

ORDINANCE NO. 2023-754

An ordinance of the City of Gainesville, Florida, deleting the Residential Rental Unit Permits program by amending Section 2-339 – *Applicable Codes and Ordinances* and by deleting Chapter 14.5, Article I titled “Residential Rental Unit Permits”; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, the City of Gainesville, Florida (“City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

WHEREAS, at least ten days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held by the City Commission of the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
FLORIDA:**

SECTION 1. Section 2-339. – *Applicable Codes and Ordinances* of the Code of Ordinances is amended as follows. Except as amended herein, the remainder of Section 2-339 remains in full force and effect.

Chapter 2 – ADMINISTRATION

ARTICLE V. – BOARDS

DIVISION 6. – CIVIL CITATIONS

Sec. 2-339. – Applicable codes and ordinances.

Section	Description	Class	Penalty
Article I of Chapter 14.5	Violations of the Residential Rental Unit Permit program	4	\$250.00

SECTION 2. Article I titled “Residential Rental Unit Permits” within Chapter 14.5 of the Code of Ordinances is deleted as follows. Except as amended herein, the remainder of Chapter 14.5 remains in full force and effect.

Chapter 14.5 – MISCELLANEOUS BUSINESS REGULATIONS

~~ARTICLE I. – RESIDENTIAL RENTAL UNIT PERMITS~~

~~Sec. 14.5-1. Purpose and intent.~~

~~The purpose and intent of this article is to eliminate substandard residential rental units by creating a permit and inspection program that requires all regulated residential rental units within the city to meet minimum property maintenance and energy efficiency standards.~~

~~Sec. 14.5-2. Definitions.~~

~~Throughout this article, the following words and phrases have the meanings defined below unless the text of the article or section in which used clearly indicates otherwise. Any word or phrase used in this article that is not defined below will have the common dictionary meaning most appropriate to the context in which such word or phrase is used.~~

~~*Living standards* means those property maintenance and energy efficiency standards set forth in section 14.5-4.~~

~~*Occupant* means any person age 18 or older who resides in a regulated residential rental unit.~~

~~*Owner* means a person who or entity which alone, jointly, or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, executor,~~

personal representative, or trustee), has legal or equitable title to a regulated residential rental unit.

~~Regulated residential rental unit (or regulated unit) means a condominium, co-op, timeshare, quadraplex, triplex, duplex, or single-family dwelling that is not occupied by the owner and that is rented (whether for free, for charitable purposes, or in exchange for money or other consideration) in whole or in part (such as a room) to a person unrelated to the owner, for periods of at least 30 consecutive days or one calendar month (whichever is less). This definition expressly excludes public lodging establishments regulated by the state pursuant to F.S. Pt. I of Ch. 509, and dormitories.~~

~~Unrelated to the owner means any person who is not interrelated to the owner as a spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, legal guardian, or domestic servant, as evidenced by written documentation of such relationship.~~

~~Sec. 14.5-3. Annual residential rental unit permits.~~

~~Each regulated unit must have a current annual permit. Each owner shall make application for a permit at least ten business days prior to allowing an occupant to reside in a regulated unit. Each annual permit issued by the city is valid from October 1 (or date of issuance) to September 30 of the following year. In the event of a change in ownership of a regulated unit, the permit may be transferred to the new owner subject to a new application and payment of the permit fee set forth in Appendix A. Renewal permit applications must be submitted on or before October 1 of each year. The owner shall submit a completed permit application (for the initial permit, each renewal, and any transfer), on the form provided by the city, that includes all of the following requirements:~~

~~(a) A confirmation by the owner that they will provide each occupant with a complete copy (hard copy or electronic copy) of the following documents prior to the signing of the lease or other written document granting occupancy, or prior to occupancy if there is no written document between the occupant and the owner: the current version of the "Florida's Landlord/Tenant Law" brochure prepared by the Florida Department of Agriculture and Consumer Services; the current version of the "Tenant Bill of Rights and Responsibilities" prepared by the city, which must include the minimum standards in the current version of the city provided self-inspection checklist; and the most recent U.S. Department of Energy Home Energy Score for the regulated unit prepared by the city and provided to the owner. In addition, the owner shall maintain on file, and allow the city to inspect same upon request, a receipt signed by each occupant confirming they received the above documents prior to signing a lease (or other written document) or prior to commencing residency, whichever is applicable, in the regulated unit.~~

~~(b) The name, mailing address, email address, and telephone number of the owner to receive communications from the city concerning the permit and this article, or alternatively, the owner may provide the name, mailing address, email address, and telephone number of an~~

agent physically located within Alachua County whom the owner has authorized to receive communications from the city concerning the permit and this article.

~~(c) Payment of the permit fee set forth in Appendix A, Schedule of fees, rates and charges.~~

~~Sec. 14.5-4. Living standards.~~

~~(a) *Property maintenance:* An owner shall ensure that each regulated unit under the owner's authority meets all requirements of article II titled "Property Maintenance Code" of chapter 13 of the City Code of Ordinances.~~

~~(b) *Energy efficiency:* An owner shall ensure that each regulated unit under the owner's authority meets the following energy efficiency requirements:~~

~~(1) Attic insulated to a minimum of R-19 and then a minimum of R-30 by 12:01 a.m. on October 1, 2026.~~

~~(2) Attic access is weather stripped and insulated to a minimum of R-30.~~

~~(3) All visible duct joints sealed using mastic or a combination of mastic and fiberglass mesh tape, pressure sensitive foil tape (UL181AP), or heat sensitive foil tape (UL 181AH), and all ducts insulated to a minimum of R-4 with appropriate commercially available insulation material.~~

~~(4) Fireplace chimneys that are in working condition must have working dampers, doors, or closures. Fireplaces that are not in working condition and are sealed to prevent use do not have to meet these requirements.~~

~~(5) Plumbing system is free of visible leaks.~~

~~(6) All showerheads must be 2.5 gal/min flow rate or less, as evidenced by imprinting on the showerhead or documentation maintained by the owner.~~

~~(7) All faucets must have aerators with a 2.5 gal/min flow rate or less, as evidenced by documentation maintained by the owner.~~

~~(8) All toilets must be 3 gal/flush or less (use of a volume reduction device to achieve this is acceptable) and 1.6 gal/flush or less by 12:01 a.m. on October 1, 2026.~~

~~(9) Water heater(s) have a visible and properly functioning temperature/pressure relief valve (TPRV).~~

~~(10) Water heater pipes insulated for the first three feet from the unit (excepting gas units) with appropriate commercially available insulation.~~

~~(11) All visible exterior water lines not in enclosed space must be insulated with appropriate commercially available insulation.~~

~~(12) HVAC system(s) must have maintenance performed by a currently licensed HVAC or mechanical contractor at least once within the past 24 months, as evidenced by documentation maintained by the owner, and have a filter installed that is appropriately sized for the system(s) and regularly changed according to the manufacturer's recommendation.~~

~~(13) Programmable thermostat connected to HVAC system by 12:01 a.m. on October 1, 2026.~~

~~(14) Wall, window, or other single room or small space cooling units in good repair, property secured and air sealed, and with a filter installed that is appropriately sized for the unit(s).~~

~~Sec. 14.5-5. Education; inspections.~~

~~(a) The City will conduct compliance inspections on a four-year rolling cycle, with the goal that each regulated unit will be inspected at least once every four years for compliance with this article. In addition, with every other compliance inspection, the city will prepare and provide to the owner a U.S. Department of Energy Home Energy Score for the regulated unit. Notwithstanding the foregoing, the city will investigate complaints filed under the property maintenance code in accordance with the provisions provided in article II of chapter 13 of the Code of Ordinances. The owner should complete and maintain the city provided self-inspection checklist prior to any city inspections, as the checklist provides guidance as to the areas that will be inspected.~~

~~(b) Written notice of an inspection will be provided via certified mail to the owner and posted at the regulated unit at least seven calendar days prior to the city conducting the inspection. Inspections will take place at a reasonable time during regular business hours. If the unit is not occupied, the owner shall give consent and shall be present at the time of the inspection. If the unit is occupied, an occupant shall give consent and shall be present at the time of the inspection. If the owner or occupant (as applicable) refuse to consent to the inspection, the city may obtain an inspection warrant pursuant to F.S. § 933.20 et seq., prior to conducting the inspection.~~

~~Sec. 14.5-6. Enforcement.~~

~~(a) Enforcement. If an owner or any associated regulated unit is in violation of this article according to the reasonable discretion of the city, the city will pursue the enforcement procedure set forth in division 6 or division 8 (as applicable) within article V of chapter 2 of the Code of Ordinances. The City will not take any enforcement action against an occupant or any action that prevents an occupant's ongoing occupancy of a regulated unit, but the owner may be subject to liability in accordance with division 6 or division 8 (as applicable) within article V of chapter 2 of the Code of Ordinances. Any fines imposed by any enforcement proceedings will stop accruing, and be calculated as due and payable to the city, upon the date of occurrence of any of the following events:~~

~~(1) The owner or a regulated unit is no longer in violation of this article; or~~

~~(2) The regulated unit has been relinquished by the owner by sale, foreclosure, or other action that dispossesses the owner of title to the regulated unit.~~

~~(b) Extraordinary hardship. Any owner who cannot comply with a particular living standard may request an extraordinary hardship exception from the city manager or designee. The owner~~

shall have the burden of demonstrating the existence of an extraordinary hardship by
submittal of an application that sets forth facts demonstrating:

(1) ~~The hardship is due to unique building or site characteristics with an explanation of why
the living standard cannot be met;~~

(2) ~~The owner did not create the hardship by taking actions that makes the property unable
to meet the living standard; and~~

(3) ~~There are no feasible alternatives for compliance. Examples of extraordinary hardship
may include, but are not limited to, where there is insufficient space or the presence of
attic flooring will not allow the installation of the required insulation or where the
wastewater line serving the unit prevents the installation of a low flush toilet. Cost or
inconvenience are not considered extraordinary hardships.~~

SECTION 3. Appendix A – SCHEDULE OF FEES, RATES AND CHARGES within the City of
Gainesville Code of Ordinances is amended as follows. Except as amended as provided herein,
the remainder of Appendix A remains in full force and effect.

~~RESIDENTIAL RENTAL UNIT PERMITS (Sec. 14.5-3):~~

~~Permit (including permit renewals and transfers) fee per regulated residential rental unit
.....\$140.00~~

~~If the rental of a regulated residential rental unit commences between April 1 – September
30, one half of the permit fee is due for that permit year\$70.00~~

~~Re-inspection fee (will be charged each time there is no occupant, owner or agent present
for the scheduled inspection)\$100.00~~

~~Failed inspection fee (charged for reinspection of a rental unit after the compliance
inspection revealed the unit was not in compliance)\$85.00~~

SECTION 4. It is the intent of the City Commission that the provisions of Sections 1 through 3
of this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
relettered in order to accomplish such intent.

SECTION 5. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 7. This ordinance will become effective immediately upon adoption.

PASSED AND ADOPTED this 28th day of September, 2023.


HARVEY L. WARD, JR.
MAYOR

Attest:

Approved as to form and legality:


KRISTEN J. BRYANT
INTERIM CITY CLERK


DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this 21st day of September, 2023.

This ordinance passed on second reading this 28th day of September, 2023.