

1
2 ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

3 **ORDINANCE NO. 2022 - __**

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

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

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

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

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

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

27 SECTION 1. Amendment. Alachua County Code, Part II, Title 6, Chapter 65, to be entitled
28 "Residential Rental Unit Permits", which was previously reserved, is hereby amended and added

1 to the Code of Ordinances to state as follows:

2 **CHAPTER 65. - RESIDENTIAL RENTAL UNIT PERMITS.**

3 **Sec. 65.01 - Purpose and intent.**

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

9 **Sec. 65.02. – Definitions.**

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

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

14 *Occupant* means any person age eighteen (18) or older who resides in a
15 Regulated Residential Rental Unit, excluding the Owner of said Regulated Unit and
16 any one or more of the following natural persons who are living with and are
17 interrelated to the Owner as: spouse, domestic partner, child, stepchild, foster child,
18 parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle,
19 niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-
20 law, brother-in-law, legal guardian, or live-in caregiver, as evidenced by written
21 documentation of such relationship. And excluding any temporary gratuitous guest of
22 the Owner defined as a natural person who occasionally visits the Owner for a short
23 period of time, not to exceed thirty (30) calendar days within a ninety (90) calendar day
24 period.

25 *Owner* means a person who, or entity which, alone, jointly or severally with
26 others, or in a representative capacity (including, without limitation, an authorized
27 agent, attorney, executor, personal representative or trustee) has legal or equitable title
28 to a Regulated Residential Rental Unit.

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

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

38 **Sec. 65.03 – Residential Rental Unit Permits.**

39

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

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

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

- 1 (a) Property maintenance: Each regulated Unit must meet all requirements of the housing
2 and maintenance requirement adopted in Chapter 332 of the Alachua County Code.
- 3 (b) Energy efficiency: Effective at 12:01 am on October 1, 2026, each Regulated Unit
4 must meet the following energy efficiency requirements:
- 5 1) Attic insulated to a minimum of R-30.
 - 6 2) Attic access is weather stripped and insulated to a minimum of R-30.
 - 7 3) All visible duct joints sealed using mastic or a combination of mastic and
8 fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive
9 foil tape (UL 181AH) and all ducts insulated to a minimum of R-6 with
10 appropriate commercially available insulation material.
 - 11 4) Fireplace chimneys have working dampers, doors, or closures.
 - 12 5) Plumbing system is free of leaks.
 - 13 6) All showerheads must be 2.2 gal/min flow rate or less, as evidenced by
14 imprinting on the showerhead or documentation maintained by the Owner.
 - 15 7) All faucets must have aerators with a 2.2 gal/min flow rate or less, as evidenced
16 by documentation maintained by the owner.
 - 17 8) All toilets must be 1.6 gal/flush or less.
 - 18 9) Water heater(s) have a visible and properly functioning Temperature/Pressure
19 Relief Valve (TPRV).
 - 20 10) Water heater pipes insulated for the first 3' from the unit (excepting gas units)
21 with appropriate commercially available insulation.
 - 22 11) All visible exterior water lines not in enclosed space must be insulated with
23 appropriate commercially available insulation.
 - 24 12) HVAC system(s) have had maintenance performed by a currently licensed
25 HVAC or Mechanical contractor at least once within the past 24 months, as
26 evidenced by documentation maintained by the Owner, and have a filter
27 installed that is appropriately sized for the system(s).
 - 28 13) Programmable thermostat connected to HVAC system.
 - 29 14) Wall, window, or other single room or small space cooling units in good repair,
30 properly secured and air-sealed, and with a filter installed that is appropriately
31 sized for the unit(s).

32 **Sec. 65.05 - Education; Inspections.**

- 33 (a) The County will educate and promote compliance with this Chapter after adoption of
34 the ordinance. The County will begin inspections and enforcement of the housing and
35 maintenance code, as adopted by the County in Alachua County Code Chapter 332,
36 under this program on or after October 1, 2023; however, the County may enforce the
37 code on a complaint basis before such time. The County will begin inspections and
38 enforcement of the energy efficiency standards on or after October 1, 2026. The
39 inspections will be conducted on a 4-year rolling cycle, with the goal that each
40 Regulated Unit will be inspected at least once every four (4) years for compliance with
41 this Chapter. In addition, with every other compliance inspection, the County will
42 prepare and provide to the owner a U.S. Department of Energy Home Energy Score for
43 the Regulated Unit. Inspections may also be conducted more frequently or as a result
44 of a complaint received by the County.

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

10 **Sec. 65.06 Penalties and Enforcement.**

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

10.08 of the Alachua County Code. Fines imposed by any enforcement proceedings will stop accruing, and be calculated as due and payable to the county, upon the date of occurrence of any of the following events:

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

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

APPENDIX A. SCHEDULE OF FEES, RATES AND CHARGES.

REGULATED RESIDENTIAL RENTAL UNIT PERMITS (Chapter 65)

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

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

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

SECTION 5. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation.

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

SECTION 7. Severability. 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 shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon filing with the filing with the Department of State.

DULY ADOPTED in regular session, this _____ day of _____, 2022.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST:

BY: _____
Marihelen Wheeler, Chair
Board of County Commissioners

J.K. "Jess" Irby, Esq.
Clerk

APPROVED AS TO FORM

County Attorney

(SEAL)