

Alachua County
Tenant Bill of Rights and Responsibilities
within Alachua County
DRAFT – November 2021

Tenants living within the County have certain rights provided by the Alachua County Code of Ordinances in two broad categories: (i) the right to rental housing without discrimination and (ii) the right to rental housing that meets minimum living standards. This document provides a summary of those rights.

The Right to Rental Housing without Discrimination (Fair Housing)

Alachua County Human Rights Ordinance, Chapter 111 of the Alachua County Code, protects individuals against discrimination in housing based on race, color, national origin, religion, sex, marital status, age, disability, sexual orientation and gender identity or expression, familial status, citizenship status, lawful source of income, veteran or service member status, or being the victim of dating/domestic violence or stalking.

Under the County's Fair Housing Code, the following shall be unlawful and discriminatory housing practices, by an owner, real estate broker, as defined in this chapter, or any other person engaging in a real estate transaction, on the basis of a protected status or characteristic in housing:

- (1) *Refusal.* To refuse to engage in a real estate transaction or otherwise make unavailable or deny housing to any person;
- (2) *Terms; free association.* To discriminate against a person in the terms, conditions, or privileges of a real estate transaction, or in the furnishing of facilities or services in connection therewith, or because of such person's exercise of his right to free association;
- (3) *Offer.* To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from any person;
- (4) *Negotiation.* To refuse to negotiate for a real estate transaction with a person;
- (5) *Availability; inspection.* To represent to a person that housing is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing;
- (6) *Leading.* To steer any person away from or to any housing;
- (7) *Notice; record.* To make, print, publish, circulate, post, or mail, or cause to be made, printed, published, or circulated, any notice, statement, advertisement, or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a

prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto;

(8) *Listing.* To offer, solicit, accept, use, or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(9) *Proximity of certain housing.* To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used, or occupied by any person protected by the terms of this article;

(10) *Misrepresentation of listing.* To make any misrepresentation concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing for the purpose of inducing or attempting to induce any such listing or any of the above transactions;

(11) *Retaliation.* To retaliate or discriminate in any manner against any person because of their opposition to a practice declared unlawful by this article, or because he or she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or conference under this article;

(12) *Opposition.* To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by the provisions of this article, or to obstruct or prevent any person from complying with the provisions of this article, or any conciliation agreement entered into hereunder;

(13) *Causing violation.* By causing any person to compel any practice prohibited by the provisions of this article;

(14) *Denying accommodation.* Otherwise to deny to, or withhold, any housing accommodations from a person;

(15) *Inciting unrest.* To promote, incite, influence, or attempt to promote, induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring, as a part of a process or pattern of inciting neighborhood unrest, community tension based on a protected status or characteristic of actual or anticipated neighbors, tenants, or other prospective buyers of any housing;

(16) *False information to obtain listing.* To cause to be made any untrue or intentionally misleading statement or advertisement or, in any other manner, attempt, as a part of a process or pattern of inciting neighborhood unrest, community tension in any street, block, neighborhood, or any other area, to obtain a listing of any housing for sale, rental, assignment, transfer, or other disposition, where such statement or other representation is false or materially misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to

make any other material misrepresentation in order to obtain such listing, sale, removal from, lease, assignment, transfer, or other disposition of said housing; or

(17) *Signs.* To place a sign or display any other device, either purporting to offer to sell, lease, assign, transfer, or make other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer, or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer, or other disposition.

(18) *Citizenship status.* A landlord or any agent of a landlord, shall not do either of the following:

- a. Require or request that any tenant, prospective tenant, occupant, prospective occupant, or guest of the residential rental property disclose or make any statement, representation, or certification concerning his or her citizenship status.
- b. Disclose to any person or entity information regarding or relating to citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the residential rental property for the purpose of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling.
- c. This section does not prohibit a landlord or any agent of a landlord from doing either of the following:
 - i. Complying with any legal obligation under state or federal law, including, but not limited to, any legal obligation(s) under any state or federal government program(s) that provide for rent limitations or rental assistance to a qualified tenant, or a subpoena, warrant, or other order issued by a court.
 - ii. Requesting information or documentation necessary to determine or verify the financial or background qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

(19) *Lawful Source of Income.* With respect to the Housing Choice Voucher Program or “Section 8,” a landlord or any agent of a landlord:

- a. May not disqualify or refuse to rent to Section 8 voucher holders on the basis of their status as a voucher holder; and
- b. May only consider the portion of the rent that the Section 8 voucher holder is required pay out-of-pocket (as determined by the local housing authority issuing the voucher) in any rent-to-income financial qualification calculation.

Retaliation: It is unlawful to retaliate, or take adverse action against an individual because they opposed a discriminatory practice, filed a complaint, testified or participated in an investigation on any protected basis under this chapter.

Protect Your Rights

If you believe you have been a victim of housing discrimination, you have the right to take action. Questions regarding filing a complaint or about discrimination should be directed to the Alachua County Equal Opportunity Office by calling (352) 374-5275 or emailing aceo@alachuacounty.us, or visiting the office at 12 SE 1st Street, 1st Floor, Gainesville, FL 32601.

The Right to Rental Housing that meets Certain Minimum Living Standards

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Under Title 6, Chapter 65 of the Alachua County Code (which can be viewed in its entirety at <https://...>), landlords who offer to rent a condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family dwelling for a period of 30 consecutive days (or more), must obtain a rental permit from the County and MUST:

Provide each tenant with a copy of 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 this "Tenant Rights" document prepared by the County, and the most recent U.S. Department of Energy Home Energy Score for the rental unit (if one has been prepared by the County), and a copy of a completed self-inspection checklist certifying that the rental unit complies with the "living standards" (explained below) along with a copy of the HVAC maintenance documentation. Tenants should be asked to sign a receipt confirming their receipt of the above documents prior to signing a lease (or other written document) or occupying the rental unit.

Certify that the rental unit meets the following "living standards" (unless an extraordinary hardship is granted):

(1) All requirements of the "Standard Housing Code" in Part III, Title 33, Chapter 332, Article 1 of the Alachua County Code (which can be viewed at <https://...>) and

(2) The following energy efficiency requirements:

- a. Attic insulated to a minimum of R-19,
- b. Attic access is weather stripped and insulated to a minimum of R-30,
- c. All visible duct joints sealed using mastic or a combination of mastic and fiberglass mesh tape, pressure sensitive foil tape or heat sensitive foil tape and all ducts insulated to a minimum of R-6 with appropriate commercially available insulation material,
- d. Fireplace chimneys have working dampers, doors, or closures,
- e. Plumbing system is free of visible leaks,
- f. All showerheads must be 2.2 gal/min flow rate or less,
- g. All faucets must have aerators with a 2.2 gal/min flow rate or less,
- h. All toilets must be 3 gal/flush or less (use of a volume reduction device to achieve this is acceptable),

- i. Water heater(s) have a visible and properly functioning temperature/pressure relief valve,
- j. Water heater pipes insulated for the first three feet from the unit (excepting gas units) with appropriate commercially available insulation,
- k. All visible exterior water lines not in enclosed space must be insulated with appropriate commercially available insulation,
- l. HVAC system(s) must have maintenance performed by a licensed HVAC or mechanical contractor at least once within the past 24 months, and have an appropriately sized filter, and
- m. Wall, window, or other single room or small space cooling units in good repair, property secured and air-sealed, and with an appropriately sized filter.

Any tenant who believes their rental unit does not meet the required living standards may file a complaint with the County Code Enforcement Division. Any questions regarding filing a complaint or about the required living standards should be directed to the Code Enforcement Division by calling 352-374-5243, extension 2218 or by emailing