

ARTICLE I. - RESIDENTIAL RENTAL UNIT PERMITS

Footnotes:

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Editor's note— Ord. No. 200249, § 1, adopted September 17, 2020, repealed the former Art. I, §§ 14.5-1—14.5-5, and enacted a new Art. I as set out herein. The former Art. I pertained to landlord permits and derived from Ord. No. 070107, § 2, 6-25-07; Ord. No. 100591, §§ 1, 2, 7-21-11; Ord. No. 140043, § 1, 7-17-14; Ord. No. 140292, § 2, 7-21-16; Ord. No. 180471, § 1, 2-7-19 and § 2 of such ordinance added a new article I to read as herein set out.

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.

(Ord. No. 200249, § 2, 9-17-20)

Sec. 14.5-2. - Definitions.

Throughout this article, the following words and phrases shall 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 shall 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.

(Ord. No. 200249, § 2, 9-17-20; Ord. No. 201147, § 1, 6-17-21)

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

Commencing at 12:01 a.m. on October 1, 2021, 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, but same shall require a new application and payment of the permit fee set forth in Appendix A. Renewal permit applications shall be submitted on or before September 1 of each year. A permit may not be issued, renewed or transferred for a unit with uncorrected living standard violations. 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 completed self-inspection checklist (described in (c) below), 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, 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) A completed self-inspection checklist certifying that the regulated unit complies with the living standards, along with a copy of the HVAC maintenance documentation.

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

(Ord. No. 200249, § 2, 9-17-20; Ord. No. 201147, § 1, 6-17-21)

Sec. 14.5-4. - Living standards.

- (a) *Property maintenance*: Effective at 12:01 a.m. on January 1, 2021, each regulated unit must meet all requirements of article II titled "Property Maintenance Code" of chapter 13 of the City Code of Ordinances.
- (b) *Energy efficiency*: Effective at 12:01 a.m. on October 1, 2021, each regulated unit must meet 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-6 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 2.2 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 2.2 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).

(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).

(Ord. No. 200249, § 2, 9-17-20; Ord. No. 201147, § 1, 6-17-21)

Sec. 14.5-5. - Education; inspections.

(a) From the effective date of this article until 12:01 a.m. on October 1, 2021, the city will educate and promote compliance with this article, but will not begin enforcement. Thereafter, the city will begin compliance inspections. The inspections will be conducted 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. Inspections may also be conducted more frequently and/or as a result of a complaint received by the city. Notwithstanding the foregoing, the city will investigate complaints filed under the property maintenance code in accordance with the provisions therein.

(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. 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.

(Ord. No. 200249, § 2, 9-17-20)

Sec. 14.5-6. - Enforcement and penalties.

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

(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.
- (c) *Failure to apply for permit.* If the city manager or designee has reasonable grounds to believe that a regulated unit is occupied without a permit in violation of this article, the owner shall be sent a permit application and the owner shall, within 30 days of the date the permit application was sent, either: a) provide evidence that a permit is not required, or b) submit a complete permit application. Failure to either provide evidence that a permit is not required or submit a complete permit application within 30 days of the date the application was sent shall subject the owner(s) to a civil citation and/or the city may seek injunctive relief to prevent the unit from being rented. Fines imposed by any enforcement proceedings shall stop accruing, and be calculated as due and payable to the city, upon the date of occurrence of any of the following events:
- (1) A permit is obtained for the regulated unit;
 - (2) The regulated unit is no longer occupied in violation of this article;
 - (3) 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; or
 - (4) The permit year for which the fines accrued ends.

(Ord. No. 200249, § 2, 9-17-20)

Secs. 14.5-7—14.5-14. - Reserved.