

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, RELATED TO THE REGULATION OF RESIDENTIAL RENTAL UNITS; AMENDING TITLE 6 OF THE ALACHUA COUNTY CODE OF ORDINANCES, CHAPTER 65 TO BE ENTITLED “RESIDENTIAL RENTAL UNIT PERMITS”; AMENDING THE FEE SCHEDULE OF ALACHUA COUNTY TO ADD A PERMIT FEE; PROVIDING FOR MODIFICATION; PROVIDING FOR REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUCTED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County (“Board”) has knowledge that some residential rental units in the County are substandard and do not currently meet certain housing code requirements and living standards; and

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

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

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

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

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:

1 **CHAPTER 65. RESIDENTIAL RENTAL UNIT PERMITS.**

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

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

8 **Sec. 65.02. – Definitions.**

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

11 *Living Standards* means those living standards as set forth in Sec. 65.04.

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

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

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

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

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

35 No later than September 30, 2023, each Regulated Residential Rental Unit shall have a
36 current annual Residential Rental Unit Permit. Each Owner must apply for a Residential
37 Rental Unit Permit (also referred to herein as “Permit”) at least ten (10) business days prior
38 to allowing an Occupant to reside in a Regulated Unit. Each Permit issued by the County
39 is valid from October 1 (or date of issuance by the County) to September 30 of the
40 following year. In the event of a change in ownership of a Regulated Unit, the new Owner
41 shall submit a new application and payment of the fee set forth in the County’s Fee
42 Schedule. Renewal Permit applications shall be submitted on or before September 1 of

1 each year. A Residential Rental Unit Permit may not be issued or renewed for a Regulated
2 Unit with Living Standard violations. The Owner shall submit a completed Permit
3 application and each renewal thereafter on the form(s) provided by the County, that include
4 all of the following:

- 5 (a) A confirmation by the Owner that the Owner will provide each Occupant with
6 a complete copy (hard copy or electronic copy) of the following documents
7 prior to the signing of the lease or other rental documents between the Occupant
8 and the Owner:
- 9 1) Inspection checklist (described in (d) below).
 - 10 2) Current version of the “Florida’s Landlord/Tenant Law” brochure
11 prepared by the Florida Department of Agriculture and Consumer
12 Services, as amended.
 - 13 3) Current version of the Alachua County Tenants Bill of Rights.
 - 14 4) Current version of the U.S. Department of Energy Home Energy Score
15 for the Regulated Unit prepared by the County and provided to the
16 Owner, as amended, when available.
- 17 (b) Owner must maintain on file, and allow the County to inspect, upon request, a
18 receipt signed by the Occupant confirming that Occupant received the above
19 documents prior to signing a lease or other rental document or prior to
20 commencing residency, whichever is applicable, in the Regulated Unit.
- 21 (c) The name, mailing address, email address and telephone number of the Owner
22 to be used to receive communications from the County concerning the Permit
23 and this Chapter. If the Owner is not physically located within Alachua County,
24 the Owner must provide the name, mailing address, email address and telephone
25 number of Owner’s agent who is physically located within Alachua County
26 whom the Owner has authorized to receive communications from the County
27 concerning the Permit and this Chapter.
- 28 (d) A self-inspection checklist listing the requirements for the Regulated Unit.
- 29 (e) A copy of the HVAC maintenance documentation for the Regulated Unit
30 beginning October 1, 2026.
- 31 (f) Payment of the Regulated Residential Unit Permit fee set forth in the County’s
32 Fee Schedule.

33 **Sec. 65.04. - Living Standards.** Each Regulated Unit must comply with the following:

- 34 (a) Property maintenance: Effective upon the adoption date of the ordinance, each
35 Regulated Unit must meet all requirements of Chapter 332, Article 1, of the
36 Alachua County Code.
- 37 (b) Energy efficiency: Effective on October 1, 2026, each Regulated Unit must
38 meet the following energy efficiency requirements, unless a wavier is
39 approved by the County due to an extraordinary hardship as available in sec.
40 65.06(b):
- 41 1) Attic insulated to a minimum of R-30.
 - 42 2) Attic access is weather stripped and insulated to a minimum of R-30.
 - 43 3) All visible duct joints sealed using mastic or a combination of mastic
44 and fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat

- 1 sensitive foil tape (UL 181AH) and all ducts insulated to a minimum of
2 R-6 with appropriate commercially available insulation material.
- 3 4) Fireplace chimneys have working dampers, doors, or closures.
- 4 5) Plumbing system is free of leaks.
- 5 6) All showerheads must be 2.2 gal/min flow rate or less, as evidenced by
6 imprinting on the showerhead or documentation maintained by the
7 Owner.
- 8 7) All faucets must have aerators with a 2.2 gal/min flow rate or less, as
9 evidenced by documentation maintained by the owner.
- 10 8) All toilets must be 1.6 gal/flush or less.
- 11 9) Water heater(s) have a visible and properly functioning
12 Temperature/Pressure Relief Valve (TPRV).
- 13 10) Water heater pipes insulated for the first 3' from the unit (excepting gas
14 units) with appropriate commercially available insulation.
- 15 11) All visible exterior water lines not in enclosed space must be insulated
16 with appropriate commercially available insulation.
- 17 12) HVAC system(s) have had maintenance performed by a currently
18 licensed HVAC or mechanical contractor at least once within the past
19 24 months, as evidenced by documentation maintained by the Owner,
20 and have a filter installed that is appropriately sized for the system(s).
- 21 13) Programmable thermostat connected to HVAC system.
- 22 14) Wall, window, or other single room or small space cooling units in good
23 repair, properly secured and air-sealed, and with a filter installed that is
24 appropriately sized for the Regulated Unit(s).
- 25

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

- 27 (a) The County will educate and promote compliance with this Chapter after
28 adoption of the ordinance. The County will begin inspections and enforcement
29 of the housing and maintenance code under this program on or after October 1,
30 2023. The County will begin inspections and enforcement of the energy
31 efficiency standards on or after October 1, 2026. The inspections will be
32 conducted on a 4-year rolling cycle, with the goal that each Regulated Unit will
33 be inspected at least once every 4-years for compliance with this Chapter. In
34 addition, with every other compliance inspection, the County will prepare and
35 provide to the Owner a U.S. Department of Energy Home Energy Score for the
36 Regulated Unit, once available. Notwithstanding the foregoing, the County may
37 investigate complaints received for violations of the housing and maintenance
38 code in accordance with chapter 332.
- 39 (b) Notice of an inspection will be provided to the Owner and posted at the
40 Regulated Unit at least seven (7) calendar days prior to the County conducting
41 the inspection.
- 42

43 **Sec. 65.06 - Penalties and Enforcement.**

- 44 (a) Failure to meet Living Standards. Failure to comply with the requirements of
45 this Chapter, including the Living Standards listed in sec 65.04, is a violation.
46 If upon inspection, the County Manager, or designee, has reasonable grounds
47 to believe that a Regulated Unit does not meet one or more of the Living

Standards, an enforcement officer may, at the County's discretion, issue a citation to the violator or the violation may be enforced pursuant to section 10.08 of the Alachua County Code. In addition, if a Living Standard violation is not corrected, and such violation constitute a health, safety or welfare hazard to the Occupant, the County Manager or the County Manager's designee may revoke the violator's Residential Rental Unit Permit(s). A Residential Rental Unit Permit may not renewed for a Regulated Unit with existing Living Standard violation(s).

(b) Extraordinary hardship. Any Owner who cannot comply with a particular Living Standard under the Energy Efficiency requirements of Section 64.04(b) may request an extraordinary hardship exception from the County Manager or designee. The Owner has the burden of demonstrating the existence of an extraordinary hardship by submittal of documentation that demonstrates:

- 1) The hardship is due to unique building or site characteristics with an explanation of why the Living Standard cannot be met; and
- 2) The Owner did not create the hardship by taking actions that makes the Regulated Unit unable to meet the Living Standard; and
- 3) There are no feasible alternatives for compliance.

Cost of inconvenience are not considered grounds for extraordinary hardships.

(c) Failure to apply for permit. If the County Manager or the County Manager's designee has reasonable cause to believe that a Regulated Unit is occupied without a Permit in violation of this chapter, the County may, at the discretion of the County, provide written notice to the Owner at the property or mailing address listed in the Tax Collector's Office or Property Appraiser's Office. If the notice is returned unclaimed or refused, notice to the Owner may be provided by posting or by leaving the notice at the Regulated Unit with an Occupant who is above fifteen (15) years of age, and informing such person of the contents of the written notice. The Owner must, within thirty (30) calendar days of the date the notice, either submit to the County a completed Permit application, to the satisfaction of the County, or provide evidence that a Permit is not required. It is a violation of this chapter for an Owner to either fail to submit a completed Permit application or provide evidence that a Permit is not required within these thirty (30) days. A violation of this chapter may be enforced by a citation issued by an enforcement officer or pursuant to the appropriate actions or proceedings authorized in section 10.08 of the Alachua County Code. Fines that may be imposed by a code enforcement proceeding against the Owner 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;
- 2) The Regulated Unit is no longer occupied in violation of this chapter;
- 3) The Regulated Unit has been sold, foreclosed or otherwise conveyed and the Owner no longer has title or legal interest to the regulated unit,
or
- 4) The Residential Rental Unit Permit year during 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 Fee - per Regulated Residential Rental Unit: \$122.00.

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

1 which can be given effect without the invalid or unconstitutional provisions or application, and to
2 this end the provisions of this ordinance are declared severable.

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

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

7
8 **BOARD OF COUNTY COMMISSIONERS OF**
9 **ALACHUA COUNTY, FLORIDA**

10
11 ATTEST:

12
13
14 _____
15 J.K. "Jess" Irby, Esq.
16 Clerk
17

BY: _____
Marihelen Wheeler, Chair
Board of County Commissioners

APPROVED AS TO FORM

18
19 _____
County Attorney
20 (SEAL)