



Legislation Text

File #: 180958., **Version:** 6

Draft Ordinance to Create Permit Requirements for Residential Rental Units and to Adopt the International Property Maintenance Code and Related Recommendations from the Rental Housing Subcommittee (B)

The City Commission discuss the draft ordinance and related recommendations from the Rental Housing Subcommittee.

One of the recommendations of the Rental Housing Subcommittee was to create a rental housing code that would require an annual permit, inspections and minimum energy efficiency, life safety and property maintenance standards be met with respect to residential rental units within the City (excluding Public Lodging Establishments as defined by and regulated under State law.) On July 25, 2019, the General Policy Committee moved all recommendations of the Rental Housing Subcommittee to the City Commission and directed the City Attorney to draft an ordinance creating a rental housing code to be brought to the Commission for discussion. Since that time, the City Manager, City Attorney, Code Enforcement (now Sustainable Development) and GRU Energy Efficiency staff have worked together to draft the ordinance that is included in the back-up to this agenda item.

In preparing the ordinance, staff brings the following to the Commission's attention:

- 1) Energy Efficiency Ratings: Staff noted that the motion from the May 28th Rental Housing Subcommittee Meeting reflects a recommendation that an energy efficiency rating be done every eight years on each rental unit, using the H.E.S. systems or equivalent with duct testing, and that staff return with duct leakage standards. However, based on the Chair's report and the discussion at the July 25th General Policy Committee, staff was unclear whether the Commission desired to make this a requirement. Staff has concern regarding the effectiveness, cost and availability as energy efficiency audits vary depending on the region and depth of service, typically from around \$300 - \$800 and a search for availability of qualified inspectors came up with approximately 12 certified inspectors/companies within 100 miles of zip code 32653.

- 2) The Rental Housing Subcommittee recommended a phased-in approach to certain energy efficiency requirements as follows: Require R19 insulation, but after 5 years require R30 insulation; require 3 gal/flush toilets, but after 5 years require 1.6 gal/flush toilets; and in five years, require 2.2 gal/min showerheads and faucets. Staff is of the opinion that it would be confusing to owners and administratively burdensome to staff to administer regulations that changed over the years, particularly for items that are not expensive to install. In addition, as to toilets, staff notes that the sewer system connections for some homes cannot accommodate 1.6 gal/flush toilets without causing wastewater flow complications. Therefore, staff included R30 insulation, minimum 3 gal/flush toilets and 2.2 gal/min showerheads and faucets to be required when enforcement begins October 1, 2021.

- 3) During the deliberations of the Rental Housing Subcommittee, staff focused on using certain of the minimum standards from the City's existing Housing Code. However, upon new staff and management review, a

recommendation is being made that this Ordinance replace the outdated and Gainesville-specific Housing Code and Commercial Building Code, with adoption of an industry standard code the "International Property Maintenance Code" (IPMC).

In addition, the following are status updates on the remaining Rental Housing Subcommittee recommendations:

- 1) Create an Action Officer position in the City's Office of Diversity and Inclusion to serve as a resource with issues related to rental housing, including administering a mediation program: this position and program have not been included in the City's budget.
- 2) Prepare a document titled "Tenant Bill of Rights and Responsibilities" covering the new ordinances (rental housing code and prohibiting certain types of discrimination in housing): this will be prepared when the ordinance requirements and permit forms are finalized, as distribution of this document is a requirement of obtaining a permit.
- 3) Work with landlord/tenant organizations to craft an education program: this will be done when the ordinance is finally adopted.
- 4) Establish a landlord mitigation fund: \$15,000 was budgeted in FY2020 and provided to the United Way for this purpose.
- 5) Review reduction to the current landlord permit fee. The current landlord permit will be repealed and replaced with this ordinance. The fees for the new rental unit permit (as with all regulatory fees) will be set at no more than is necessary to generate enough revenue to cover the costs of the regulatory program.

Staff from the Department of Sustainable Development has been reviewing and updating the budget estimates that were provided to the Rental Housing Subcommittee in 2019 and new estimates will be presented at the Commission meeting.