

City of Gainesville

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



Meeting Agenda - 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**ROLL CALL****ADOPTION OF THE AGENDA****APPROVAL OF MINUTES****DISCUSSION OF PENDING REFERRALS**[180653.](#)**Renters' Rights and Responsibilities (B)**

Explanation: On April 2, 2019, the Subcommittee discussed this item and directed staff to proceed with the below motion (the staff response follows each part of the motion):

1) Motion: Send information about cities with arbitration/mediation programs. Staff response: On April 3, 2019, the City Attorney sent an email to the Subcommittee members (a copy of the email is in the back-up) with the requested information. If the Commission desires to move forward with such a program, the "action officer" described in part 7 below could administer such a program, provided the Commission adopted program guidelines and budgeted funds to contract with mediators to hear the disputes;

2) Motion: Reach out to landlord and tenant organizations to gather what a tenant bill of rights and responsibilities would look like, to be given out when a lease is signed. Staff Response: Staff met with interested organizations and they support the creation of an updated brochure that is delivered at lease signing. Some ideas for the brochure included, creating one brochure that contains links to Chapter 83, Florida Statutes, the "Rental Housing Code" and the "Renters Rights" rather than separate handouts for each; a link to a website with detailed information on renter's rights, landlord assistance programs and how to contact the Action Officer, if such a position is created. The Subcommittee's placard idea was also discussed and owner's representatives were opposed to a mandatory placard on the back of the front door, but did support an informational refrigerator magnet.

3) Motion: Work with landlord/tenant organizations to craft an education program. Staff response: Staff met with interested organizations and Gainesville-Alachua County Association of Realtors and others were willing to assist by creating videos (on topics such as fire prevention, being a good neighbor, treating your tenants fairly, good housekeeping practices, how to process claims with the court or how to work through a mediation program) that could be linked on the website discussed in 2 above.

4) *Motion: Draft a tenant occupancy attestation to be included in a lease. Staff response: 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;*

5) *Motion: Draft a recommendation for income source and immigration status to be added to City Code and provide Alachua, Broward and other counties ordinances. Staff response: On April 12, 2019, the City Equal Opportunity Director sent an email with attached memorandum to the Subcommittee members (a copy of the email and memorandum is in the back-up);*

6) *Motion: Find an entity to administer the landlord mitigation fund. Staff response: The landlord mitigation fund is a current referral dated March 7, 2019 on the Action Item List pending before the City Commission, it has been included as an increment in the FY2019/2020 Budget discussions and was scheduled for discussion as part of Item 170632 titled "Approaches to Reduce Homelessness" at the Joint City Commission/County Commission meeting on May 6, it is listed in the Recommendation as "Motion 3. Landlord Incentive Program." Based on preliminary staff discussions, it appears the Gainesville Housing Authority may be willing to take the lead on discussions of creating such a fund. Staff notes this same topic is listed on the Rental Housing Subcommittee Referral List as Item No. 180798 titled "Landlords Incentives Plan." The Commission may wish to eliminate these duplicative referrals; and*

7) *Motion: bring back budget and outline of how an action officer would help landlord/tenants navigate processes. Staff response: City Management and the City Equal Opportunity Director have 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.) Further work is needed to develop a job description and budget increment for such a position. A preliminary budget estimate is \$51,911.50 for 1 FTE for an Action Officer (inclusive of salary and benefits.)*

Fiscal Note: To be determined based on Commission direction.

RECOMMENDATION *Discuss this item.*

Legislative History

1/15/19	Rental Housing Subcommittee	Approved, as shown above
4/2/19	Rental Housing Subcommittee	Approved, as shown above
4/9/19	City Commission	Discussed

[180653 Renters' Rights and Responsibilities 20190402.pdf](#)

[180653 Email re List of Local Government Landlord Tenant Mediation Program](#)

[180653 Email Prohibiting Discrimination Based on Income Source and Immigra](#)

[180958.](#)

Rental Housing Code (B)

Explanation: This agenda item brings together three topics the Rental Housing Subcommittee has discussed - Landlord License Rental (No. 170873), Short-Term Vacation Rentals (No. 180399), and Energy Efficiency (No. 180591) into a single regulatory framework.

On April 16, 2019, staff presented a Memorandum that included a draft framework that 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. The Subcommittee discussed the framework and made the following 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 of 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 citings 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; and 10) Bring back more information on mold inspections, how current process works.

Staff has prepared an Updated Memorandum which incorporates responses to the requests above and revisions to the draft regulatory framework in strike-through and underline format. The Updated Memorandum is included in the back-up to this item. In addition, the Subcommittee requested an additional meeting be scheduled in May. In response, the Clerk scheduled two final meetings on May 15 and May 28, before the Subcommittee sunsets on June 1.

Fiscal Note: Preliminary estimates are included in the Updated Memorandum.

RECOMMENDATION

Review the Updated Memorandum and discuss this item.

Legislative History

4/16/19 Rental Housing Subcommittee Approved, as shown above

[180958_Memo to Rental Housing Subcommittee re Rental Housing Code_2019](#)

[180958\(A\)_Presentation Rental Housing Code_20190416.pdf](#)

[180958_Updated Memorandum dated May 7 2019_20190515.pdf](#)

181041.**Energy Efficiency Ratings (B)**

Explanation: At the end of the April 16, 2019 meeting, the Subcommittee expressed an interest in discussing the topic of requiring landlords to obtain an energy efficiency rating for each rental unit. Commissioner Hayes-Santos expressed interest in the Boulder, Colorado model of energy efficiency ratings.

To assist the Commission in having a discussion on this topic, staff has included the Boulder, Colorado Guidebook in the back-up to this agenda item, so the Commission can better understand those regulations. The Commission should be aware that the Boulder model is not directly transferrable to Florida, because its requirements give more weight to heating and insulation in a cold environment. In addition, the rating system includes improvements that go above and beyond the minimum energy efficiency requirements that staff included in the draft regulatory framework for Item No. 180958 titled "Rental Housing Code."

If the desire is to impose additional requirements through a regulatory code, the Commission should consider whether the increased cost of these additional requirements is likely to result in increased monthly rent, in particular with respect to older "affordable" units that would most likely need the most upgrades to become compliant.

If the desire is simply to provide a rating score so that tenants are better informed when shopping for a rental unit, staff notes there are several existing independent agencies that will provide a property owner with an energy efficiency score so that the owner can better market their rental unit.

Fiscal Note: Unknown at this time.

RECOMMENDATION Discuss this item.

[181041_Boulder CO rental smartregs handbook_20190515.pdf](#)

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

RECOMMENDATION Discuss

Legislative History

12/4/18	Rental Housing Subcommittee	No Action Taken
12/18/18	Rental Housing Subcommittee	No Action Taken
1/2/19	Rental Housing Subcommittee	Approved, as shown above
1/15/19	Rental Housing Subcommittee	Discussed
2/5/19	Rental Housing Subcommittee	No Action Taken
3/5/19	Rental Housing Subcommittee	Discussed

[180593_Referral List_20190515.pdf](#)

PUBLIC COMMENT

MEMBER COMMENT

NEXT MEETING DATE

ADJOURNMENT