

Legislative #

201147

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3 **ORDINANCE NO. 201147**

4 **An ordinance of the City of Gainesville, Florida, amending Chapter 14.5,**  
5 **Article I titled “Residential Rental Unit Permits”; amending Appendix A.**  
6 **itled “Schedule of Fees, Rates and Charges” to revise Residential Rental**  
7 **Unit Permit fees; providing directions to the codifier; providing a**  
8 **severability clause; providing a repealing clause; and providing effective**  
9 **dates.**

10  
11 **WHEREAS**, on May 6, 2020, the City Commission discussed and directed the drafting  
12 of this ordinance to make certain revisions to the Residential Rental Unit Permit Program and its  
13 associated fees;

14 **WHEREAS**, at least 10 days’ notice has been given once by publication in a newspaper  
15 of general circulation notifying the public of this proposed ordinance and of public hearings to be  
16 held in the City Commission Auditorium, City Hall, City of Gainesville; and

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

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

22 **Section 1.** Article I titled “Residential Rental Unit Permits” within Chapter 14.5 of the  
23 Code of Ordinances is amended as follows. As specified in Ordinance No. 200249, Article I will  
24 become effective at 12:01am on August 1, 2021. Except as amended herein, the remainder of  
25 Chapter 14.5 remains in full force and effect.

26 **Chapter 14.5 – MISCELLANEOUS BUSINESS REGULATIONS**

27 **ARTICLE I. RESIDENTIAL RENTAL UNIT PERMITS**

28 **Sec. 14.5-1. - Purpose and intent.**  
29

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

4 **Sec. 14.5-2. – Definitions.**

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

9 *Living standards* means those property maintenance and energy efficiency standards set  
10 forth in Sec. 14.5-4.

11 *Occupant* means any person age 18 or older who resides in a regulated residential rental  
12 unit, ~~excluding the owner of said unit and any one or more of the following natural persons who~~  
13 ~~are living with and interrelated to the owner as: spouse, domestic partner, child, stepchild, foster~~  
14 ~~child, parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece,~~  
15 ~~nephew, father in law, mother in law, son in law, daughter in law, sister in law, brother in law,~~  
16 ~~legal guardian, or domestic servant, as evidenced by written documentation of such relationship.~~  
17 ~~And excluding any temporary gratuitous guest of the owner defined as a natural person who~~  
18 ~~occasionally visits the owner for a short period of time, not to exceed 30 calendar days within a~~  
19 ~~90 day period.~~

20 *Owner* means a person who, or entity which, alone, jointly or severally with others, or in  
21 a representative capacity (including, without limitation, an authorized agent, attorney, executor,  
22 personal representative or trustee) has legal or equitable title to a regulated residential rental unit.

1            *Regulated residential rental unit (or regulated unit)* means ~~a room or rooms located in a~~  
2 condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family dwelling that is not  
3 occupied by the owner and that is rented (whether for free, for charitable purposes, or in  
4 exchange for money or other consideration) in whole or in part (such as a room) to a person  
5 unrelated to the owner, ~~or advertised or held out to be rented~~, for periods of at least 30  
6 consecutive days or 1 calendar month (whichever is less). This definition expressly excludes  
7 public lodging establishments regulated by the state pursuant to Part I of Chapter 509, Florida  
8 Statutes, and dormitories.

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

14            ~~*Rented* means allowing any occupant to reside in a regulated unit, regardless of whether~~  
15 ~~such occupancy is free, charitable or in exchange for monetary or other consideration.~~

16  
17 **Sec. 14.5-3. – Annual residential rental unit permits.**

18  
19 Commencing at 12:01 am on October 1, 2021, each regulated unit must have a current annual  
20 permit. Each owner shall make application for a permit at least 10 business days prior to  
21 allowing an occupant to reside in a regulated unit. Each annual permit issued by the city is valid  
22 from October 1 (or date of issuance) to September 30 of the following year. In the event of a  
23 change in ownership of a regulated unit, the permit may be transferred to the new owner, but  
24 same shall require a new application and payment of the permit fee set forth in Appendix A.  
25 Renewal permit applications shall be submitted on or before September 1 of each year. A permit

1 may not be issued, renewed or transferred for a unit with uncorrected living standard violations.

2 The owner shall submit a completed permit application (for the initial permit, each renewal and  
3 any transfer), on the form provided by the city, that includes all of the following requirements:

4 (a) A confirmation by the owner that they will provide each occupant with a complete copy  
5 (hard copy or electronic copy) of the following documents prior to the signing of the  
6 lease or other written document granting occupancy, or prior to occupancy if there is no  
7 written document between the occupant and the owner: the completed self-inspection  
8 checklist (described in ~~(d)~~ below), the current version of the “Florida’s Landlord/Tenant  
9 Law” brochure prepared by the Florida Department of Agriculture and Consumer  
10 Services, the current version of the “Tenant Bill of Rights and Responsibilities” prepared  
11 by the city, and the most recent U.S. Department of Energy Home Energy Score for the  
12 regulated unit prepared by the City and provided to the owner. In addition, the owner  
13 shall maintain on file, and allow the city to inspect same upon request, a receipt signed by  
14 each occupant confirming they received the above documents prior to signing a lease (or  
15 other written document) or prior to commencing residency, whichever is applicable, in  
16 the regulated unit.

17 (b) The name, mailing address, email address and telephone number of the owner to receive  
18 communications from the city concerning the permit and this article, ~~—In addition, if the~~  
19 ~~owner is not physically located within Alachua County, or alternatively, the owner shall~~  
20 may provide the name, mailing address, email address and telephone number of an agent  
21 physically located within Alachua County whom the owner has authorized to receive  
22 communications from the city concerning the permit and this article.

1 (c) A completed self-inspection checklist certifying that the regulated unit complies with the  
2 living standards, along with a copy of the HVAC maintenance documentation.

3 (d) Payment of the permit fee set forth in Appendix A – schedule of fees, rates and charges.

4 **Sec. 14.5-4. Living Standards.**

5 (a) Property maintenance: Effective at 12:01am on January 1, 2021, each regulated unit  
6 must meet all requirements of Article II titled “Property Maintenance Code” of  
7 Chapter 13 of the City Code of Ordinances.

8 (b) Energy efficiency: Effective at 12:01am on October 1, 2021, each regulated unit must  
9 meet the following energy efficiency requirements.

10 a. Attic insulated to a minimum of R-19 and then a minimum of R-30 by 12:01am  
11 on October 1, 2026.

12 b. Attic access is weather stripped and insulated to a minimum of R-30.

13 c. All visible duct joints sealed using mastic or a combination of mastic and  
14 fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive foil  
15 tape (UL 181AH) and all ducts insulated to a minimum of R-6 with appropriate  
16 commercially available insulation material.

17 d. Fireplace chimneys that are in working condition must have working dampers,  
18 doors, or closures. Fireplaces that are not in working condition and are sealed to  
19 prevent use do not have to meet these requirements.

20 e. Plumbing system is free of visible leaks.

21 f. All showerheads must be 2.2 gal/min flow rate or less, as evidenced by imprinting  
22 on the showerhead or documentation maintained by the owner.

- 1 g. All faucets must have aerators with a 2.2 gal/min flow rate or less, as evidenced  
2 by documentation maintained by the owner.
- 3 h. All toilets must be 3 gal/flush or less (use of a volume reduction device to achieve  
4 this is acceptable) and 1.6gal/flush or less by 12:01am on October 1, 2026.
- 5 i. Water heater(s) have a visible and properly functioning Temperature/Pressure  
6 Relief Valve (TPRV).
- 7 j. Water heater pipes insulated for the first 3' from the unit (excepting gas units)  
8 with appropriate commercially available insulation.
- 9 k. All visible exterior water lines not in enclosed space must be insulated with  
10 appropriate commercially available insulation.
- 11 l. HVAC system(s) must have maintenance performed by a currently licensed  
12 HVAC or mechanical contractor at least once within the past 24 months, as  
13 evidenced by documentation maintained by the owner, and have a filter installed  
14 that is appropriately sized for the system(s).
- 15 m. Programmable thermostat connected to HVAC system by 12:01am on October 1,  
16 2026.
- 17 n. Wall, window, or other single room or small space cooling units in good repair,  
18 property secured and air-sealed, and with a filter installed that is appropriately  
19 sized for the unit(s).

20 **Sec. 14.5-5. Education; Inspections.**

21 (a) From the effective date of this ordinance until 12:01am on October 1, 2021, the city will  
22 educate and promote compliance with this article, but will not begin enforcement.

23 Thereafter, the city will begin compliance inspections. The inspections will be conducted

1 on a 4-year rolling cycle, with the goal that each regulated unit will be inspected at least  
2 once every four (4) years for compliance with this article. In addition, with every other  
3 compliance inspection, the city will prepare and provide to the owner a U.S. Department  
4 of Energy Home Energy Score for the regulated unit. Inspections may also be conducted  
5 more frequently and/or as a result of a complaint received by the city. Notwithstanding  
6 the foregoing, the city will investigate complaints filed under the Property Maintenance  
7 Code in accordance with the provisions therein.

8 (b) Written notice of an inspection will be provided via certified mail to the owner and  
9 posted at the regulated unit at least 7 calendar days prior to the city conducting the  
10 inspection. If the unit is not occupied, the owner shall give consent and shall be present  
11 at the time of the inspection. If the unit is occupied, an occupant shall give consent and  
12 shall be present at the time of the inspection. If the owner or occupant (as applicable)  
13 refuse to consent to the inspection, the city may obtain an inspection warrant pursuant to  
14 Section 933.20, et seq., Florida Statutes, prior to conducting the inspection.

15 **Sec. 14.5-6. Enforcement and Penalties**

16 (a) **Failure to meet living standards.** If upon inspection, the city manager or designee, has  
17 reasonable grounds to believe that a regulated unit does not meet the living standard(s)  
18 the enforcement procedure set forth in Division 6 or Division 8 (as applicable) within  
19 Article V of Chapter 2 of the Code of Ordinances will be utilized. In addition, if living  
20 standard violation(s) are not corrected and such violation(s) constitute a health, safety or  
21 welfare hazard to the occupant, the city manager or designee may revoke the permit. A  
22 permit may not be issued, renewed or transferred for a unit with uncorrected living  
23 standard violations.



1 (b) **Extraordinary hardship.** Any owner who cannot comply with a particular living  
2 standard may request an extraordinary hardship exception from the city manager or  
3 designee. The owner shall have the burden of demonstrating the existence of an  
4 extraordinary hardship by submittal of an application that sets forth facts demonstrating:  
5 1. The hardship is due to unique building or site characteristics with an explanation of  
6 why the living standard cannot be met, 2. The owner did not create the hardship by taking  
7 actions that makes the property unable to meet the living standard, and 3. There are no  
8 feasible alternatives for compliance. Examples of extraordinary hardship may include,  
9 but are not limited to, where there is insufficient space or the presence of attic flooring  
10 will not allow the installation of the required insulation or where the wastewater line  
11 serving the unit prevents the installation of a low flush toilet. Cost or inconvenience are  
12 not considered extraordinary hardships.

13 (c) **Failure to apply for permit.** If the city manager or designee has reasonable grounds to  
14 believe that a regulated unit is occupied without a permit in violation of this article, the  
15 owner shall be sent a permit application and the owner shall, within 30 days of the date  
16 the permit application was sent, either: a) provide evidence that a permit is not required,  
17 or b) submit a complete permit application. Failure to either provide evidence that a  
18 permit is not required or submit a complete permit application within 30 days of the date  
19 the application was sent shall subject the owner(s) to a civil citation and/or the city may  
20 seek injunctive relief to prevent the unit from being rented. Fines imposed by any  
21 enforcement proceedings shall stop accruing, and be calculated as due and payable to the  
22 city, upon the date of occurrence of any of the following events:

- 23 a. A permit is obtained for the regulated unit;

- 1           b.     The regulated unit is no longer occupied in violation of this article;  
2  
3           c.     The regulated unit has been relinquished by the owner by sale,  
4                 foreclosure, or other action that dispossesses the owner of title to the  
5                 regulated unit; or  
6           d.     The permit year for which the fines accrued ends.

7   Secs. 14.5-7 – 14.5-14. – Reserved.

8   **Section 2.** Appendix A. Schedule of Fees, Rates and Charges, is amended by creating a new  
9   fee within the portion titled “Residential Rental Unit Permit” effective at 12:01am on August 1,  
10  2021. Except as amended herein, the remainder of Appendix A remains in full force and effect.

11  **APPENDIX A. SCHEDULE OF FEES, RATES AND CHARGES.**

12  LAND DEVELOPMENT CODE:

13  (4) *Zoning*:

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

15  Permit (including permit renewals and transfers) fee - per regulated residential rental unit:

16  \$122.00. If the ~~permit application is filed~~ rental of a regulated residential rental unit commences  
17  between April 1 – September 30, one-half of the permit fee is due for that permit year: \$61.00.

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

20           **Section 3.** It is the intention of the City Commission that the provisions of Sections 1  
21  and 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City

1 of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be  
2 renumbered or relettered in order to accomplish such intentions.

3 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
4 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
5 finding shall not affect the other provisions or application of the ordinance which can be given  
6 effect without the invalid or unconstitutional provisions or application, and to this end the  
7 provisions of this ordinance are declared severable.

8 **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of  
9 such conflict hereby repealed.

10 **Section 6.** This ordinance shall become effective immediately upon adoption; however,  
11 the various sections within this ordinance shall become effective on the date/time specified in  
12 those sections.

13 **PASSED AND ADOPTED this \_\_\_\_\_ day of June, 2021.**

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\_\_\_\_\_  
LAUREN POE  
MAYOR

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ATTEST: Approved as to form and legality

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\_\_\_\_\_  
OMICHELE D. GAINES  
CITY CLERK

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

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This ordinance passed on first reading this \_\_\_\_\_ day of June, 2021.

This ordinance passed on second reading this \_\_\_\_\_ day of June, 2021.