

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