville FL more	<ul style="list-style-type: none"> Beds: 2-4 Baths: 2-4 Size: 1080-1663 square feet Rent: 495-899 	412	689	\$110	-	0.49
Huntington Lakes Apts 5400 NW 39TH AVE, Gainesville FL 32606 more	<ul style="list-style-type: none"> Beds: 1-3 Baths: 1-2.5 Size: 760-1315 square feet Rent: 930-1257 	310	725	\$114	-	0.53
The Crossings At Santa Fe Apts 3205 NW 83RD ST, Gainesville FL more	<ul style="list-style-type: none"> Beds: 3-4 Baths: 3-4 Size: 1310-1387 square feet Rent: 335-404 	672	1089	\$169	-	0.80
Addison Lane 4117 SW 20TH AVE, Gainesville FL 32807 more	<ul style="list-style-type: none"> Beds: 1-2 Baths: 1 Rent: 559-688 	316	487	\$83	-	0.35
Oxford Manor Apts 2777 SW ARCHER RD, Gainesville FL 32608 more	<ul style="list-style-type: none"> Beds: 1-3 Baths: 1-3 Size: 457-560 square feet Rent: 435-795 	580	729	\$115	-	0.53
The Polos 2330 SW WILLISTON RD, Gainesville FL 32608 more	<ul style="list-style-type: none"> Beds: 1-3 Baths: 1-3 Size: 640-1093 square feet Rent: 784-1020 	560	669	\$107	-	0.49

Save This



Gainesville Green



Log in | Sign up

Your Home Energy Tracking System

Address Search
Map Search
Groups
Overview
FAQ
Feedback

Compare your Home's Energy Use with your neighbors

Example: 1803 NW 38th

Search

Map Search

Subdivision Search

Advanced Search

Map | Satellite

Map Data ©2019 Google. Terms of Use | Report a map error

You can click the icons above to view details about the home.

Low (\$ smaller bills) | Average | High (larger bills \$\$\$\$)

View Larger Map

How green is your home? (Find out by searching)

Gainesville Green helps you save on your energy bills by giving you the tools needed to draw meaningful comparisons. We hope that making this data available to consumers, will enable us all to make better decisions about our energy usage.

Begin by searching for your home and viewing your home's energy consumption report. **Less** energy consumption means **smaller** utility bills - something everyone can appreciate.

Remember, energy consumption shows how much energy a house and the people in it are using. The numbers can't tell you why a home or family uses more energy, only that the home and its occupants use more or less total energy than others. More people and smaller homes can have a dramatic impact on total energy use numbers, and we encourage you to keep that in mind while browsing Gainesville Green.

Address Search
Map Search
Groups
Overview
FAQ
Feedback
Web Tools
Technical Help
Privacy Policy
Login

Copyright © 2011. All rights reserved.



 **1707 SW 108TH ST**
GAINESVILLE, FL 32607
Abbey Glen

     **Add To Group**

~1626 kWh/month
Built in: 2001
Beds/Baths: 4/3
Space: 3781 square ft

SW 17 P





Education: Tips for Renters

- Please keep in mind that the survey performed by GRU was to check the areas that may cause high energy and water use. These are only recommendations and not demands that work be performed. Savings after improvements are completed can be affected by equipment type, efficiency and condition, operation patterns, and weather.
- Make a copy of the survey for your landlord, property manager, or home owner.
- Review your lease paying special attention to the maintenance responsibilities:
 - What should you do as the tenant?
 - What should the owner/maintenance staff do?
 - What may need a licensed contractor?
- Work with your landlord or property owner on the recommended repair list.
- Be patient and remember that some repairs can take time, money, and experience that your landlord, property manager, or home owner may not have.
- Helpful Contacts List



Education: Future Efforts

- EE workshops at rental communities, HOA meetings, etc.
- Renter Power Program (Housing Dept.)
- Provide Spanish-language versions of some documents



Thank you,

QUESTIONS?



Appendix E

Citizen Centered Gainesville

**Jeff Look, Interim Code Enforcement Manager
City of Gainesville**

**RENTAL HOUSING SUBCOMMITTEE
DATA REQUESTED**

General Comments

- Current Landlord License Permit (LLP) are only required in Single Family zoned areas.
- The majority of Major Housing violation are on the exterior of properties not interior we must be invited in to inspect the interior.
- Currently 7,000 application go out annually for permitting, of those we issue approximately 4700 permits.

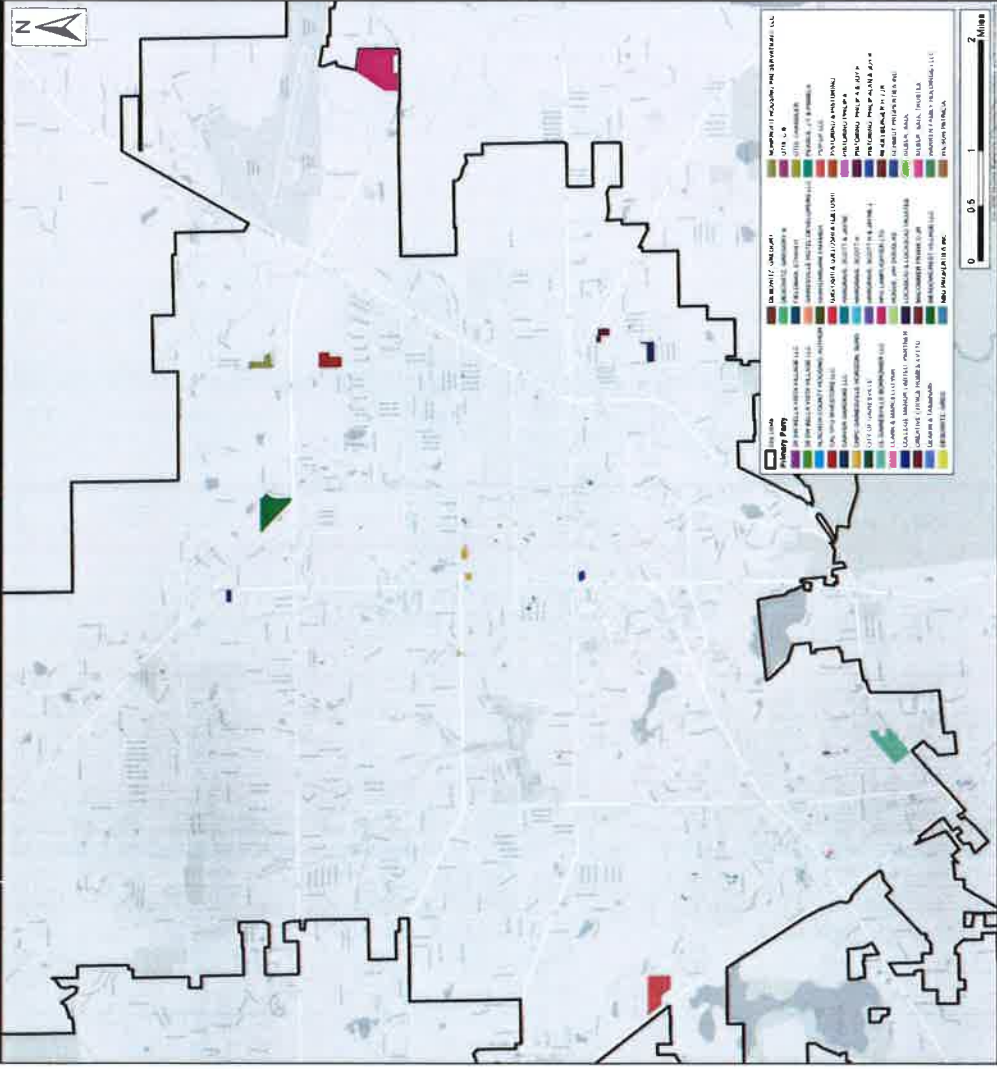
Question: Provide a list of rental property owners with several violations?

Separate complaints filed and violations found.

MEADOWCREST VILLAGE LLC - **23**
HFG LAMPLIGHTER LTD - **13**
CAL-VFG INVESTORS LLC - **12**
CARVER GARDENS LLC - **9**
PEARCE, J F & PAMELA - **9**
FOREST & VILLAGE FA OWNER LLC - **7**
NMG PROPERTIES INC - **7**

This data was collect from our tracking program for the calendar year 2018. A complete list is in the back-up provided

Code Enforcement Property Mapping - Rental Housing Subcommittee Map 2

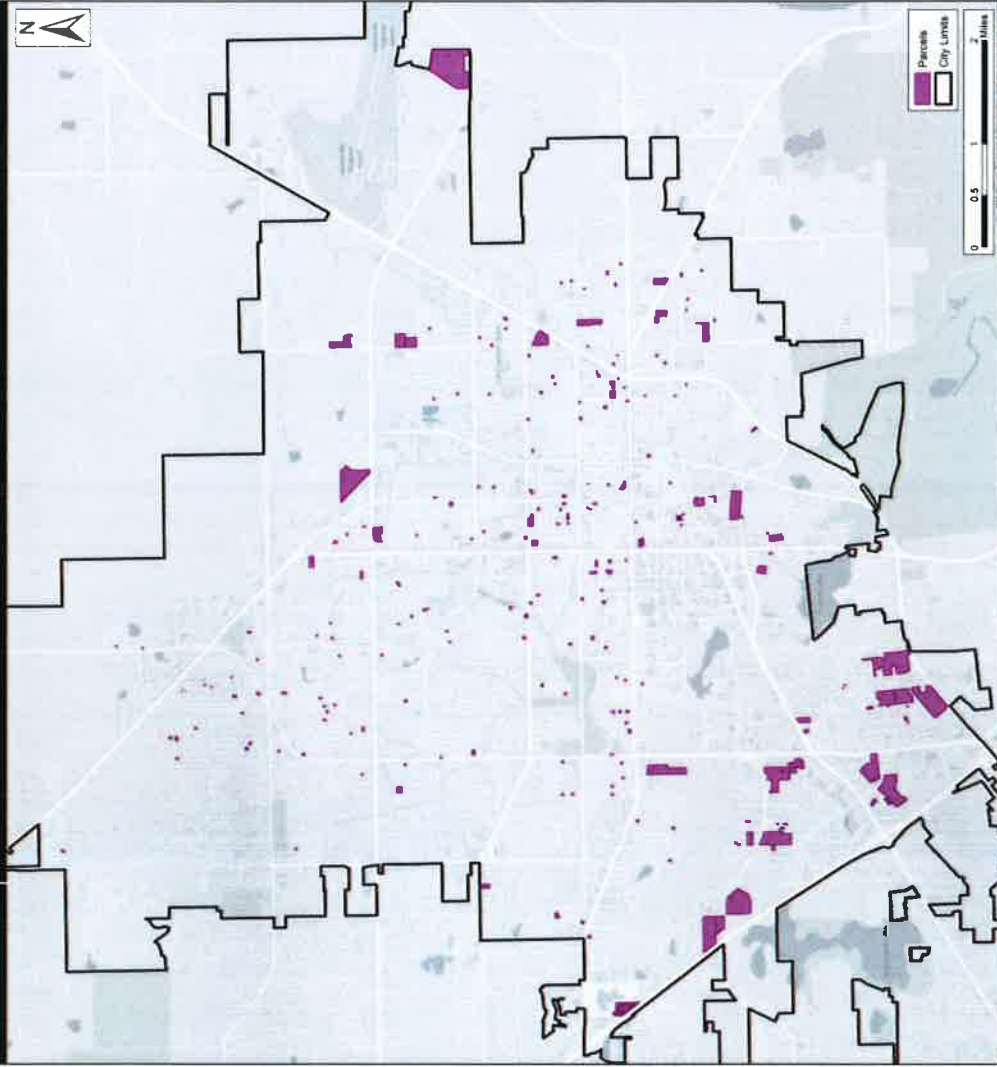


Total number of Minimum Housing Violations

There are approximately 700 lodged complaints that resulted in a violation notice during the calendar year 2018. Approximately 90% of those accrued at rental property.

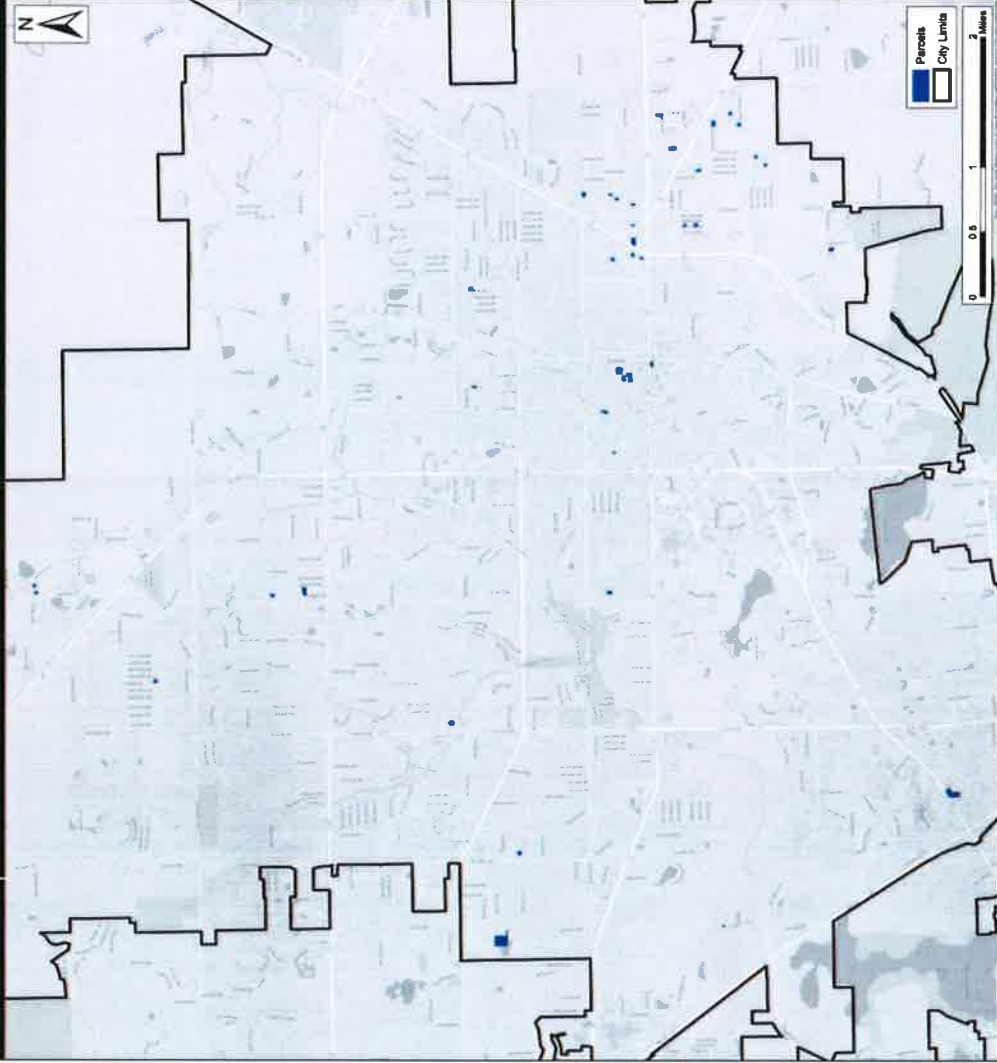
This data was collect from our tracking program for the calendar year 2018. A complete list is in the back-up provided

Code Enforcement Property Mapping - Rental Housing Subcommittee Map 1



Of the total number of complaints resulting in a violation notices being heard by the Special Magistrate.

There were a total of 137 cases that were requested to be heard by our Magistrate in the calendar year. Of those only 50 were actually heard due to the owner taking corrective action prior to the hearing and the hearing request being dropped. Of the 50 cases heard approximately 26 of those were cases concerning Minimum Housing issues both interior and exterior.



Question: Inspections, can we inspect prior to the issuance of a permit? What is the cost associated with inspections?

- The approximate number of total rental units in the City of Gainesville is 56,000.
- Inspection can be required, however requiring an annual inspection will be challenging. 56,000 inspections annually will require 27 new officers doing nothing but inspections at an annual cost of \$60,500.00 each or \$1,634,256.00 total in salary and benefits only. Start up cost per officer is approximately \$19,000.00 for a total of \$513,000.00, these numbers do not include office space. The divisions operating budget would need to increase by 125% to accommodate 27 new officers as well as at least two Staff Specialist at an annual salary of \$37,500.00 each or \$75,000.00 total.

Requiring inspections every 4 years could be considered. That breakdown would look like this:

- **7 Officers at an annual salary and benefits of \$423,500.00**
- **Start-up cost of \$76,000.00**
- **At least one Staff specialist annual salary and benefits of \$37,500.00**
- **Divisions operating budget increased by 30%**
- **Office space**

Can the cost associated with the LLP be reduced for “Good” landlords or increased for “Bad”?

- Several of the polled municipalities have “penalties” for properties with continued issues. Most are very similar to our point system, each violation on each day receives a point. The accumulation of 6 points within a 3 year period triggers a hearing were the LLP can be revoked.
- As for incentives such as lowering the fee for “Good” properties we find no municipalities that offer that.

Comparison

Clemson, South Carolina (pop-16,500)

- Inspections: 940 annually with one inspector and one administrative specialist.
- Permit cost \$100.00 includes inspection.
- Permits needed for single family, duplex and townhomes only.

State College, PA. (pop-42,500)

- Inspections: 5,000 annually with 5 inspectors and two administrative specialist.
- Permit cost \$37.00 includes inspection.
- Permits needed for all units.

Comparison

Boulder, Colorado (pop - 107,000)

- Inspections: The city processes 300 applications each month with 9 private sector inspectors, 2 city enforcement officers, 3 Administrative specialist and a manager.
- Permit cost is \$105.00 and valid for four years with one inspection every four years.
- Permit needed for every rental unit per parcel, i.e. single family home on one parcel needs one permit, apartment complex needs a permit for each building and/or each parcel.

General Comments

- Inspections in an occupied rental unit is difficult to coordinate we must have the cooperation of the owner and the tenant and schedule a time convenient for the occupant.
- Education would be more valuable, if we could educate the occupants and get them to call our office when an issue arises then we could address each issue as we currently do. Our success rate speaks for it self of the approximately 5000 cases opened each year only 1% end up at our magistrate hearing.

Questions?

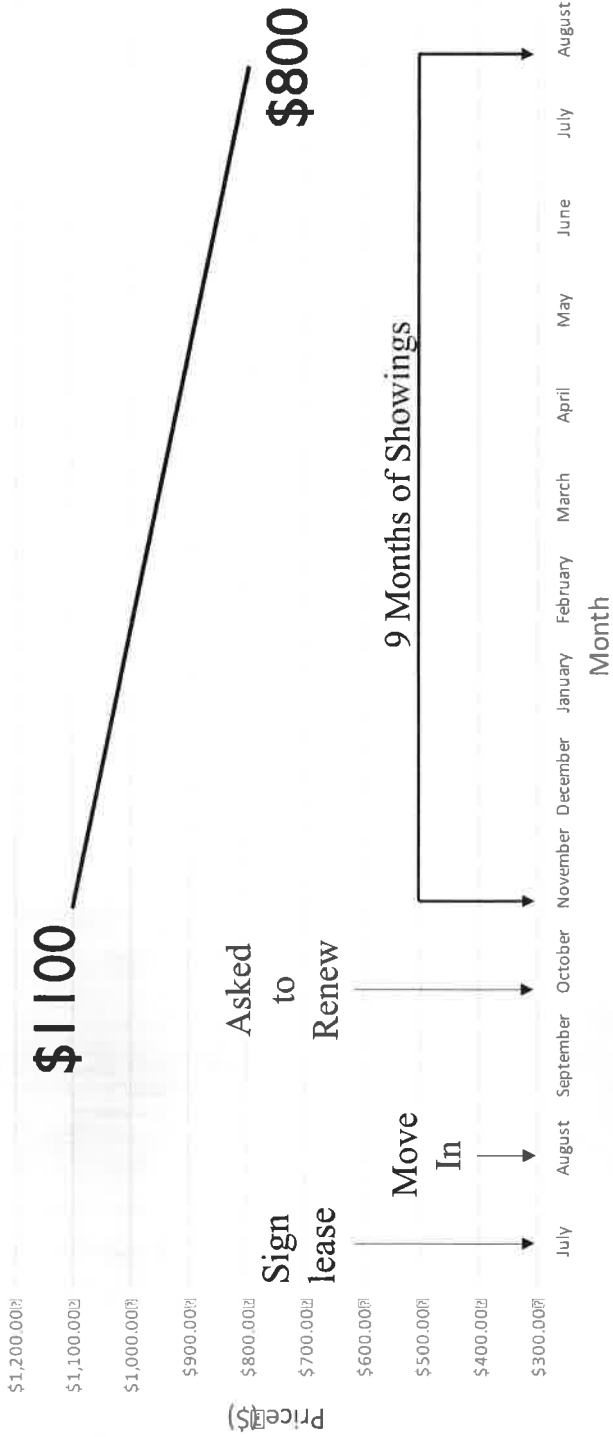
STUDENT COMMUNITY RELATIONS ADVISORY BOARD OFFICIAL RECOMMENDATION FOR GAINESVILLE CITY COMMISSION

Local Ordinance (Art. 8 §2(b) Fla. Con. "Municipal Purpose") expressly including:

1. 48 hours notice provided to tenant before a landlord can show/enter the property.
2. Requirement that all showings take place at a defined reasonable time, i.e. (9AM-5PM)
3. Explicit restriction on the number of times landlords can show a property in the first half of the lease (i.e. 2 times per month with ≥ 48 hours notice)
4. Explicit penalty for disregard of the ordinance
 1. 2 months rent OR double tenant's damages (whichever is greater) PLUS attorney's fees
5. Requirement for landlords to include the name of the ordinance and where it can be found online in every lease. (Minimum size 12 font, bolded and underlined) OR require landlords to attach the ordinance to every lease in Gainesville.
 1. \$200 Fee if not attached to the lease or included therein.
6. Restriction on landlord's ability to contract out of this local law or indemnify themselves.
7. Identify that "the proper remedy for these damages is through civil court"
8. Inform the reader of the ordinance that "Student Legal Services (in the Reitz Union) is available to help with this process at little to no charge for University of Florida students."
9. Provide for prevailing party Attorney's Fees

LANDLORDS ARE USING UNENFORCEABLE LEASES TO DISSUADE TENANTS FROM ACTING ON THEIR RIGHTS

Price Fishing Visualized



CONSULTING THE LEASE

Alligator Realty, Inc.

- Tenant fully understands that during our prime rental season (Nov 1st through April 30th), there are times where you may NOT be notified prior to management showing your unit.

Campus Realty Group, Inc.

- Tenant agrees to allow and provide the Landlord with access to the Entire premises at all reasonable times for purposes of ... showing the Premises to prospective buyers, or showing the Premises to prospective renters.
 - (8AM – 8PM)

Circa Properties, LLC

- We have access at all times in emergencies and at reasonable times (including but not limited to UF vacation periods) to inspect unit, ... and to show unit to prospective purchasers or renters.
 - (No mention of notice)

Trimark Properties

- The exercise of the reserved rights (Effectively all rights) of the Landlord shall never be deemed an eviction or disturbance of the Resident's peaceable use and possession of the Premises and shall never render the Landlord liable in any manner to Resident or any person in the Premises.

IS THIS LEGAL?

Fla. Stat. 83.53 Landlord's access to dwelling unit.

- (1) The **tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit from time to time in order to inspect the premises; make necessary or agreed repairs, decorations, alterations, or improvements; supply agreed services; or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors.**
- (2) ...
- (3) **The landlord shall not abuse the right of access nor use it to harass the tenant.**

STANDING FOR RECOMMENDATION

Student Community Relations Advisory Board

Functions, powers, and duties*

- (c) To review, discuss, and forward recommendations as appropriate, on issues, concerns, and initiatives relevant to students and non-students.
- (g) To be a knowledgeable liaison between the city commission and the students and non-students of Gainesville.
- (i) To ensure that student issues are addressed by providing a link between the students, non-students, and the city commission.

*Ord. No. 060431, § 1, 12-11-06, Sec. 2-430.55.

Gainesville.

Citizen centered

People empowered

Keeping Our Neighborhoods Invested in Safe Housing Ordinance

**An update to Gainesville's Housing Ordinance -
Recommendations to address recurring issues
regarding rental properties in Gainesville**

**Proposed by Commissioner Adrian Hayes-Santos
May 10th, 2018**

Summary

The goal of this policy paper is to provide a starting point for the city commission to discuss solutions to the many rental housing issues in Gainesville. Effective rental policies at the local level will help increase the supply of affordable rental housing in Gainesville. While there are some large and long term solutions to affordable housing, the recommendations outlined here focus on quicker and cost effective solutions to the rental property issues in our community. The paper is separated into three different sections: Energy Efficiency Standards, Landlord Licenses, and Landlord/Tenant Issues. I want to thank Rachel Muller for her hard work in researching and helping with this policy paper.

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Landlord Licenses	8
Landlord-Tenant Issues.....	12

Part 1: Energy Efficiency Standards

Summary of the Issue

Many low-income renters face barriers to standards of living that homeowners in our city never need to consider. A study done by researchers at the University of Florida and the University of Central Florida to look at Florida Multifamily Efficiency Opportunities, found that, cost burdened households (those that make no more than 60% of the area's median income) paid more than 40% of their total income in housing expenses. More than three quarters of these low-income households live in multifamily rental units.

Over half of all multifamily rental units were built prior to 1980, before the first energy codes were enacted to Florida Law, making these units inherently less efficient. Cooling and hot water consumption are the largest portion of electricity consumption for multifamily rentals. Specifically, older rental units use about 5,000 gallons of water per month compared to 2,000 gallons of water in the newer units.[1]

Here in Gainesville there are plenty of opportunities for homeowners to make their properties more energy efficient. GRU offers free Home Surveys, as well as a Low-income Energy Efficiency Program designed to assist customers with home improvements that lower their electric bill and reduce energy usage. However, there are not any actions renters can take to improve the energy efficiency in their unit. Instead, they must go through their landlord for improvements.

GRU has conducted landlord focus group studies in the past and have found that landlords will only make improvements if appliances break or tenants complain about energy bills (many low-income tenants fear complaining). Landlords do not pay the energy bill and are unaware of the costs tenants pay. Further, landlords will only make improvements if they believe they will improve their bottom line. They find the rebate process confusing and too burdensome to make improvements to their units.

As wages continue to stay stagnant and rental prices continue to increase, it has become increasingly challenging for low-income renters to pay excessively high utility bills. Between the 2002 and 2013 the city commissions has worked on a energy efficiency ordinance but never fully executed an ordinance to provide for minimum energy efficiency in rental properties. The

necessity of this ordinance is still needed within the City of Gainesville and is why we are reproaching the city to reconsider this ordinance.

What is Energy Efficiency?

Energy Efficiency Requirements are requirements imposed with the purpose of maximizing the output per energy unit consumed. This would include insulation or structural elements of the structure such as, ceilings, walls, and doors, as well as equipment such as, air conditioning/heating systems and water heaters among others.[2]

Energy is considered a basic need in modern industrialized societies. Further, low income households bear a disproportionate share of the cost burden for utilities. These households tend to spend a greater percentage of their household income on energy expenses and face challenges like whether to spend money on food or energy. In addition to disproportionately burdening poor tenants, energy inefficiency is a contributor to environmental concerns.[3]

Specifically, low income household types have a median energy burden of 7.2% compare to a 2.3% median energy burden for non-low income household types.[4] When low income households and renters spend a larger proportion of their income on utility bills, they often face fears of losing electricity, water, and gas services. These practices enforce the cycle of poverty and cause mental and physical health problems.

Challenges that need to be addressed with Energy Efficiency Standards:

Split-Incentive Problem: Neither landlords nor tenants have sufficient incentive to invest time, money and effort to make improvements that are energy efficient.

Vacancy Rates: low vacancy rates force tenants to pay higher rent prices and to accept housing of inferior quality. With constrained supply, landlords are under little pressure to improve their properties' efficiency and renters become cautious asking for improvements in fear of retaliation.

Shaping landlord attitudes: three important variables to capture include building metering type – dictates impact of the split-incentive problem, size of the landlord's holding – landlords with significant holding have better access to capital and more interest in participating compared to those with less access, and finally investment time horizon – landlords that hold on to their buildings for longer times have higher interest than those seeking to increase property capital value.

Information barriers: the time it takes to search for information is discouraging for individuals to pursue energy efficiency. Landlords lack information and usually what they do know about energy efficiency is incorrect.

High transaction costs: difficulty in finding a good contractor, dealing with utility company, even having the work done is strenuous enough.

Case Studies

Wisconsin

The State of Wisconsin outlines minimum standards and procedures for energy efficiency across the whole state for rental units that was enacted in 1999. These standards include proper insulation, storm windows and doors, and moisture control. The Statue also outlines energy efficiency inspections and evaluations.[5]

Boston, MA

The City of Boston found that three quarters of Boston's emissions contributing to climate change were the result of energy use in buildings. To keep up with their Boston Climate Action Plan, the city adopted a building energy report and disclosure ordinance. This helps building owners, including residential, make cost effective energy efficiency investments. Each building subject to reporting is required to complete an energy assessment within five years of the first reporting and every five years subsequently.

Houston, TX

Created a provision for their construction code that would make any new permit applying for a residential permit to comply with an additional performance objective. New construction must meet a minimum 15 percent improvement in efficiency above the minimum provisions of the code.

Memphis, TN

The City of Memphis, in an effort to reduce electricity use per household as well as in an effort to help tenants of rental properties paying high utility bills updated their housing code to redefine "residential rental unit" to mean a rented or leased single-family residential building or a rented or leased residential dwelling unit within a single-family or multi-residential building. It also includes an amendment so that each rental unit has proper envelope, heating and cooling, plumbing, and all existing equipment should function according to manufactured standards. Finally, it includes an amendment for the city utility company to be able to perform inspections of units and charge a fee up to \$25 if the unit is not in accordance with the housing ordinance.

Cambridge, MA

Cambridge updated an ordinance entitled "Municipal Code of the City of Cambridge" to include a Building Energy Use Disclosure Ordinance. The purpose of this ordinance is to encourage efficient use of energy and to reduce the emissions of greenhouse gases. It requires owners of covered properties (including all residential) to measure and disclose energy usage and allows the city to collect energy usage data to enable more effective energy and climate protection planning. The ordinance also includes a provision that allows for amendments to the ordinance based on benchmark performances.

Local Analysis

As our knowledge of energy efficiency improves and as the quality of rental units diminishes in the City of Gainesville it has become apparent that Gainesville's Housing

Ordinance needs to be updated to protect renters and continue the City's efforts to become more sustainable.

The overall goal of COG's Housing Element is to: encourage a sufficient supply of adequate, decent, safe, sanitary, healthy, and affordable rental and owner-occupied housing for all income groups.[6] However, without a strong enforcement mechanism the quality of rental units has significantly decreased in recent years making housing for many of Gainesville's residents unsafe, unsanitary, unhealthy, and unaffordable.

Measures to improve energy efficiency will not only lower electricity use throughout the city but will also improve the safety of rental units. Within the last year, a renter was trapped inside his own home after a lit candle in another unit started a fire. The man in the unit attempted to escape but could not because his front door was equipped with a deadbolt lock. This is just one of many stories of unsafe conditions in rental units.

Earlier this year Mayor Poe wrote a leader to the editor "Making Gainesville a Complete Community". In the LTE, the Mayor discusses one of the ways to improve housing is through energy efficiency standards, especially in rental units.[7] Back in 2002, the City Commission recommended that GRU implement an energy efficiency program in multi-family complexes.

Implementing energy efficiency standards for rentals would be the most cost efficient and short term way to make housing in Gainesville more affordable.

Recommendations

The primary recommendation of this proposal is for the City Commission to reevaluate the legislative efforts made within the last 20 years to improve energy efficiency within the city and to pass an ordinance to provide for minimum energy efficiency in rental properties.

1. **Minimum Energy Efficiency Standards for Rental Units** - Continuing the efforts of previous commissions, the city of Gainesville should implement energy efficiency standards for rental units. Improving the energy efficiency of rental properties would have a huge impact in making lower income homes more affordable by lowering utility bills. Minimum energy efficiency standards should focus on upgrades that would reduce water and electrical consumption. As it may be difficult to retrofit older rental units, some flexibility may be needed in how the minimum standards are met for older units. There should also be grace period to allow landlords to upgrade the housing units to meet new energy efficiency standards. It is recommended that the commission to look at the City of Boulder's Rental Housing energy efficiency program for a starting point.
2. **Energy Efficiency Inspections** - To ensure that rental units meet city energy efficiency standards, it is recommended that rental units be inspected at the start of the energy efficiency program and at regular intervals (~5 years). New construction could be exempt for ~5 years from energy efficiency inspections as they would already met current building codes for energy efficiency. To manage program costs and to provide faster

service to landlords, private inspectors that have been approved by the city could be used for these inspections.

3. **Energy Efficiency Rating Program** - To improve the transparency of utility costs to renters, an Energy Efficiency Rating Program could be created. This program would be a quick and easy way for renters to understand the energy efficiency of a rental unit. To increase transparency, renters should be provided with the energy efficiency inspection report and rating by the landlord before a lease is signed. The rating should also be given to potential renters when a property is shown for a viewing to help with the renters housing decision. The rating and efficiency report for rental units should also be available on a city rental web portal for easy lookup for renters. Advertisements should also include the energy efficiency rating. An energy efficiency rating program will also incentivize landlords to upgrade their rental properties as the energy efficiency of a rental unit will now be part of a renters housing decision.

4. **Affordable Energy Efficient Rental Loan Program** - Gainesville continues to have a problem of not enough landlords accepting "Section 8" or other similar federal/state housing program applicants. To help increase the number of affordable rental properties available on the market and to help lessen the burden on landlords, it's recommend the city look into a low-cost financial loan program for landlords to help pay for energy efficiency updates of rental units that meet city code. If a landlord accepts a loan from the city, then the landlord would have to accept renters who are having their rent subsidized by federal/state housing programs.

Part 2: Landlord Licenses

Summary of the Issue

The incentive of any business is to make as much profit as possible and the same is true for landlords. Landlords rent out properties in the hopes that it will provide them with a source of income. Just like businesses in Gainesville are regulated and require a license so should landlords. Without proper licensing, landlords have little incentive to keep properties up to code nor fix complaints made by tenants. Mandating that units are inspected protects tenants, neighborhoods, and the community at large.

Many landlords who do not keep their properties up to code rent to low income households. These households pay upwards of 50% of their income on housing and often live paycheck to paycheck. They accept living in subpar conditions because they feel as if they have nowhere to go. Many times, when these citizens do complain or attempt to make issues known to their landlord they are met with ignoring calls or threats of eviction. However, no member of our community should feel unsafe in their own home and minimum standards should be kept in all rental units to ensure this.

Renters have rights and deserve to be protected, just like in any other industry. The problem of code compliance is an issue faced by cities all around the United States and many cities are beginning to take the steps to ensure that the health, safety, and welfare of low income citizens are also met.

Importance of Landlord Licenses

Across the country, local governments are experiencing difficulties ensuring that rental housing is safe, properly operated and maintained. Local governments, thus have the responsibility to regulate property for the health, safety and welfare of their residents; not with the goal of punishing landlords, but rather to keep landlords responsible and heighten the quality of rental housing stock. The American Bar Association states that the culture of how we view renting as a type of residential use needs to be changed – instead rental properties need to be seen

as a business and like many other businesses that need to pass health and safety inspections, rental properties should be licensed to assure housing quality within the community.[8]

Under a licensing system, a rental property is not eligible for registration unless it follows key health and safety standards and allows for periodic re-inspection.[9] There are two main types of licensing programs:

1. **Universal Rental License:** All rental properties are treated equally under Universal Rental Licenses. That means all landlords would have to re-apply for a license, pay the associated fees, and undergo the same inspections.
2. **Target Rental License:** Properties are categorized based on code violations in order to differentiate between compliant and non-compliant property owners. Under Target Rental Licenses there are incentives to pay reduced licensing fees and undergo less frequent inspections.

Case Studies

Daytona Beach, FL

Last year the City of Daytona passed a Landlord's Responsibilities and Tenants Rights Act, requiring Landlords to hold a City of Daytona Beach Rental Property License. As well as requiring inspections of properties every two years and placing an annual rental property license fee of \$90. This license allows tenants to expect: presentable and maintained exteriors, maintenance and repair of structures inside and outside the unit. [10]

Minneapolis, MN

Minneapolis uses a tiered rental license billing structure, starting at \$70 for 1-3 units in tier 1 and increasing up to \$175 for 16 or more units in tier 1. There are three tiers in this system, with a landlord falling under tier 3 paying a \$700 license fee for 16 or more units. Tiers are based on rental history and focuses on the condition and maintenance of the property. The ordinance was passed to promote health, safety, and welfare of the general public, maintain property values, eliminate substandard and deteriorating housing, as well as maintain a living environment that contributes to healthful individual and family living.[11]

Philadelphia, PA

In the City of Philadelphia, each and every property owned must have a rental license. The fee is \$50 per unit. Along with the license, landlords are required to provide tenants with a copy of the "City of Philadelphia Partners for Good Housing" brochure. The tenant must also be provided with a certificate of rental suitability, stating that properties have obtained all required licenses and do not have critical code violations. Finally, the Lead Paint and Disclosure Certification law requires landlords to ensure the property rented to families with children 6 years and younger that the property is lead safe.[12]

Boulder, CO

Starting this year, Boulder Colorado requires a \$105 application fee per single dwelling unit or per building for multi-unit buildings. In addition to the application fee, landlords face a \$50 fee if the property is not SmartRegs compliant. The city adopted this ordinance to preserve

public safety by establishing minimum standards for basic equipment and facilities associated with rental properties (including: lighting, ventilation and heating; fire safety amount of space for human occupancy; and safe and sanitary maintenance of dwellings). The SmartRegs ordinances requires all rental housing in Boulder to meet a basic energy efficiency standard by 2019.[13]

Local Analysis

In a 2018 report conducted by the University of Florida Bureau of Economic Business Research (BEBR) titled *Understanding Racial Inequality in Alachua County*, it was found that over 40% of all households within the Gainesville Core Based Statistical Area (CBSA) have at least one problem with the quality and condition of their housing. A CBSA is a geographical area that consists of one or more counties attached by an urban center of at least 10,000 with neighboring counties that are socioeconomically tied to the urban center. [14]

In 2017, three people were injured in Holly Heights neighborhood when a balcony collapsed. The tenants had all reported making complaints to the landlord and the reality company stated they did not even know the problems were so bad.[15]

Reporter, Bailey LeFever, covered *The High Cost of Renting* for tenants here in Gainesville. The report states “part of the problem is poorly maintained rental properties. Code Enforcement Division violation records for the past five years show a strong statistical relationship between these kinds of problems and the city’s lowest-value properties.” However, many renters never even place complaints against landlords out of fear of retaliation and losing an inexpensive place to live.[16]

Recommendations

It is recommended that the City of Gainesville consider implementing an ordinance that will update Sec.14.5-1 to include a targeted mandatory landlord license program for all rental housing units with a focus on Life and Safety issues

1. **Yearly Life-Safety Self Compliance Inspections** - All rental housing in the city would need to be self-inspected to ensure the life-safety of rental units. Landlords would self-inspect and report to the city that smoke detectors, carbon monoxide, and fire extinguishers are working and that the unit is safe for occupancy. The landlord would also need to self-report that the unit meets the city occupancy limits in single family zoned neighborhoods. It is recommended that the commission to look at the City of Boulder’s Rental Housing License program for a starting point.
2. **Targeted Mandatory Rental License** - The city should consider a targeted rental license program that covers all rental housing units in the city. Properties are categorized based on code violations in order to differentiate between compliant and non-compliant property owners. Under Target Rental Licenses there are incentives to pay reduced licensing fees and undergo less frequent inspections. With the expansion of the current landlord license program, the fees for a landlord license should be reduced.

3. **Minimum Housing Standards and Rental Unit Inspections** - To ensure that rental housing in Gainesville is safe and is at minimum basic quality level, the city should implement minimum housing standards and rental unit inspections.

The inspections would ensure that all rental housing in Gainesville meets a minimum standard that includes that the exterior and interior of buildings, lighting and ventilation is in safe working order. Occupancy limitations should also be a part of the inspection process. To incentivize landlords to keep rental units above the minimum housing quality standard, units that score highly would not be inspected as frequently. New construction could be exempt from inspections for a period of time as it would already meet building code. If a rental unit does not meet the minimum housing standards and the landlord does not make fixes to the property in a reasonable amount of time, the landlord would lose their landlord license for that property and not be able to rent the property until it was brought up to the city's minimum housing standard.

To manage program costs and to provide faster service to landlords, private inspectors that have been approved by the city could be used for these inspections. It is recommended that the commission look at the City of Boulder's Rental Housing License program for a starting point.

Part 3: Landlord-Tenant Issues

Summary of the Issue

Often, tenants do not know what their rights are and enter agreements or have cases settled that are not in their favor. Many times, tenants face housing code violations but do not have the proper knowledge to know how to raise their defense in court against an attorney. Further, most court actions often result in hours of wasted time and excessive expenses on both parties that could easily be prevented. When looking at the statistics for Gainesville, over 18% of residents are below the poverty rate, 62.3% of residents rent homes, and 38% are rent burdened.[18] These three statistics are all higher than average for the State of Florida. In a city that has over half of the population renting and more than two-thirds considered rent burdened it is important that we use our unique situation to create a tangible solution that protects both landlords and tenants.

The Florida Bar provides an online pamphlet that allows both Tenants and Landlords to know their rights as equal parties under the law. However, many Landlords and Tenants alike do not know this service has been provided for them or cannot readily access a computer to understand their rights. That is why it is important that with every lease agreement a landlord should provide their tenants with both a Renter's Bill of Rights and a Welcome Packet that provides renters with the proper information on all the services provided in the community.

Case Studies

Washington, D.C.

The District of Columbia, as of 2014 began providing its residents with a "Tenants Bill of Rights". Landlords in the District are required to provide rental applicants with a copy of the TBR. The landlord must provide the TBR along with other disclosure documents that are also required under the Rental Housing Act.

New York City, NY

The City of New York has a department for Housing Preservation and Development (HPD) and under their jurisdiction they have provided for the residents a manual called the "ABCs of Housing". The guide provides information about owners' and tenants' rights and responsibilities, staying in your apartment safely, resources for new affordable housing or rental

assistance, and useful contact information for other housing related issues. As the HPD website states “Owners and tenants have legal responsibilities to each other. HPD is one of many city and state agencies that enforce those responsibilities. This booklet is designed to help owners and tenants gain an understanding of the rules and regulations affecting housing, and to provide information about how to receive assistance.”

Chicago, IL

The City of Chicago in partnership with tenant-landlord organization created a Rents Rights campaign to educate residents, 60% of which live in rental housing about the legal responsibilities and rights of both renters and property owners. Rents Right provides mediation for landlords and tenants to resolve disputes in an informal and non-adversarial manner.

Boulder, CO

Boulder provides its residents with an extensive handbook that outlines all the rights and responsibilities of both Landlords and Tenants. By providing this information it is meant to avert trouble before a lease is signed, during the duration of the lease, or upon termination of the lease. Along with the handbook, parties can use the City of Boulder Community Mediation Service. This a neutral third party service designed to assist in resolving disputes between landlord and tenants as well as roommates. The fee charged by these services is minimal but could even be waived for those with low income.

Santa Barbara, CA

Under the Housing and Human Services division of the City of Santa Barbara is program known as the Rental Housing Mediation Program (RHMP). The program has the purpose of resolving rental housing disputes by offering mediation services, and information on residential Landlord-tenant rights and responsibilities. The specific services provided include: mediation, information on rights and responsibilities, staff consultation, referral to social services agencies, and outreach and education. Santa Barbara has used this program since 1976 and is composed of a staff and board of 15 volunteers appointed by the city council.

Local Analysis

As a college town, many renters enter the Gainesville community not knowing much about the neighborhood they are moving into and the local laws that govern them. Even further, they do not know the rights and benefits they have living in this community. In order to be a landlord in the City of Gainesville, one must provide their tenants with a pamphlet prepared by the city containing guidelines for rentals in residential neighborhoods. The last time this pamphlet has been updated was in October of 2007 and often landlords do not even know that providing this pamphlet is one of their responsibilities to their tenants.

Recommendations

It is recommended to the City Commission to implement the following recommendations:

1. **Gainesville Mediation program** - To help provide a level playing for rental disputes and to find solutions to rental issues outside of the courts, it's recommended that the city of Gainesville create a rental mediation program. The Mediation Program would include all the proper resources for Landlords, Tenants, Roommates, Sublessors, etc.. to use during disputes. This will include:
 - Affordable access to a mediator staff over telephone
 - Affordable access to in person mediation conducted by a mediation panel
 - Education and outreach of landlord tenant laws that govern Florida and local city and county ordinances including a Renters Bill of Rights
 - Providing a Guideline for Rentals in a Residential Neighborhood that addresses the different services provided and how to handle neighborhood issues
 - Staff Consultation
 - Referrals to Social Service Agencies

 2. **Renters Bill of Rights and Welcome to Gainesville** - When a lease is signed a renters bill of rights should be provided to the tenant. This bill of rights would address in clear language the most common issues between renters/landlords and how renters can deal effectively with the issues. Also, with a highly transient population in Gainesville, it can be difficult for residents to know what amenities and services are available to them. A short welcome packet from the city given to renters, when they sign a lease, could be effective way to involve more residents in our community.

 3. **Student Community Relations Advisory Board Recommendations** - Study the recommendations from the board and implement recommendations that could improve tenant/landlord issues.

 4. **Landlord Training Program** - In cooperation with local partners, the city should look into hosting Landlord Training Programs to help educate landlords on city, state and federal rental unit housing programs and ordinances.

 5. **Occupancy Limits Disclosure** - Require that when a lease is signed that the renter must also sign that they will abide by the occupancy limits in the applicable zoning districts. Also, advertisements for applicable zoned rental units should also include a statement about occupancy limits.

 6. **Rental Unit Sample Lease** - It can be difficult for small landlords to know what to put into a lease. It's recommended the city provide a simple sample lease that meets city, state and federal housing laws.

 7. **Protecting against rental discrimination** - Look into having "income source" and "immigration status" as a protected classes under the city's human rights ordinance.
-

- [1] https://www.freshfromflorida.com/content/download/60388/1263496/MFEOpportunities_FinalReport_1-9-15.pdf
- [2] [050761_200609181730.pdf](https://www.freshfromflorida.com/content/download/050761/200609181730.pdf)
- [3] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4819257/>
- [4] http://energyefficiencyforall.org/sites/default/files/Lifting%20the%20High%20Energy%20Burden_0.pdf
- [5] <http://docs.legis.wisconsin.gov/code/register/1999/525b/insert/comm67.pdf>
- [6] http://www.cityofgainesville.org/Portals/0/plan/2014%20Web%20Update/HOUSING%20ELEMENT_Printable.pdf
- [7] <http://www.gainesville.com/opinion/20180209/lauren-poe-making-gainesville-complete-community>
- [8] <https://www.mayorsinnovation.org/images/uploads/pdf/BinderHotTopicsinLandUse4416.authcheckdam.pdf>
- [9] <http://www.communityprogress.net/tool-1---rental-registration-lincensing-pages-207.php>
- [10] http://beachsideneighborhoodwatch.org/docs/LANDLORD_RESPONSIBILITIES.pdf
- [11] <http://www.minneapolismn.gov/inspections/rental/index.htm>
- [12] <http://www.phila.gov/li/pages/tenantlandlord.aspx>
- [13] https://www-static.bouldercolorado.gov/docs/Rental_License_+_SmartRegs_Handbook_December_2017_FINAL2-1-201801051352.pdf?_ga=2.222504347.1047897288.1522944289-326979806.1518717900
- [14] https://www.bebr.ufl.edu/sites/default/files/Research%20Reports/ri1_baseline_report.pdf
- [15] <http://www.wcjb.com/content/news/Tenants-injured-after-balcony-collapsed-in-Holly-Heights-456479263.html>
- [16] <https://www.wuft.org/news/energy-burden/deficient-dwellings/high-costs-of-renting/>
- [17] <https://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html>
- [18] <https://evictionlab.org/map/#/2016?geography=counties&bounds=-89.407,25.594,-78.096,32.235&locations=1225175,-82.343,29.681%2B12,-84.824,29.679%2B12001,-82.396,29.682>
- [19] <http://www.stetson.edu/law/lawreview/media/38-3hipler-pdf.pdf>



Appendix F

CULTURAL ARTS COALITION

321 NW 10th Street, Gainesville, FL 32601

Phone: (352) 372-0216 Fax (352) 372-0876

www.culturalartscoalition.org

Anthony Greene, PhD
President- CAC
University of Florida

Tom Auxter, PhD
Vice President- CAC
University of Florida

Alan Hill, MA
Treasurer- CAC
Three Rivers Legal Services

Dr. Michael V. Bowie
University of Florida

Yvette Clark, CABA
Behavior Analyst
Community Activist

Chief Tony Jones
Gainesville Police
Department

Staff
Nkwanda Jah
Director- CAC

Greetings Commissioners,

The Cultural Arts Coalition is reaching out to you to ask you to support ACLC' Renter's Rights Proposal.

Each summer our youth as Environmental Ambassadors look at ways to save energy to reduce GRU bills for Gainesville residents as a whole but specifically East Gainesville where many rentals are old structures. We have partnered with GRU on projects to reduce energy use; like installing energy saving light bulbs in more than 200 houses in East Gainesville including Lincoln Estates, also our Ambassadors was a part of a permanent exhibit at the FI Museum of Natural History sharing everyday ways we can reduce energy usage in our homes.

This past summer the Ambassadors read Cynthia Barnett's publication "Energy Burden". A big part of that was working poor people paying large percentages of their income on utility bills. Many of them living in substandard housing losing energy through windows, doors, little to no insulation and appliances that contribute to high utility bills.

In too many cases landlords are absent or refuse to do anything about their tenants high utility bills because they know options are few for the working poor.

These Gainesville residents need your help. Whereas we do not want to cause any hardships to landlords who are trying to be fair to their tenants, we do need a way to assure the working poor get treated with the same basic rights and protections for those making six figures.

CAC strongly encourage you to create whatever policies that you can, so that you can say to our young people, you did everything you could for All of your citizens no matter their income or position in life.

Environmental Ambassadors Program

Greetings Commissioners,

I am writing to let you know that the Alachua County Branch NAACP supports the Alachua County Labor Coalition's (ACLC) members' efforts toward providing safe, sanitary, and affordable housing.

We all know that our community does not have an adequate supply of affordable housing in general, and much of what does exist in the affordable rental market is substandard. Implementation of ACLC's proposal would address several problems with

- 1) Universal landlord licensing and inspections would provide a mechanism for ensuring that safety standards are being met and residents are not exposed to hazardous conditions.
- 2) Minimum energy efficiency standards would address the additional burden placed on low income households who pay a higher portion of their income toward utility bills.
- 3) Clear, easy-to-understand disclosures of rental units' safety and efficiency ratings would allow potential renters to accurately compare true costs of renting.
- 4) Free mediation services for tenant/landlord disputes over security deposit refunds would protect renters from unscrupulous withholding practices.
- 5) Broadening the scope of the City's current housing discrimination code to protect persons regardless of citizenship status or source of income would reduce additional barriers residents face in the search for affordable housing.

I would like to see the City draft a rental rights' policy which addresses the points above, while being fair to both landlords and tenants. Additionally, we would like to see policies that encourage construction of new affordable, energy efficient rental housing in areas with improved transportation access and employment opportunities.

P Environmental and Climate Justice Committ

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P.O. Box 15285
Gainesville, FL 32604
April 2, 2019

Gainesville City Commission
P.O. Box 490
Gainesville, FL 32627-0490

Re: Proposed Renters' Rights Ordinance

Honorable Mayor and City Commissioners:

The League of Women Voters of Alachua County endorses the proposed Renters' Rights ordinance submitted to the City of Gainesville by the Alachua County Labor Coalition (ACLC). We believe renters in this community are due basic rights and protections.

This proposed ordinance would offer assistance to landlords improving energy efficiency, lowering utility costs for tenants and conserving precious energy resources.

Renters also deserve a mechanism through which they can resolve disputes over security deposits. We recognize there is a need for all landlords to be licensed so that appropriate inspections of rental properties can be completed to assure the health and safety of renters. Licensing fees, which currently are treated as general revenue, would be better utilized to fund the cost of these inspections and mediation disputes. Lastly, renters should not be subjected to discrimination of any kind, which this ordinance would guard against.

The League of Women Voters of Alachua County is in full support of the ACLC's proposed ordinance. We have been studying affordable housing needs in the city and county only to conclude that too many residents are paying a disproportionate share of their income on housing. At times, utility bills may rival rental costs, with possible unreasonable cost burden on our citizens.

We commend the Alachua County Labor Coalition for its work on behalf of local residents and are in agreement with the key of their proposed ordinance, which include:

- 1) Universal, low cost landlord licensing and inspections;
- 2) Lower utility costs by requiring landlords to meet low-cost, high return on investment, energy and water standards;
- 3) Creating a mediation program for rental deposit disputes;
- 4) Disclosure of safety and efficiency ratings as well as defining renters' rights and responsibilities;
- 5) Providing protection from discrimination.

We thank you for all you are doing to make Gainesville a place where all our residents can flourish with dignity.

Sincerely

Carole Fernandez
President
League of Women Voters of Alachua

Arreola, David I

From: Robert Carroll <robertcarrollae@gmail.com>
Sent: Friday, May 24, 2019 4:08 PM
To: Arreola, David I
Cc: Murry, Fredrick J.; Look, Jeffrey S.
Subject: Rental Housing Subcommittee Follow-Up
Attachments: Utah Housing Choice Landlord Guarantee Program.pdf; Lease Process Comparison.pdf

Commissioner Arreola,

We are looking forward to our upcoming meeting to discuss the progress of the Rental Housing subcommittee. I wanted to share some important information regarding mandating the acceptance of Housing Choice Vouchers and the possible implications. Thank you so much for taking the time to read through this and for allowing us to be a part of this process.

The HCV program has the potential to be one of the most effective means of addressing our nation's affordable housing needs and supporting mixed-income communities. However, the program's potential success is limited by too many inefficient and duplicative requirements, which discourage private providers from accepting vouchers. The HCV is an entirely voluntary program. Congress intended this program to be voluntary based on the requirements that are imposed on program participants. I want to stress that the reason owners of apartment communities do not accept vouchers is not due to the source but due to the strings and risks associated with participating in this program. In fact, many of our members who accept HCV have a staff member or entire team of staff members that specialize in the program and are well versed in its bureaucratic requirements.

HUD and program administrators require property owners and operators who participate to adhere to additional, onerous regulatory requirements, which are otherwise not imposed in a standard leasing transaction (**See the attached infographic which outlines the drastic differences between a standard lease and an HCV lease**). These challenges create uncertainty in rental housing operations and often undermine the ability of owners to properly manage risk, leading to negative outcomes for owners and residents alike.

If you mandate participation in the HCV program, this will increase costs for our local property management companies due to the additional staffing and training required to administer the HCV program. Cost increases for property managers lead to rent increases for residents, which hurts both parties and the community at large. It is also important to note that enacting an ordinance that mandates participation in the HCV program will create a disincentive for new apartment communities to be constructed in the area because property owners would rather use their resources to build in a neighboring jurisdiction that does not impose an HVC mandate that increases their operating costs. As a result, an ordinance of this nature would further restrict the supply of apartment homes at a time when the community desperately needs to build more apartment homes to keep up with rising demand.

In addition, I would like to clarify that there are multiple factors, outside of one's income, that are evaluated during the resident application process. For example, property managers consider existing credit history, which could also potentially disqualify an applicant. Enacting an ordinance that mandates participation in the HCV program will not address this type of issue. In light of this fact, does the risk of increasing rents in the community and shrinking the supply of affordable housing justify this policy change?

We believe that it is important to encourage all stakeholders to work together to solve the issues within our community. As an industry, our national association (The National Apartment Association) is actively working with members of Congress and the Department of Housing and Urban Development to streamline the requirements associated with the HCV program and address some of the other inefficiencies of the program. While Congress works to address these issues with the program, we believe that incentivizing the program would be more effective than the stick. The only way to experience real change within the community is when everyone works together, feels that they have a choice, and a mutual interest in the success of the program. We hope we can work collaboratively with you on an alternative and more effective solution.

Alternative Solutions to Incentivize Participation

Incentives are the best way to increase participation. In order to increase participation we need to identify an incentive that will reduce the financial risk for property owners. NCFAA (North Central Florida Apartment Association) strongly supports and urges lawmakers to establish risk mitigation funds and explore other incentives to encourage property owners and operators to participate **voluntarily** in the HCV Program as many housing providers already do. Publicly-funded mitigation funds that have been established in other states assist owners with possible financial challenges that may result from tenancy, such as damages that exceed the renter's security deposit, lost rent, or eviction costs. For example, if a HCV holder vacates an apartment but leaves behind considerable damage, the property owner's only option is to try to send the cost for the damages to a collections agency, which hurts the resident's credit and increases costs for the property owner. Establishing a risk mitigation fund, would allow property owners to apply for the funds when these type of expenses arises, which will make the HCV program less risky for property owners.

Adding incentives like this to mitigate risks creates a more efficient and effective HCV program; one which better serves low- and moderate-income individuals and families around the country. **Numerous states, including Utah, have established a fund of this type.** Utah's program could serve as an example of successful implementation. **I'm attaching an example of the Housing Choice Landlord Guarantee Program** that the state of Utah incorporated with SOI legislation that was passed in their state.

Key Facts to Consider

- While many private rental housing providers across the county participate in the voucher program, some do not due to the burdensome administrative rules, requirements and procedures. These additional regulatory obligations result in a leasing process far more complicated and onerous than a conventional transaction.

- The inefficient and duplicative requirements include: a mandatory HUD tenancy addendum that supersedes the owner's lease; repetitive unit inspections; resident eligibility certifications and other regulatory paperwork.
- Inconsistent disbursement of subsidy payments, unnecessary supplemental lease terms and processing delays create uncertainty in rental housing operations and undermine the ability of owners to properly manage risk.
- We need to identify and test new ways to reform and streamline the administration and structure of the HCV program. Examples of these include programs to ensure timely payment of rent subsidies, funds to mitigate owner risk and strategies to help low- and moderate-income families secure housing in neighborhoods with better school or employment opportunities.
- Because of the regulatory burdens associated with the voucher program, Congress wisely designed it to be voluntary. It should remain that way.
- **There are 67 counties in Florida. Although many have had legislation introduced to mandate HCV participation, only two other counties have passed this type of mandatory legislation. 64 others have not decided that it was necessary.**
- SOI mandates that were enacted at the local level have recently been successfully challenged in the courts. In March, the Pennsylvania state appellate court affirmed the lower court's decision which found Pittsburgh's source of income ordinance is invalid and unenforceable. Now at the federal level, the 5th Circuit Court of Appeals dismissed a disparate impact case against a Texas management firm in which the plaintiffs alleged that the company's "no voucher" policy resulted in a disparate impact on protected classes under the federal Fair Housing Act. The ruling reinforces standards established by the U.S. Supreme Court for such cases.

Once again, thank you for your thoughtful consideration of how this proposed policy change could impact the apartment industry and its residents. We appreciate the opportunity to work with you to address housing affordability in our community and look forward to meeting with you soon. Please feel free to reach out to me with any additional questions or concerns in advance of our meeting.

Respectively,

Robert Carroll
Executive Director



Phone: 352-333-0333

Fax: 352-333-9090

Website: www.ncfaa.net

"Never doubt that a small group of thoughtful, concerned citizens can change the world. Indeed it is the only thing that ever has." —Margaret Mead

