

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS

3 **ORDINANCE NO. 2022-__**

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
5 OF ALACHUA COUNTY, FLORIDA, RELATED TO
6 THE REGULATION OF RESIDENTIAL RENTAL UNITS;
7 AMENDING AND ADDING CHAPTER 65 TO THE ALACHUA
8 COUNTY CODE OF ORDINANCES TO BE ENTITLED
9 "RESIDENTIAL RENTAL UNIT PERMITS"; AMENDING THE
10 FEE SCHEDULE OF ALACHUA COUNTY; PROVIDING
11 FOR MODIFICATION; PROVIDING FOR REPEALING
12 CLAUSE; PROVIDING FOR INCLUSION IN THE CODE;
13 PROVIDING FOR THE ORDINANCE TO BE LIBERALLY
14 CONSTRUCTED; PROVIDING FOR SEVERABILITY; AND
15 PROVIDING AN EFFECTIVE DATE.

16 **WHEREAS**, the Board of County Commissioners of Alachua County ("Board") has
17 knowledge that some residential rental units in the County are substandard and do not currently
18 meet Standard Housing Code requirements; and

19 **WHEREAS**, the Board has additional knowledge that some residential rental units in the
20 County are not energy efficient or are lacking sufficient life safety equipment; and

21 **WHEREAS**, requiring certain energy efficiency standards to be met in residential rental
22 housing will help alleviate some of the cost burden on households, especially those in the low and
23 extremely low-income categories; and

24 **WHEREAS**, a residential rental unit permit program will address these public health,
25 safety and welfare concerns.

26 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
27 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

28 SECTION 1. Alachua County Code. Title 6, Chapter 65, Sections 65.01 to 65.06, to be

entitled “Residential Rental Unit Permits”, which was previously reserved, is hereby amended and added to the Code of Alachua County, Florida to state as follows:

CHAPTER 65. RESIDENTIAL RENTAL UNIT PERMITS.

Sec.65.01- Purpose and intent.

The purpose and intent of this Chapter is to eliminate substandard conditions in residential rental units by creating a permit and inspection program that requires all Regulated Residential Rental Units within unincorporated Alachua County, and within any cities that have interlocal agreements with Alachua County, to meet minimum property maintenance and energy efficiency standards.

Sec. 65.02. – Definitions.

As used in this Chapter, the following words and phrases are defined as follows, unless the text of the section in which used clearly indicates otherwise.

Living Standards means those property maintenance and energy efficiency standards set forth in Sec. 65.04

Occupant means any person age eighteen (18) or older who resides in a Regulated Residential Rental Unit, excluding the Owner of said Regulated Unit and any one or more of the following natural persons who are living with and are interrelated to the Owner as: 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 live-in caregiver, as evidenced by written documentation of such relationship. And excluding any temporary gratuitous guest of the Owner defined as a natural person who occasionally visits the Owner for a short period of time, not to exceed thirty (30) calendar days within a ninety (90) calendar day period.

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 room or rooms located in a condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family dwelling that is rented, or advertised or held out to be rented, for periods of at least thirty (30) consecutive days or one (1) calendar month, whichever is less. This definition expressly excludes public lodging establishments regulated by the state pursuant to Part I of Chapter 509, Florida Statutes, and dormitories.

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

1
2 **Sec.65.03– Residential Rental Unit Permits.**
3

4 Commencing at 12:00am on October 1, 2022, each Regulated Residential Rental Unit
5 shall have a current annual Residential Rental Unit Permit. Each Owner shall make
6 application for a permit at least ten (10) business days prior to allowing an occupant to
7 reside in a Regulated Unit. Each annual permit issued by the County is valid from
8 October 1 (or date of issuance by the County) to September 30 of the following year.
9 In the event of a change in ownership of a Regulated Unit, the new Owner shall submit
10 a new application and payment of the fee set forth in the County’s Fee Schedule.
11 Renewal permit applications shall be submitted on or before September 1 of each year.
12 A Residential Rental Unit Permit may not be issued, renewed or transferred for a
13 Regulated Unit with uncorrected living standard violations. The Owner shall submit a
14 completed permit application (for the initial permit, each renewal thereafter and any
15 transfer), on the form provided by the County, that includes all of the following
16 requirements:

- 17 (a) A confirmation by the Owner that the Owner will provide each occupant with
18 a complete copy (hard copy or electronic copy) of the following documents
19 prior to the signing of the lease or other written document between the occupant
20 and the Owner:
21 1) Complete self-inspection checklist (described in (d) below);
22 2) Current version of the “Florida’s Landlord/Tenant Law” brochure
23 prepared by the Florida Department of Agriculture and Consumer
24 Services, as amended;
25 3) Current version of the Alachua County Tenants Bill of Rights
26 4) Current version of the U.S. Department of Energy Home Energy Score
27 for the Regulated Unit prepared by the City and provided to the Owner,
28 as amended.
29 (b) Owner must maintain on file, and allow the County to inspect same upon
30 request, a receipt signed by each occupant confirming they received the above
31 documents prior to signing a lease (or other written document) or prior to
32 commencing residency, whichever is applicable, in the Regulated Unit.
33 (c) The name, mailing address, email address and telephone number of the Owner
34 to be used to receive communications from the County concerning the permit
35 and this Chapter. If the Owner is not physically located within Alachua County,
36 the owner must provide the name, mailing address, email address and telephone
37 number of Owner’s agent who is physically located within Alachua County
38 whom the Owner has authorized to receive communications from the County
39 concerning the permit and this Chapter.
40 (d) A completed self-inspection checklist certifying that the Regulated Unit
41 complies with the living standards, as adopted by the County, along with a copy
42 of the HVAC maintenance documentation.
43 (e) Payment of the permit fee set forth in the County’s Fee Schedule.
44

1 **Sec.65.04 Living Standards.** Unless a wavier is approved by the County due to an
2 extraordinary hardship, as available in sec. 65.06(b) below, each Regulated Unit must
3 comply with the following:

4 (a) Property maintenance: Each regulated Unit must meet all requirements of Chapter 332,
5 Article 1, of the Alachua County Code.

6 (b) Energy efficiency: Effective at 12:01 am on October 1, 2022, each Regulated Unit
7 must meet the following energy efficiency requirements:

- 8 1) Attic insulated to a minimum of R-19 and then a minimum of R-30 by 12:01
9 am on October 1, 2027.
- 10 2) Attic access is weather stripped and insulated to a minimum of R-30.
- 11 3) All visible duct joints sealed using mastic or a combination of mastic and
12 fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive
13 foil tape (UL 181AH) and all ducts insulated to a minimum of R-6 with
14 appropriate commercially available insulation material.
- 15 4) Fireplace chimneys have working dampers, doors, or closures.
- 16 5) Plumbing system is free of leaks.
- 17 6) All showerheads must be 2.2 gal/min flow rate or less, as evidenced by
18 imprinting on the showerhead or documentation maintained by the Owner.
- 19 7) All faucets must have aerators with a 2.2 gal/min flow rate or less, as evidenced
20 by documentation maintained by the owner.
- 21 8) All toilets must be 3 gal/flush or less (use of a volume reduction device to
22 achieve this is acceptable) and 1.6 gal/flush or less by 12:01 am on October 1,
23 2027.
- 24 9) Water heater(s) have a visible and properly functioning Temperature/Pressure
25 Relief Valve (TPRV).
- 26 10) Water heater pipes insulated for the first 3' from the unit (excepting gas units)
27 with appropriate commercially available insulation.
- 28 11) All visible exterior water lines not in enclosed space must be insulated with
29 appropriate commercially available insulation.
- 30 12) HVAC system(s) have had maintenance performed by a currently licensed
31 HVAC or Mechanical contractor at least once within the past 24 months, as
32 evidenced by documentation maintained by the Owner, and have a filter
33 installed that is appropriately sized for the system(s).
- 34 13) Programmable thermostat connected to HVAC system by 12:01 am on October
35 1, 2027.
- 36 14) Wall, window, or other single room or small space cooling units in good repair,
37 properly secured and air-sealed, and with a filter installed that is appropriately
38 sized for the unit(s).

39 **Sec. 65.05 Education; Inspections.**

- 40 (a) The County will educate and promote compliance with this Chapter after adoption of
41 the ordinance, but the County will not begin inspections and enforcement until on or
42 after October 1, 2022. The inspections will be conducted on a 4-year rolling cycle, with
43 the goal that each Regulated Unit will be inspected at least once every four (4) years
44 for compliance with this Chapter. In addition, with every other compliance inspection,

1 the County will prepare and provide to the owner a U.S. Department of Energy Home
2 Energy Score for the Regulated Unit. Inspections may also be conducted more
3 frequently or as a result of a complaint received by the County. Notwithstanding the
4 foregoing, the County has the authority to investigate complaints filed under the
5 Standard Housing Code in accordance with the provisions therein.

- 6 (b) Written notice of an inspection will be provided via certified mail to the Owner, or the
7 Owner's authorized agent, and posted at the Regulated Unit at least seven (7) calendar
8 days prior to the County conducting the inspection. If the Regulated Unit is not
9 occupied, the Owner shall give consent and shall be present at the time of the
10 inspection. If the unit is occupied, an occupant shall give consent and shall be present
11 at the time of the inspection. If the Owner or occupant refuses to consent to the
12 inspection, the County may obtain an inspection warrant pursuant to Section 933.20, et
13 seq., Florida Statutes, prior to conducting the inspection.

14
15 **Sec. 65.06 Penalties and Enforcement.**

- 16 (a) Failure to meet Living Standards. Failure to comply with the requirements of this
17 Chapter, including the Living Standards listed in sec 65.04, is a violation. If upon
18 inspection, the county manager, or designee, has reasonable grounds to believe that a
19 Regulated Unit does not meet the Living Standard(s), an enforcement officer may, at
20 the County's discretion, issue a citation to the violator or the violation may be enforced
21 pursuant to section 10.08 of the Alachua County Code. In addition, if a Living Standard
22 violation is not corrected, and such violation(s) constitute a health, safety or welfare
23 hazard to the occupant, the county manager or designee may revoke the violator's
24 Residential Rental Unit Permit(s). A Residential Rental Unit Permit may not be issued
25 or renewed for a Regulated Unit with existing Living Standard violation(s).
- 26 (b) Extraordinary hardship. Any Owner who cannot comply with a particular Living
27 Standard may request an extraordinary hardship exception from the County Manager
28 or designee. The Owner has the burden of demonstrating the existence of an
29 extraordinary hardship by submittal of an application that sets forth facts
30 demonstrating:
- 31 1) The hardship is due to unique building or site characteristics with an
32 explanation of why the living standard cannot be met;
 - 33 2) The Owner did not create the hardship by taking actions that makes the property
34 unable to meet the living standard; and
 - 35 3) There are no feasible alternatives for compliance.
- 36 Cost of inconvenience are not considered a ground for extraordinary hardships.
- 37 (c) Failure to apply for permit. If the County Manager or designee has reasonable cause
38 to believe that a Regulated Unit is occupied without a permit in violation of this chapter,
39 the County may, at the discretion of the County, provide written notice to the Owner at
40 the address listed in the Tax Collector's Office for tax notices or to the address listed
41 in the county property appraiser's database. An additional notice may be provided to
42 any other address for the property owner. If the notice is returned unclaimed or refused,
43 notice to the Owner may be provided by posting or by leaving the notice at the
44 Regulated Unit with an occupant who is above fifteen (15) years of age, and informing
45 such person of the contents of the written notice. The Owner must, within thirty (30)
46 calendar days of the date the notice, either submit to the County a completed permit

1 application, to the satisfaction of the County, or provide evidence that a permit is not
2 required. It is a violation of this chapter for an Owner to either fail to submit a
3 completed permit application or provide evidence that a permit is not required within
4 these thirty (30) days. A violation of this chapter may be enforced by a citation issued
5 by an enforcement officer or pursuant to the appropriate actions or proceedings,
6 including but not limited to a code violation or injunction, as authorized in section
7 10.08 of the Alachua County Code. Fines imposed by any enforcement proceedings
8 will stop accruing, and be calculated as due and payable to the county, upon the date of
9 occurrence of any of the following events:

- 10 1) A Residential Rental Unit Permit is obtained for the Regulated Unit;
11 2) The Regulated Unit is no longer occupied in violation of this chapter;
12 3) The Regulated Unit has been relinquished by the Owner by a sale, foreclosure,
13 or other action that dispossesses the Owner of title or other form of interest to
14 the Regulated Unit; or
15 4) The Residential Rental Unit Permit year for which the fines accrued ends.
16

17 SECTION 2. Permit Fee. Appendix A. Schedule of Fees, Rates and Charges, is amended
18 by creating a new category of permit fees titled “Regulated Residential Rental Unit Permit.”
19 Except as amended herein, the remainder of Appendix A remains in full force and effect.

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

21 REGULATED RESIDENTIAL RENTAL UNIT PERMITS (Chapter 65)

22 Permit (including permit renewals and transfers) fee - per regulated residential
23 rental unit: \$70.00.

24 SECTION 3. Modification. It is the intent of the Board of County Commissioners that the
25 provisions of this ordinance may be modified as a result of considerations that may arise during
26 public hearings. Such modifications shall be incorporated into the final version of the ordinance
27 adopted by the Board and filed by the Clerk to the Board.

28 SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith
29 are, to the extent of such conflict, hereby repealed.

30 SECTION 5. Inclusion in the Code. It is the intent of the Board of County Commissioners

1 of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall
2 become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section
3 of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word
4 “ordinance” may be changed to “section”, “article”, or other appropriate designation.

5 SECTION 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
6 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
7 affect public health, safety, or welfare.

8 SECTION 7. Severability. If any word, phrase, clause, paragraph, section or provision of
9 this ordinance or the application hereof to any person or circumstance is held invalid or
10 unconstitutional, such finding shall not affect the other provisions or applications of the ordinance
11 which can be given effect without the invalid or unconstitutional provisions or application, and to
12 this end the provisions of this ordinance are declared severable.

13 SECTION 8. Effective Date. This ordinance was enacted on the date adopted below.
14 A certified copy of this ordinance shall be filed with the Department of State by the Clerk
15 and shall take effect on April 12, 2023.

16 **DULY ADOPTED** in regular session, this ____ day of _____, 2021.

17
18 **BOARD OF COUNTY COMMISSIONERS OF**
19 **ALACHUA COUNTY, FLORIDA**
20

21 ATTEST:

22
23
24 _____
25 J.K. “Jess” Irby, Esq.
26 Clerk
27

22 BY: _____
23 Ken Cornell, Chair
24 Board of County Commissioners

25
26 APPROVED AS TO FORM
27

28 _____
29 County Attorney